BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

Tuesday, March 12, 2013
3:00 P.M.

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

COUNTY COMMISSIONERS

Nick Maddox, Chairman
At-Large

Bill Proctor
District 1

Jane Sauls
District 2

John Dailey
District 3

Kristin Dozier, Vice Chair
District 5

Bryan Desloge
District 4

Mary Ann Lindley
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

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

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

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

Board of County Commissioners
Leon County, Florida
Agenda

Regular Public Meeting
Tuesday, March 12, 2013

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chairman Kristin Dozier

AWARDS AND PRESENTATIONS

- Proclamation Designating March 11-17, 2013 as "Brain Awareness Week"
  (Vice-Chairman Kristin Dozier)

- Proclamation Paying Tribute to the Many Revered Attributes of the Sunflower and Saluting the Talla-Happy Sunflowers Initiative
  (Vice-Chairman Kristin Dozier)

- Proclamation Recognizing the FAMU High School Girls Basketball Team as Class 2A State Champions
  (Commission Bill Proctor)

- Presentation by Springtime Tallahassee
  (Raoul Clarke, President)

- Presentation on Downtown Improvement Authority
  (Jay Revel, Executive Director)

CONSENT

1. Approval of Minutes: January 29, 2013 Workshop on the Septic System Management Options Report and the February 12, 2013 Regular Meeting
   (Clerk of the Courts/Finance/Board Secretary)

2. Acceptance of 2011-2012 Annual Audit and Financial Report
   (Clerk of the Courts/Finance)

3. Adoption of an Enabling Resolution Establishing the Tallahassee-Leon County Commission on the Status of Women and Girls
   (County Administration)

4. Ratification of Commissioners Appointments to the Human Services Grant Review Committee, Minority, Women and Small Business Enterprise Committee, Science Advisory Committee, and Viva Florida Time Capsule Committee
   (County Administration/Agenda Coordinator)

5. Approval of the Florida Fish and Wildlife Conservation Commission's Bear-Resistant Cart Pilot Program
(Economic Development & Business Partnerships/Grants Coordinator)

6. Approval of the Workforce *Plus* Revised Interlocal Agreement and Appointment of Representative to the Workforce *Plus* Board of Directors
(Economic Development & Business Partnerships/Intergovernmental Affairs and Special Projects Coordinator)

7. Approval of Payment of Bills and Vouchers Submitted for March 12, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of March 13 through April 8, 2013
(Financial Stewardship/Office of Management & Budget)

8. Adoption of the Proposed Revised Housing Finance Authority Multi-Family Bond Program Application Procedures & Program Guidelines Policy
(Human Services & Community Partnerships/Housing Services)

9. Approval of the Veteran Emergency Assistance Program Guidelines
(Human Services & Community Partnerships/Veterans Services)

10. Ratification of Quit Claim Deeds for Two Parcels of Right-of-Way from the City of Tallahassee to Leon County; Adoption of Resolution Authorizing the Conveyance of the Two Parcels; and, Execution of County Deed in Favor of the Florida Department of Transportation in Connection with the Capital Circle Southeast Widening Project
(Public Works & Community Development/Public Works/Engineering)

11. Approval of Resolution in Support of the Revitalization of Historic Mahan Crape Myrtles on US 90 from I-10 Eastbound to Jefferson County
(Public Works & Community Development/Public Works)

12. Approval of the Plat of Fallschase Center Subdivision for Recording in the Public Records
(Public Works & Community Development/Public Works/Engineering)

13. Approval of Second Amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff
(County Administration)

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

14. Acceptance of Status Report Regarding Firearm Regulation
(County Attorney)

15. Acceptance of Status Report of Small Business Lending Guarantee Program
(Economic Development & Business Partnerships)

16. Acceptance of the Supervised Pretrial Release Division Annual Report
(Intervention and Detention Alternatives)

17. Acceptance of Staff Report on Proposed Low-Impact Development Standards and Incentives
(Public Works & Community Development/DSEM/Environmental Services)

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

18. Approval of Resolution Endorsing and Supporting an Across-the-Board Pay Raise for State of Florida Employees
(County Administration)

19. Approval of Resolution of the County's Intent to Terminate and Authorization to Renegotiate the Fire and Emergency Medical Services Interlocal Agreement with the City of Tallahassee
(County Administration)

20. Consideration of 2013 Operation Thank You – Welcome Home Vietnam Veterans and Florida Veterans Foundation's Homeless Veterans Stand Down
(County Administration)

21. Establishment of the FY 2013 Maximum Discretionary Funding Levels for Outside Agencies
(Financial Stewardship/Office of Management and Budget)

22. Acceptance of Status Report on the Adult Civil Citation Program
(Office of Intervention and Detention Alternatives)

23. Acceptance of Status Report on the Feral Cat Workgroup
(Public Services/Animal Control)

24. Approval of Modification of Additional Woodville Sewer Requirements for City of Tallahassee 2030 Masterplan
(Public Works & Community Development/Public Works/Engineering)

25. Consideration of the Mobility Fee System
(Public Works & Community Development/PLACE/Planning)

26. Authorization to Proceed with Negotiations Regarding an Infrastructure Agreement for the Orchard Pond Toll Road
(County Attorney)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

27. First and Only Public Hearing for Consideration of Proposed Scrivener's Error Amendments of Chapter 10 of the Leon County Code of Laws
(Public Works & Community Development/DSEM/Development Services)

28. First and Only Public Hearing on an Ordinance to Require Property Registration for Abandoned Real Property
(Public Works & Community Development/DSEM/Permit and Code Services)

29. First and Only Public Hearing on a Proposed Revised Discretionary Funding Ordinance
(Financial Stewardship/Office of Management and Budget)

30. First and Only Public Hearing Regarding Domestic Partnership Registry
(County Administration and County Attorney)

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 Commissioners Meeting is scheduled for Tuesday, April 9, 2013 at 3:00 p.m.

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

2013

JANUARY

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DECEMBER

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PUBLIC NOTICE

2013 Tentative Schedule

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

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

Month	**Day**	**Time**	**Meeting Type**
March 2013	**Tuesday 12**	~~12:00 – 3:00 p.m.~~	~~Workshop on Stormwater Non-ad Valorem Assessment~~ ***Rescheduled for April 23, 2013 at 9:00 a.m.***
		3:00 p.m.	Regular Meeting
		6:00 p.m.	First and Only Public Hearing for Consideration of Proposed Scrivener's Error Amendments of Chapter 10 of the Leon County Code of Laws
			First and Only Public Hearing on Ordinance on Property Registration for Abandoned Real Property
			First and Only Public Hearing on a Proposed Revised Discretionary Funding Ordinance
			First and Only Public Hearing Regarding Domestic Partnership Registry
	Monday 25	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Tuesday 26	**No Meeting**	**NO MEETING**
April 2013	Wednesday 3	*FAC County Commissioner Workshop*	FSU Turnbull Conference Center Tallahassee
	Thursday 4	FAC Legislative Day	Tallahassee
	Friday 5	*FAC County Commissioner Workshop*	FSU Turnbull Conference Center Tallahassee
	Tuesday 9	1:30 – 3:00 p.m.	Workshop on Sidewalk Policy, Priorities, and Funding Options
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 2013-1 Comprehensive Plan Amendments
	Monday 15	9:00 a.m. – 1:00 p.m.	CRTPA Retreat; Location TBD
	Thursday 18 – Friday 19	*FAC Advanced County Commissioner Workshop*	*Seminar 3 of 3:* *UF Hilton, Gainesville; Alachua County*
	Tuesday 23	**9:00 a.m. – 3:00 p.m.**	~~Workshop on Solid Waste Non-ad Valorem Assessments~~ **FY 13/14 Budget Workshop**
		3:00 p.m.	Regular Meeting
	Wednesday 24	2:30 p.m.	CRA Meeting; City Commission Chambers

Month	**Day**	**Time**	**Meeting Type**
May 2013	Tuesday 14	3:00 p.m.	Regular Meeting
		6:00 p.m.	First and Only Public Hearing on Consideration of Adoption of an Ordinance Amending Chapter 10, Division 7, Entitled, "Historic Preservation District Designation Revisions"
	Monday 20	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Monday 27	**Offices Closed**	**MEMORIAL DAY**
	Tuesday 28	3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Adoption Hearing on Cycle 2013-1 Comprehensive Plan Amendments
June 2013	Tuesday 11	3:00 p.m.	Regular Meeting
	Monday 17	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
		3:00 – 5:00 p.m.	IA (BP2000); City Commission Chambers
	Tuesday 18	3:00	Regular Meeting
	Tuesday 25	**No Meeting**	**FAC CONFERENCE**
	Tuesday 25 *Friday 28*	*FAC Annual Conference*	*Marriott Tampa Waterside* *Hillsborough County*
July 2013	**Thursday 4**	**Offices Closed**	**JULY 4TH HOLIDAY**
	Monday 8	9:00 a.m. – 5:00 p.m.	FY 13/14 Budget Workshop
	Tuesday 9	9:00 a.m. – 3:00 p.m.	FY 13/14 Budget Workshop, *if necessary*
		3:00 p.m.	Regular Meeting
	Wednesday 10	9:00 a.m. – 2:00 p.m.	FY 13/14 Budget Workshop, *if necessary*
		2:30 p.m.	CRA Meeting; City Commission Chambers
	Friday 19 – *Monday 22*	*NACo Annual Conference*	*Fort Worth Convention Center* *Tarrant County/Ft. Worth, Texas*
	Tuesday 23	**No Meeting**	**BOARD RECESS**
	Wednesday 24 – ***Saturday 27***	***National Urban League*** ***Annual Conference***	***Philadelphia, PA***
August 2013	*Friday 9 –* *Sunday 11*	*Chamber of Commerce* *Annual Conference*	*Omni Amelia Island Plantation*
	Tuesday 13	**No Meeting**	**BOARD RECESS**
	Tuesday 27	3:00 p.m.	Regular Meeting

Month	**Day**	**Time**	**Meeting Type**
September 2013	**Monday 2**	**Offices Closed**	**LABOR DAY HOLIDAY**
	Monday 16	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
		5:00 – 8:00 p.m. 5:30 p.m.	IA (BP 2000); City Commission Chambers Public Hearing on FY 2014 Budget
	Tuesday 17	3:00 p.m.	Regular Meeting
		6:00 p.m.	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 2013/2014 *
	Wednesday 18 – Friday 20	*FAC Policy Committee Conference*	*Marriott West Palm Beach Palm Beach County*
	Wednesday 18	*FAC County Commissioner Workshop*	*Marriott West Palm Beach Palm Beach County*
	Wednesday 18 – Saturday 21	*Congressional Black Caucus Annual Legislative Conference*	*Washington, D.C.*
	Sunday 22 – Wednesday 25	*ICMA Annual Conference*	*Boston, Massachusetts*
	Tuesday 24	3:00 p.m.	Regular Meeting
		6:00 p.m.	Second Public Hearing on Adoption of Millage Rates and Budgets for FY 2013/2014*
October 2013	*TBD*	*Advanced County Commissioner Program*	*Part 1 of 3* *UF Hilton, Gainesville; Alachua County*
	Tuesday 8	3:00 p.m.	Regular Meeting
	Monday 21	9:00 a.m. – 1:00 p.m.	CRTPA Retreat; Location TBD
		1:30 p.m.	CRA - *Immediately following CRTPA Retreat*
	Tuesday 22	3:00 p.m.	Regular Meeting
November 2013	**Monday 11**	**Offices Closed**	**VETERAN'S DAY OBSERVED**
	Tuesday 12 – Thursday 14	*County Commissioner Workshops*	*Hilton, Daytona Beach* *Volusia County*
	Wednesday 13 – Friday 15	*FAC Legislative Conference*	*Hilton, Daytona Beach* *Volusia County*
	Tuesday 19	3:00 p.m.	Reorganization of the Board; Regular Meeting
	Monday 25	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Thursday 28	**Offices Closed**	**THANKSGIVING DAY**
	Friday 29	**Offices Closed**	**FRIDAY AFTER THANKSGIVING DAY**

Month	**Day**	**Time**	**Meeting Type**
December 2013	Monday 9	9:00 a.m. – 4:00 p.m.	Board Retreat
	Tuesday 10	3:00 p.m.	Regular Meeting
	Wednesday 11	2:30 p.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Tuesday 24	**No Meeting**	**BOARD RECESS**
	Wednesday 25	**Offices Closed**	**CHRISTMAS DAY**
January 2014	**Wednesday 1**	**Offices Closed**	**NEW YEAR'S DAY**

Citizen Committees, Boards, and Authorities

2013 Expirations and Vacancies

www.leoncountyfl.gov/committees/expire.asp

VACANCIES

Affordable Housing Advisory Committee
Board of County Commissioners (4 appointments)
A member who represents employers within the jurisdiction.
A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
A member who is actively engaged as an advocate for low-income persons in connection with affordable housing.
A member who is actively engaged as a for-profit provider of affordable housing.

Architectural Review Board
Board of County Commissioners (1 appointment)

Housing Finance Authority
Commissioner – District IV: Desloge, Bryan (1 appointment)

Viva Florida Time Capsule Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

EXPIRATIONS

Adjustment and Appeals Board
Tallahassee City Commission (1 appointment)

Affordable Housing Advisory Committee
Board of County Commissioners (11 appointments)
1. A member who is actively engaged in the residential home building industry in connection with affordable housing.
2. A member who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
3. A member who is actively engaged as a not-for-profit provider of affordable housing.
4. A member who is actively engaged as a real estate professional in connection with affordable housing.
5. A member who actively serves on the local planning agency pursuant to s. 163.3174.
6. A member who resides within the jurisdiction of the local governing body making the appointments.
7. A member who represents essential services personnel, as defined in the local housing assistance plan.

Architectural Review Board
Tallahassee City Commission (2 appointments)

Canopy Roads Citizens Committee
Tallahassee City Commission (1 appointment)

Enterprise Zone Agency Development (EZDA) Board of Commissioners
Tallahassee City Commission (1 appointment)

Human Services Grants Review Committee
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Library Advisory Board
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

JANUARY 2013

Minority, Women & Small Business Enterprise (M/WSBE) Committee
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

FEBRUARY 28, 2013

Value Adjustment Board
Board of County Commissioners (1 appointment)

MARCH 31, 2013

Contractors Licensing and Examination Board
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)

Science Advisory Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)
Tallahassee City Commission (1 appointment)

APRIL 30, 2013

Commission on the Status of Women and Girls
Board of County Commissioners (7 appointments)
Commissioner - At-large I: Lindley, Mary Ann (2 appointments)
Commissioner - At-large II: Maddox, Nick (2 appointments)
Commissioner - District I: Proctor, Bill (2 appointments)
Commissioner - District II: Sauls, Jane G. (2 appointments)
Commissioner - District III: Dailey, John (2 appointments)
Commissioner - District IV: Desloge, Bryan (2 appointments)
Commissioner - District V: Dozier, Kristin (2 appointments)

Tallahassee Sports Council
Board of County Commissioners (2 appointments)

MAY 31, 2013

Minority, Women & Small Business Enterprise (M/WSBE) Committee
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)

JUNE 30, 2013

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

Leon County Sales Tax Committee
Blueprint Citizens Advisory Committee (1 appointment)
Capital City Chamber of Commerce (1 appointment)
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)
EECC (1 appointment)
Greater Tallahassee Chamber of Commerce (1 appointment)
Tallahassee City Commission (6 appointments)

Planning Commission
Board of County Commissioners (1 appointment)

Workforce Plus
Board of County Commissioners (3 appointments)

JULY 31, 2013

Educational Facilities Authority
Board of County Commissioners (2 appointments)

Enterprise Zone Agency Development (EZDA) Board of Commissioners
Board of County Commissioners (3 appointments)

Investment Oversight Committee
Board of County Commissioners (3 appointments)
Clerk (1 appointment)

Water Resources Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)

AUGUST 31, 2013

Canopy Roads Citizens Committee
Tallahassee City Commission (1 appointment)

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

SEPTEMBER 30, 2013

Community Development Block Grant Citizen's Advisory Task Force
Board of County Commissioners (2 appointments)

Council on Culture & Arts
Board of County Commissioners (1 appointment)

Housing Finance Authority
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)

Research and Development Authority at Innovation Park
Florida A & M (1 appointment)
Tallahassee Community College (1 appointment)

OCTOBER 31, 2013

Canopy Roads Citizens Committee
Board of County Commissioners (2 appointments)

Tourist Development Council
Board of County Commissioners (1 appointment)

DECEMBER 31, 2013

Human Services Grants Review Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Library Advisory Board
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)

Tallahassee/Leon County Cultural Plan Review Committee
Board of County Commissioners (4 appointments)
Capital City Chamber of Commerce (1 appointment)
Economic Development Council (1 appointment)
Greater Tallahassee Chamber of Commerce (1 appointment)
KCCI (1 appointment)
Leadership Tallahassee (1 appointment)
Tallahassee City Commission (4 appointments)

Leon County
Board of County Commissioners

Notes for Agenda Item #1

Leon County
Board of County Commissioners

Cover Sheet for Agenda #1

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Minutes: January 29, 2013 Workshop on Septic System Management Options Report and Update on the BMAP Process; and February 12 Regular Meeting

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

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the January 29, 2013 Workshop on Septic System Management Options Report and Update on the BMAP Process; and February 12 Regular Meeting.

Attachments:

1. January 29, 2013 Workshop on Septic System Management Options Report and Update on the BMAP Process.
2. February 12 Regular Meeting.

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
WORKSHOP
Septic System Management Options Report
By Lombardo Associates, Inc. and Update on the BMAP Process
January 29, 2013

The Leon County Board of County Commissioners met for a Workshop on the Septic System Management Options Report and Update on the Basin Management Action Plan (BMAP) Process on Tuesday, January 29, 2013.

Present were Chairman Nick Maddox, Vice Chairman Kristen Dozier and Commissioners John Dailey, Mary Ann Lindley, Jane Sauls, Bill Proctor and Bryan Desloge. Also present were County Administrator Vincent Long, County Attorney Herb Thiele and Board Secretary Rebecca Vause.

Chairman Maddox called the meeting to order at 12:04 p.m.

Facilitators: Tony Park, Public Works
Wayne Tedder, PLACE Director
Kim Dressel, Senior Assistant to the County Administrator
Laura Youmans, Assistant County Attorney
Katherine Burke, Engineering Services Director
Alex Mahon, Environmental Manager
John Kraynak, Environmental Services Director
David McDevitt, Development Support and Environmental Management Director
Theresa Heiker, Stormwater Management Coordinator
Bryan Wiebler, Principal Planner, Comprehensive Planning Team

County Administrator Long offered opening remarks. He thanked the Water Resource Committee, Science Advisory Committee and the Wakulla Springs Alliance for their involvement in this important process and stated that the County looks forward to working with all the groups as it moves forward in addressing this critical issue.

Kim Dressel shared that the County has been actively engaged in efforts to reduce sources of nitrate at Wakulla Springs since 2005 and contracted with Lombardo Associates, Inc. (LAI) for a Phase I feasibility study for the purpose of reducing amount of nitrogen that is reaching Wakulla Springs from septic systems, where central sewer is not available. The report was jointly funded by the City of Tallahassee and Leon and Wakulla Counties.

Staff presented a detailed overview of the LAI Phase 1 feasibility report and other related issues such as: the proposed Woodville Water Quality sales tax extension project, which would decrease the amount of nitrate reaching Wakulla Springs from septic systems; Florida Department of Environmental Protection's Upper Wakulla River and Wakulla Springs Basin Management Action Plan a process that is currently underway and, once finalized, will become binding upon the responsible parties; proposed amendments to the Comprehensive Plan and Code of laws; the Wakulla Springs Alliance petition; and recommendations from the Science Advisory and Water Resources Committees, as well as the Wakulla Springs Alliance.

Additionally, the Board was provided relevant background information regarding: the Cody Scarp; nitrate concentrations; the City's Advanced Wastewater Treatment Project; the Leon County Aquifer Vulnerability Assessment (LAVA) and Primary Springs Protection Zone (PSPZ); actions the County has taken to limit the amount of nitrate reaching Wakulla Springs from the Leon County area; a previously-considered draft nitrogen-reducing systems ordinance; and HB

DRAFT

1263, which preempts Leon County's ability to phase-in the replacement of failing traditional septic systems with nitrogen-reducing systems as a part of an inspection program.

Upon the conclusion of staff's presentation, members of the Water Resources Committee (Eric Friall and Dr. Pamela Hall), Science Advisory Committee (Vincent Salters) and the Wakulla Springs Alliance (former City Commissioner Debbie Lightsey) were invited to address the Board to provide comment and recommendations on the LAI report and staff's recommendations. Commissioner Lightsey requested the Board support the recommendations of the Water Resources Committee. (A copy of the Water Resources and Science Advisory Committees written comments and recommendations are attached.)

BOARD DISCUSSION:

Chairman Maddox emphasized the importance of this issue and remarked that the Commission (past and present) has done a lot to address this problem. He also commented on the time and effort put forth by staff to come to a good resolution on this issue.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, Options 1 – 7:

- *Option 1: Direct staff to continue to pursue proposed sales tax extension project #10, Woodville Water Quality.*
- *Option 2: Direct staff to bring back a proposed amendment of the Code of Laws to establish an Advanced Wastewater Treatment nitrogen standard for new construction within the PSPZ, with mans for managing those systems not on central sewer.*
- *Option 3: Direct staff to remain actively engaged in the BMAP process for the Upper Wakulla River and support further sampling to identify sources' relative nitrate loads, particularly from Inflow north of the Code Scarp and at the state line, the scope of which will be established as part of the BMAP process.*
- *Option 4: Direct staff to include $50,000 in funding in the FY 2013/14 budget for the Leon County Health Department to complete an inventory of all septic systems within Leon County, in coordination with TLC-GIS.*
- *Option 5: Direct staff to take no action at this time to institute a county-wide level 4 or 5 RME or Wastewater/Nutrient Management Utility.*
- *Option 6: Direct staff to pursue an amendment of the Code of Laws to require a county-wide 24-inch separation, between the bottom of the drainfield and wettest season water table, for the repair of failing septic systems.*
- *Option 7: Direct staff to initiate a Comprehensive Plan amendment in the 2014-1 cycle which maintains the goal of spring protection, but removes the technical specificity by which this can be achieved with respect to wastewater treatment.*

Commissioner Dailey requested the Board have a discussion on the recommendations from the Water Resources Committee.

Commissioner Desloge stated that something has to be done and changes need to be made to reduce the damage being done. He pointed out that "sins of the past" cannot be erased; however, he opined staff's recommendations as a measured approach to dealing with the situation.

Commissioner Dozier commended staff and the citizen committees for their time and energy on this issue. She stated that she was not sure that she wanted to go in the direction of an RME (or recommend such to the Sales Tax Committee) at this time, but was concerned about connectivity to central sewer. Commissioner Dozier indicated that while the Board would take the recommendations of the Sales Tax Committee seriously, this may be one area where flexibility may be warranted.

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Commissioner Dailey deemed it important to send a strong message to the community that the Board is serious, pro-active and ready to tackle this issue head on. He also commented that the Sales Tax Committee should know that the Board is open to any and all ideas.

Commissioner Lindley submitted that the County as a whole is not only responsible for the water problems, but has to also be a part of the solution. She suggested that the Sales Tax Committee consider more advanced technology and not focus solely on central sewer as a solution.

Commissioner Proctor voiced his enthusiasm for the discussion to address issues of the southside. He stated that he has for years been an advocate for central sewer to the Southside/Woodville and was excited about the commercial opportunities the proposed options would have for Woodville and its future.

Commissioner Sauls articulated that she could support staff's recommendation. She was concerned however about the financial aspect and stated that some provisions would have to be made.

Commissioner Dozier articulated on the need for a balance between protecting the environment and costs.

Chairman Maddox clarified that the Sales Tax Committee was an independent committee who are entitled to bring back to the Board any recommendations they deem appropriate.

County Administrator Long reiterated the Board's leadership and commitment to address these issues.

The motion carried 7-0.

Adjourn:

There being no further business to come before the Board, the workshop was adjourned at 1:23 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida

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BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
February 12, 2013

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Nick Maddox presiding. Present were Commissioners Kristen Dozier, Bill Proctor, Mary Ann Lindley, John Dailey, Bryan Desloge, and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

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

At the invitation of Commissioner John Dailey, the Invocation was provided by Trinity Whitley, Director of Christian Education at Faith Presbyterian Church. Commissioner Dailey then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Bill Proctor presented a Proclamation recognizing Gramling Inc., a local feed and garden store, for providing 98 years of continuous service to local residents.

- Commissioner Bill Proctor presented a Proclamation to Supervisor of Elections Ion Sancho recognizing his action, integrity and expertise in elections protocol and his commitment to true and accurate voting results in Leon County.
  - Supervisor of Elections Sancho recognized the efforts of his professional staff and the over 1,000 individuals employed during the 2012 election.

- Chairman Nick Maddox presented a Proclamation in celebration of "One Billion Rising", a Global Movement to Bring Awareness of and Demand an End to Violence Against Women.
  - Licia Berry, event organizer, accepted the Proclamation and welcomed all Leon County residents to attend the event which will be held on February 14 at noon at the Kleman Plaza.

- The Board and County Administrator Long recognized Shelley Cason, Facilities Manager, for being the recipient of the Inspiring Star Award, which is the top individual wellness honor awarded at the Working Well CEO Breakfast.
  - Mary Bartley, Health and Well Being Coordinator, presented the award to Ms. Cason and thanked her for teaching fellow employees how to weave health and well-being into their daily work lives.

Consent:
Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve the Consent Agenda. The motion carried 7-0.

1. Approval of Minutes: December 10, 2012 Board Retreat

The Board approved Option 1: Approve the minutes of the December 10, 2012 Strategic Planning Retreat.

2. Ratification of Board Actions Taken at the January 29, 2013 "Workshop on the Septic System Management Options Report by Lombardo Associates, Inc. and Update on the BMAP Process"

The Board approved Option 1: Ratify the Board actions taken at the January 29, 2013 "Workshop on the Septic System Management Options Report by Lombardo Associates, Inc. and Update on the BMAP Process."

3. Approval of Adjustments to the FY 12 Carry-Forwards

The Board approved Option 1: Authorize the FY 2012 carry forward adjustments, and approve the Resolution and associated Budget Amendment Request.

4. Approval of Payment of Bills and Vouchers Submitted for February 12, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 13, 2013 through February 25, 2013

The Board approved Option 1: Approve payment of bills and vouchers submitted for February 12, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 13, 2013 through February 25, 2013.

5. Request to Schedule a First and Only Public Hearing Regarding a Proposed Revised Discretionary Funding Ordinance for Tuesday, March 12, 2013 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing for revisions to the Discretionary Funding Ordinance on March 12, 2013 at 6:00 p.m.

6. Adoption of Revisions to Policy No. 00-07, "Purchasing Card Policy"

The Board approved Option 1: Adopt proposed revised Policy No. 00-07, "Purchasing Card Policy."

7. Adoption of Proposed Revised Policy No. 96-1, "Purchasing and Minority/Women Business Enterprise Policy"

The Board approved Option 1: Adopt revised Policy 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy."

8. Approval of an Agreement to Participate in the American Society for the Prevention of Cruelty to Animals Partnership

The Board approved Option 1: Approve the Agreement to participate in The American Society for the Prevention of Cruelty to Animals Partnership, and authorize the County Administrator to execute.

9. Request to Schedule the First and Only Public Hearing to Consider an Ordinance to Require Property Registration for Abandoned Real Property for March 12, 2013 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing to consider an ordinance to require property registration for abandoned real property for Tuesday, March 12, 2013 at 6:00 p.m.

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10. Approval of a Letter of Support to the Florida Department of Transportation for the Addition of a Strategic Intermodal System Designation from Route US 98 in Wakulla County to the Tallahassee Regional Airport

The Board approved Option 1: Approve a Letter of Support to Florida Department of Transportation for the addition of a Strategic Intermodal System Designation from US 98 in Wakulla County to the Tallahassee Regional Airport, and authorize the Chairman to execute.

11. Acceptance of $1,000 Donation from Seminole Trails Camp, LLC for Improvements to the Apalachee Regional Park Cross Country Facility

The Board approved Option 1: Accept the $1,000 donation from Seminole Trails Camp, LLC and approve the Resolution and associated Budget Amendment Request.

12. Adoption of Proposed Revised Policy No. 03-02, "Reimbursement of Attorney's Fees and Costs"

The Board approved Option 1: Adopt proposed revised Policy No. 03-02, "Reimbursement of Attorney's Fees and Costs."

13. Acceptance of Status Report on the Leon County Well-Being Program

The Board approved Option 1: Accept the status report on the Leon County Well-Being Program.

14. Acceptance of the Tallahassee-Leon County Board of Adjustment and Appeals 2011-2012 Annual Report

The Board approved Option 1: Accept the 2012 Tallahassee-Leon County Board of Adjustment and Appeals Annual Report

15. Acceptance of the Contractors Licensing and Examination Board 2011-2012 Annual Report

The Board approved Option 1: Accept the Contractors' Licensing and Examination Board 2011-2012 Annual Report.

16. Acceptance of Status Report on Research at the Solid Waste Management Facility

The Board approved Option 1: Accept the status report on past and existing research occurring at the Leon County Solid Waste Management Facility.

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

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

General Business

17. Authorization to Negotiate with Waste Pro for the Exclusive Franchise to Provide Waste Collection Services in Unincorporated Leon County

County Administrator Long introduced the item. He recalled that the Board had at its July 10 Budget workshop directed staff to address the three significant components of

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the solid waste management system (collection, processing and disposal) with the intent of decreasing costs while increasing the overall recycling efforts in Leon County. County Administrator Long noted that the item aligns with the Board's Strategic Priority – Environment, "*Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including solar.*" Additionally, he emphasized that the Agreement would result in a 30% discount for unincorporated subscribers.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., addressed the Board and opined that exclusive franchise agreements are not in the best interest of consumers; however, he did note the 30% savings in collection fees based on the new agreement.

Commissioner Dozier stated that should consideration be given to universal collections she would like to hear from Waste Pro on options they may offer to access those communities or roads that are not easily accessible to a large collection vehicle.

Commissioner Dozier moved, seconded by Commissioner Desloge, approval of Options 1 & 2: 1) Find Waste Pro the lowest responsive and responsible bidder for each of the service options, and authorize staff to commence contract negotiations with Waste Pro, and 2) Authorize the County Administrator to execute the Waste Collection Agreement in a form approved by the County Attorney, upon selection of service options by the Board during its April 23, 2013 workshop. The motion carried 7-0.

18. Acceptance of Status Report on the Issuance of a Request for Proposals for Operation of Transfer Station Services

County Administrator Long introduced the item. He stated that there was an assumption that the private section might be able to operate the Transfer Station more cost-effectively than the County; thus staff, in conjunction with Kessler Consulting, developed a Request for Proposals (RFP) for processing services at the Transfer Station. However, despite interest from the private section, no proposals were received in response to the RFP. He submitted that this was validation for the efficient manner in which the Transfer Station is currently operated. County Administrator Long shared that staff will continue to actively explore ways to increase recycling efforts at the Transfer Station. He also acknowledged the efforts of Alan Rosenzweig, Deputy County Administrator and Maggie Theriot, Director of Resource Stewardship.

Commissioner Desloge stated that he supported staff's recommendation; however, suggested that the issue be revisited in three years.

Commissioner Desloge moved, duly seconded by Commissioner Lindley, to approve Option 1, as amended: Accept the status report on the issuance of a request for proposals for operation of transfer station services, and revisit the issue in three years.

Commissioner Proctor expressed concerns regarding the odor emitting from the Transfer Station and the clearing of trees at the site. He also referenced the County's commitment to address the odor issue. County Administrator Long responded that the tree clearing was a result of the widening of Capital Circle and that he took the concerns of Commissioner Proctor as direction to follow up on the odor issue and will keep the Board apprised.

The motion carried 7-0.

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19. Request to Schedule a First and Only Public Hearing on a Proposed Ordinance Regarding Domestic Partnership Registry for Tuesday, March 12, 2013 at 6:00 p.m.

County Administrator Long introduced the item. He stated that establishment of a Domestic Partnership Registry was brought forward at the December 10, 2012 annual Board retreat.

County Attorney Thiele conveyed that several counties and cities within the State have adopted a similar Domestic Partnership Registration Ordinance. He stated that the proposed ordinance provides for a countywide domestic partner registry which is designed to ensure a series of rights for unmarried couples.

Chairman Maddox acknowledged Commissioner Lindley's leadership on this issue.

Commissioner Lindley pointed out that more than half of Florida citizens live in communities that have domestic partner registries.

Commissioner Lindley moved, duly seconded by Commissioner Dozier, approval of Option 1: Schedule the first and only Public Hearing to consider establishing a Domestic Partnership Registry for March 12, 2013 at 6:00 p.m. The motion carried 7-0.

20. Approval of Agreement Awarding Bid to Sandco, Inc. in the Amount of $1,931,500 for Design and Construction of Lafayette Street Improvements from Seminole Drive to Winchester Lane

County Administrator Long introduced the item. He stated that Sandco, Inc. was the lowest responsive bidder.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the Agreement awarding bid to Sandco, Inc. in the amount of $1,931,500 for design and construction of Lafayette Street Improvements from Seminole Drive to Winchester Lane, and authorize the County Administrator to execute the Agreement. The motion carried 7-0.

21. Approval of the Proposed Joint Project Agreement with the City of Tallahassee Water and Wastewater Facilities Relocation and Installation for Lafayette Street Improvements from Seminole Drive to Winchester Lane

County Administrator Long introduced the item.

Commissioner Sauls moved, duly seconded by Commissioner Dozier, approval of Options 1 & 2: 1) Approve the proposed Joint Project Agreement with City of Tallahassee for the water and wastewater facilities relocation and installation for Lafayette Street improvements from Seminole Drive to Winchester Lane, and authorize the County Administrator to execute the Agreement, and 2) Approve the Resolution and associated Budge Amendment Request realizing the $436,926 from the City of Tallahassee into the County budget. The motion carried 7-0.

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22. Approval of Recommendation by the Financial Advisory Committee of Board Counsel and Disclosure Counsel for the Leon County Board of County Commissioners

County Attorney Thiele introduced the item and stated that the Financial Advisory Committee (FAC) recommends approval of the item. He shared that the FAC consists of Alan Rosenzweig, Deputy County Administrator; Scott Ross, Director, Office of Financial Stewardship; Bob Inzer, Clerk of the Court; David Reid, Finance Director, Clerk of the Court, and himself. He conveyed that the Board at its May 22, 2012 meeting directed staff to prepare and issue Requests for Proposals for many outside counsel services. He indicated that a number of firms responded to the RFP and all respondents were highly qualified to do the work; however, upon review by the FAC a unanimous recommendation was reached to select Bryant, Miller & Oliver as Bond Counsel and GrayRobinson as Disclosure Counsel. County Attorney Thiele pointed out that the FAC recommends the contracts be for an initial five year term and then go out with RFP again.

Commissioner Proctor discussed with County Attorney Thiele the FAC's recommendation of a five year contract term. It was established that the five year period was arbitrary; however the FAC opined that it was important to have sufficient time to establish a rapport with the firm. Commissioner Proctor indicated that he was not comfortable with a five-year term and suggested it be revised to three years with the possibility for a two-year extension. Commissioner Proctor also confirmed with Mr. Thiele that the contract contained a termination clause.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval of Options 1 & 2, as amended: 1 & 2: 1) Approve selection of Bryant, Miller & Olive as Leon County Bond Counsel as recommended by the Financial Advisory Committee, and 2) Approve the selection of GrayRobinson as Leon County Disclosure Counsel as recommended by the Financial Advisory Committee, and that the contract be reviewed at the end of three years, with the possibility for a two year extension, capping the contract at five years. The motion carried 7-0.

23. Approval of Recommendation for Counsel for the Leon County Code Enforcement Board

County Attorney Thiele introduced the item. He stated that the Request for Proposals for the Code Enforcement Board counsel was issued on September 20, 2012 and a number of firms/lawyers made application. He mentioned that the proposals were reviewed and ranked by the evaluation committee and the first ranked (and unanimously recommended) firm was Knowles & Randolph.

Commissioner Proctor pointed out the distance between the first and second ranked firms "was wide", thus was inclined to support staff's recommendation based on the firm's performance, knowledge of process and most importantly their fixed hourly rate.

Commissioner Proctor moved, duly seconded by Commissioner Lindley, approval of Option 1: Approve selection of Knowles & Randolph as counsel for the Leon County Code Enforcement Board. The motion carried 7-0.

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24. Adoption of the Fiscal Year 2013/2014 Budget Calendar

County Administrator Long introduced the item.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the Fiscal Year 2013-2014 Budget Calendar. The motion carried 7-0.

25. Approval of the Sales Tax Committee's Recommendation to Enter into a Public/Private Partnership with Imagine Tallahassee for the Utilization of Staff Resources to Conduct a Community Visioning Exercise and Action Plan for the Economic Development Portion of the Infrastructure Sales Tax

County Administrator Long introduced the item and provided a brief history and summary of the item. He recalled that the Board established the Sales Tax Extension Committee on September 2011 and charged them to make recommendations regarding public policy for the infrastructure sales tax issues within the County. Mr. Long noted that the Board approved the *Framework for Sustainable Economic Development* during its July 2012 workshop. This framework was intended to serve as a starting point in the Committee's deliberations to use a portion of the sales tax funds for economic development (up to 15%). The Board requested the Committee make recommendation to both the City and County on a targeted percentage, of no less than 10%, which was the mark established by the Board.

County Administrator Long conveyed that the Committee approved a proposal by the Greater Tallahassee/Chamber of Commerce and Economic Development Council to work with Imagine Tallahassee, Inc. to conduct a community visioning exercise to guide the use of the economic development portion of the sales tax. He mentioned that Imagine Tallahassee proposes that the Sales Tax Committee set aside up to 15% of the sales tax for economic development and hire a professional consultant to lead a community visioning process for sustained economic vitality and develop an action plan. Imagine Tallahassee would raise funds through the private sector to fully fund the consultant, while the County would offer staff support. He provided that should the Board approve the Committee's recommendation, the Committee would continue its deliberations on infrastructure projects and set aside 15% for economic development. Once the visioning process and action plan are completed, they would present back to the Sales Tax Committee, who would then determine their final recommendation as it relates to the allocation of funds toward economic development.
A final report will be prepared by the Committee for submission to the Board that would include the recommendation regarding the infrastructure projects and funding for economic development.

Speaker:

- Curtis Baynes, 1323 E. Tennessee, urged the Board to vote against this proposal. He expressed concerns that some members of the Sales Tax Committee would also serve on the proposed Steering Committee and opined that this would create a conflict of interest. He voiced objection to a date where by input into further projects would be terminated, while allowing economic development projects to continue to be developed and presented to the Committee.

Commissioner Dailey stated that while he wholeheartedly supports the initiative, he did not agree that it should be staffed by the County. He stated that he did not support the creation of another layer of bureaucracy and pointed out that one-third of the Sales Tax Committee consists of former Chairmen and active members of the Board of Directors of both the Chamber of Commerce and Economic Development Council. He remarked

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that he has "full faith and confidence" in the Sales Tax Committee to do the job for which they were appointed.

Commissioner Dailey moved, duly seconded by Commissioner Proctor, approval of Option 2: Do not approve the Sales Tax Committee's recommendation to enter into a public/private partnership with Imagine Tallahassee for the utilization of staff resources to conduct a community visioning exercise and action plan for the economic development portion of the Infrastructure Sales Tax.

Commissioner Proctor expressed his concerns that Steering Committee meetings would not be transparent and not conducted in the Sunshine. He established with Deputy County Administrator Alan Rosenzweig that the sales tax is projected to generate $600 million, of which $90 million (or 15%) would be targeted toward economic development. Commissioner Proctor stated that he was not ready to commit 15% to economic development as there are many projects yet to be vetted. He mentioned that he was troubled by the appointment of current Sales Tax Extension committee members to the proposed Steering Committee and saw this as a conflict of interest.

Commissioner Lindley stated that she was comfortable extending the process a little longer and favored the idea of "more information, not less". She expressed her support for the proposal.

A substitute motion was offered by Commissioner Dozier and duly seconded by Commissioner Desloge, to approve Option 1: Approve the Sales Tax Committee's recommendation to enter into public/private partnership with Imagine Tallahassee for the utilization of staff resources to conduct a community visioning exercise and action plan for the economic development portion of the Infrastructure Sales Tax.

Commissioner Dozier commented that this was a positive initiative and noted that Imagine Tallahassee intended to raise funds through the private sector to fund the consultant. She asserted that this was "not a $90 million windfall for the EDC" and while their role will be vital, she recalled that the Board had approved the governing structure (similar to the governing structure of current Blueprint) and the framework for economic development sustainability. Commissioner Dozier reiterated her stance of 10% of the sales tax funds for economic development.

Commissioner Desloge deemed that using 10-15 percent of the sales tax monies for economic development would be a "game changer" for the community, as there are not a lot of other funding options. He thanked Steve Evans, Chair of the Sales Tax Extension Committee for his leadership and other individuals who were instrumental in the creation of Imagine Tallahassee. Commissioner Desloge commented that there are varying definitions for economic development and looked forward to a process that attempts to structure a vision for the community.

Commissioner Proctor spoke to the substitute motion. He reiterated his concerns about dedicating $90 million to an area that has no definition and no definitive plan.

Commissioner Sauls indicated that while she could support the substitute motion, she had concerns about the staff time involved. She recalled that the Board had forwarded to the Sales Tax Extension Committee its approval of 10% of sales tax dollars for economic development.

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Chairman Maddox recognized the efforts of local citizens to raise funds from the private sector to advance this initiative. He articulated that the Board would have final say in the projects that would appear on the ballot.

The substitute motion carried 5-2 (Commissioners Dailey and Proctor in opposition).

The following individuals spoke in favor of Sales Tax Committee's recommendation to enter into a public/private partnership with Imagine Tallahassee:

- Steve Evans, 3920 Bobbin Brook Circle, Chairman of the Sales Tax Extension Committee
- Winston Howell, 8004 Evening Star Lane, Chairman of the Greater Tallahassee Chamber
- Kim Williams, 2069 Cantigy Way
- Sue Dick, 412 Plantation Road, President and CEO of the Greater Chamber of Commerce and Economic Development Council
- Sean Pittman, 3010 Thomasville Road, Chairman of the Big Bend Minority Business Chamber of Commerce
- JT Burnette, 3919 Millers Bridge Road, Imagine Tallahassee

Chairman Maddox informed the Board that it would now conduct its second "Citizens to be Heard" prior to the dinner break.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

Chairman Maddox reconvened the Board at 6:04 p.m. and conducted the following public hearings. It is noted that Commissioner Dailey did not return to the Chambers.

26. Second and Final Public Hearing to Consider Modifying the Project List to be Funded with the County Share of the One-Cent Sales Tax Extension

County Administrator Long announced the public hearing.

Chairman Maddox confirmed there were no speakers on this item.

Commissioner Sauls moved, duly seconded by Commissioner Lindley, approval of Option 1: Conduct the second and final public hearing and adopt a Resolution modifying the sales tax extension list. The motion carried 6-0 (Commissioner Dailey out of Chambers).

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

County Administrator Long announced the public hearing.

Chairman Maddox confirmed there were no speakers on this item.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance amending Section 11-47 of the Code of Laws of Leon County, Florida, providing for amendments to the Leon County Tourist Development Plan, Exhibit A. The motion carried 6-0 (Commissioner Dailey out of Chambers).

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28. First and Only Public Hearing to Consider an Additional Homestead Exemption of up to $249,999 for eligible Low-Income Senior Citizens who Own and have Lived in Homesteaded Property for 25 Years

County Administrator Long announced the public hearing.

Chairman Maddox confirmed there were no speakers on this item.

County Administrator Long introduced the item. He stated that this was one of the constitutional amendments which passed in November and provided a local option for counties to impose an additional exemption.

Commissioner Sauls stated the Board has always been very supportive of seniors and this was another way they could be assisted. She was pleased to offer the following motion.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only public hearing and adopt the Ordinance providing an additional homestead exemption of up to $249,999 for eligible low-income senior citizens who own and have lived in homesteaded property for 25 years.

Commissioner Proctor suggested that the 25 year requirement be removed. County Attorney Thiele advised that all of the language is what was approved by the constitutional amendment.

The motion carried 6-0 (Commissioner Dailey out of Chambers).

29. First and Only Public Hearing to Adopt Revisions to the Animal Control Ordinance

County Administrator Long announced the public hearing. He remarked that staff has worked with the tethering citizen group to develop the revised Ordinance.

Chairman Maddox confirmed there were no speakers on this item.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only public hearing and adopt revisions to the Animal Control Ordinance. The motion carried 6-0 (Commissioner Dailey out of Chambers)

30. First and Only Public Hearing to Adopt the Proposed Revised Noise Control Ordinance

County Administrator Long announced the public hearing.

Chairman Maddox confirmed there were no speakers on this item.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, approval of Option 1: Conduct the first and only Public Hearing and adopt the revised Noise Control Ordinance. The motion carried 6-0 (Commissioner Dailey out of Chambers).

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

Speakers:

- Charles LeCroy, 459 Barineau Road, stated that he represents many individuals in the veterans' community and asked the Board and community to remember the veterans, specifically, the homeless veterans. He announced that on April 5, 6 & 7, 2013 there would be a "Stand Down" held for homeless veterans at the North Florida Fairgrounds. He added they would appreciate help from the County and encouraged citizens to participate.
- Washington Sanchez, 2229 Gates Drive, appeared as a representative for the Florida Veterans Foundation and as Director of the Homeless Veterans' "Stand Down". He distributed information on the event and statistics on the number of homeless veterans in the area. He shared that statistics show an increase of 57 homeless veterans in Leon County which represents a 48% increase over last year. Mr. Sanchez requested the Board provide monetary assistance with the "Stand Down" and also help the Foundation.

Chairman Maddox recessed the Board for its dinner break at 5:00 p.m. and announced it would reconvene at 6:00 p.m. to conduct the scheduled public hearings.

Comments/Discussion Items

County Attorney Thiele:

- Announced that he recently became a first-time grandfather to Emma Elizabeth Ann Thiele.

County Administrator Long:

- Announced the following:
  - Kudos to Commissioner Desloge on a well-attended Community Legislative Dialogue meeting on January 31st.
  - The Legislative Delegation held their formal meeting last week in the Commission Chambers.
  - The Tourism Development Division Engagement Series was held on January 31st with more than 90 citizens in attendance. The next Citizen Engagement session will take place in late March and will focus on the Department of Development Support & Environmental Management. More details will be forthcoming.
  - The Grand Opening of the Orange Avenue Extension to Southwood Plantation is scheduled for 9:30 a.m., Thursday, February 14th at Orange Avenue near Conley Elementary.
  - The next Sales Tax Extension Committee meeting will be held on Thursday, February 21st at the Main Library.
  - Invited Commissioners to attend a "For the Love of Tallahassee & Leon County" community gathering, hosted by The Village Square, on Sunday, February 24th from 1:00 to 3:00 p.m. at Red Eye Café.
  - The EDC will host its annual Winter Forum on February 28th at the Turnbull Center starting at 11:30 a.m. with a focus on "Cultivating an Entrepreneurial Community."
    - There will be a press event earlier that morning (February 28th) for Kaye Scholer (aka Project Hunt) announcement.
  - Wished Commissioner Proctor an early "Happy Birthday".

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Commissioner Discussion Items

Commissioner Desloge:

- Thanked Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator, for staffing the Legislative Dialogue meeting.
- Thanked County Administrator Vincent Long for bringing Peter Kageyama to Tallahassee.
- Commented that he has encountered three different individuals who have moved to Tallahassee by choice (no prior relatives or attachment to the area).

Commissioner Proctor:

- Thanked County Administrator Long for arranging a meeting with Dr. Homer Rice (Department of Health), Bond Community Health Center, and staff from the County's Human Services & Community Partnerships department to discuss dental health issues for low-income citizens. He learned from those discussions that approximately 75 people visit the emergency room at Tallahassee Memorial HealthCare for treatment of dental related matters as it takes two months to see the County's dentist.
  - He commented on the increased demand for dental services for low-income and disadvantages individuals and referenced the recent FAMU study on this issue.
  - He requested that the Board add this issue to its federal legislative priority list and that Commissioners champion this cause when attending the NACo Conference.
  - *Commissioner Proctor moved, duly seconded by Commissioner Dozier, for the Board to include a need for enhanced dental health care funding to the Board's federal legislative priorities and to use the FAMU research to support the request. The motion carried 6-0 (Commissioner Dailey out of Chambers)*
- Expressed his concerns regarding gun violence and announced that he has called for a community gun control dialogue to be held on Wednesday, February 20th in the Commission Chambers. He hopes to share ideas resulting from the dialogue with local, state and federal legislative delegation.
  - Commissioner Dozier acknowledged that this is a key issue and a lot of people are studying the gun violence issue. She stated that she was reluctant to devote a lot of staff time to study this issue as we may not be the vehicle to drive this topic. However, she submitted that the Board needed to be informed and prepared to respond to any legislation that may be adopted.
  - *Commissioner Dozier moved, duly seconded by Commissioner Proctor, to request staff bring back for discussion an agenda item delineating what the Board can and cannot do based on State and Federal laws. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*
- Requested a workshop for staff to brief the Board on issues the Commissioners should advocate for at the upcoming NACo conference.
  - County Administrator Long suggested that staff meet one-on-one with Commissioners in advance of the conference. This was agreeable to Commissioner Proctor.

Commissioner Dailey:

- On behalf of Commissioner Dailey: *Commissioner Sauls moved, duly seconded by Commissioner Dozier, to have a Resolution in support of the Homeless Court. To be presented at the February 26th Board meeting. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*

DRAFT

Commissioner Sauls:

- Inquired of the status of the NACO Dental Card.
  - Candice Wilson, Director, Human Services & Community Partnerships, responded that staff is working to get the program up and running. Staff is awaiting arrival of marketing materials and is working with local dental association in an effort to get them to "buy into" the program.
- Congratulated County Attorney Thiele on the release of the Inaugural Issue of the **Legal Advisor**, a newsletter prepared and published by the County Attorney's Office.

Commissioner Lindley:

- Shared that The Village Square will host a community discussion on the gun issue on February 28th.
- *Commissioner Lindley moved, duly seconded by Commissioner Proctor, approval to present a Proclamation to the National High Magnetic Lab in recognition of their receiving a $168 million National Science Grant. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*

Commissioner Dozier

- Stated that she had discussed with the County Administrator a request to have the County's Human Resource Department assist the Leon County Research and Development Authority (LCRDA) in its efforts to fill the vacant Executive Director position. She indicated that any costs associated with the advertising of the position would be reimbursed by the LCRDA.
  - *Commissioner Dozier moved, duly seconded by Commissioner Lindley, to authorize the County's Human Resource Department to support and facilitate the Leon County Research and Development Authority in its endeavor to fill the vacant executive director position, i.e., post/advertise the position, collect applications, forward to an LCRDA Committee. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*
- *Commissioner Dozier moved, duly seconded by Commissioner Sauls, to approve a request for a Proclamation recognizing Chris Robinson's 100th birthday. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*
- Announced that the Mary Brogan Board had approved a Resolution to dissolve the organization.

Chairman Maddox:

- On behalf of Chairman Maddox: *Commissioner Sauls moved, duly seconded by Commissioner Dozier, approval of a Proclamation for Larry Courson, who will be retiring at the end of March after 33 years. To be presented at his retirement party. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).*

Receipt and File:

- Leon County Research and Development Authority's Audited Financial Statements for Fiscal Year Ending September 2012

DRAFT

Adjourn:
Commissioner Dozier moved, duly seconded by Commissioner Proctor, to adjourn the Board meeting at 6:38 p.m. The motion carried 5-0 (Commissioners Dailey and Desloge out of Chambers).

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #2

Leon County
Board of County Commissioners

Cover Sheet for Agenda #2

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Bob Inzer, Clerk of Court
David C. Reid, Finance Director

Title: Acceptance of the FY 2011/2012 Annual Audit and Financial Report

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	David C. Reid, Finance Director
Lead Staff/ Project Team:	Betsy Coxen, Assistant Finance Director

Fiscal Impact:

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

Staff Recommendation:

Option #1: Accept the FY 2011/12 Annual Audit and Financial Report, and authorize the Chairman to sign letter transmitting the report to the Auditor General.

Report and Discussion

Background:
Florida Statutes, Section 11.45, requires the Board to obtain an independent audit of the County's financial statements on annual basis. The Board contracted for an independent audit with Thomas Howell Ferguson P.A., and Law, Redd, Crona, & Munroe P.A., Certified Public Accountants. The audit is complete and the audit and financial report are provided to the Board for review under the Clerk's transmittal memorandum (Attachment #1).

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

Options:

1. Accept the FY 2011/2012 Annual Audit and Financial Report, and authorize the Chairman to sign the letter transmitting the report to the Auditor General.
2. Do not accept the FY 2011/2012 Annual Audit and Financial Report.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. Transmittal memorandum from the Clerk of the Circuit Court and the Annual Audit and Financial Report for FY 2011/2012
2. Board's Management Letter from external auditors
3. Draft response transmitting the report to the Auditor General

Bob Inzer
Clerk of Circuit Court
WWW.CLERK.LEON.FL.US

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

To: Board of County Commissioners

From: Bob Inzer, Clerk of Circuit Court

Subject: Audit Report for Fiscal Year 2011-2012

Date: February 25, 2013

I am pleased to forward to you the County's annual audit report, financial statements and management letter for the fiscal year ended September 30, 2012. This report reflects an unqualified auditor's opinion on our financial statements. Leon County has received an unqualified audit opinion for 31 consecutive years.

The auditors' report on internal control structure and their management letter in that regard are found on pages 45 through 48 in the Board's financial report. This document basically covers areas relating to financial procedures. There were no findings related to internal controls, nor were there any management letter recommendations.

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

Your acceptance of the report and approval of the letter transmitting the report will be placed on the March 12 agenda. As mentioned, Florida law requires that a letter of response be made to the State Auditor General on the auditors' comments. There were no findings by the auditors. I believe this is reflective of the hard work of the Board's staff, the Clerk's staff, and a reflection of their team effort in this process.

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

cc: Vincent S. Long, County Administrator
David C. Reid, Director, Finance Department
Alan Rosenzweig, Deputy County Administrator

FINANCE DEPARTMENT ❖ 315 S. CALHOUN STREET, #450 ❖ TALLAHASSEE, FL 32301
PHONE (850) 577-4020 ❖ FAX (850) 577-4255

Special-Purpose Financial Statements

Board of County Commissioners
Leon County, Florida

Year Ended September 30, 2012
with Independent Auditors' Report

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

Board of County Commissioners
Leon County, Florida

Special-Purpose Financial Statements

Year ended September 30, 2012

Board of County Commisssioners

Akin Akinyemi, Chairman..... At Large
Nick Maddox, Vice Chairman..... At Large
Bill Proctor..... District 1
Jane G. Sauls..... District 2
John E. Dailey..... District 3
Bryan Desloge..... District 4
Kristen Dozier..... District 5

COUNTY ADMINISTRATOR

Vincent S. Long

CLERK OF THE CIRCUIT COURT

Bob Inzer

Board of County Commissioners
Leon County, Florida

Special-Purpose Financial Statements

Year Ended September 30, 2012

CONTENTS

Independent Auditors' Report 1

Audited Special-Purpose Financial Statements

Balance Sheet - Governmental Funds 3
Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds 5
Balance Sheet - Proprietary Funds 7
Statement of Revenues, Expenses, and Changes in Fund Net Assets - Proprietary Funds 8
Statement of Cash Flows - Proprietary Funds 9
Budgetary Comparison Statement - General Fund 11
Budgetary Comparison Statement - Fine & Forfeiture Fund 12
Budgetary Comparison Statement - Grants Fund 13
Budgetary Comparison Statement - Fire Rescue Services Fund 14
Statement of Fiduciary Assets and Liabilities - Agency Fund 15
Notes to Special-Purpose Financial Statements 16

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Special-Purpose Financial Statements Performed in Accordance with *Government Auditing Standards* 45

Management Letter 47

Thomas Howell Ferguson P.A.
CERTIFIED PUBLIC ACCOUNTANTS
Law, Redd, Crona & Munroe, P.A.

Independent Auditors' Report

The Honorable Board of County
Commissioners
Leon County, Florida

We have audited the accompanying special-purpose financial statements of the governmental activities, business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Board of County Commissioners of Leon County, Florida (the Board) as of and for the fiscal year ended, September 30, 2012, as listed in the table of contents. These special-purpose financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these special-purpose financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the special-purpose financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the special-purpose financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall special-purpose financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the accompanying special-purpose financial statements were prepared for the purpose of complying with Section 218.39(2), *Florida Statutes* and Section 10.557(5), *Rules of the Auditor General for Local Governmental Entity Audits*. They do not purport to, and do not, present fairly the financial position of Leon County, Florida, as of September 30, 2012, and the changes in its financial position, where applicable, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the special-purpose financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Board of County Commissioners of Leon County, Florida, as of September 30, 2012, and the respective changes in financial position and cash flows, where applicable thereof, and the respective budgetary comparison for the general fund, fine and forfeiture fund, grants fund, and fire rescue services fund, for the year then ended in conformity with the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued a report dated February 18, 2013, on our consideration of the Board's internal control over financial reporting and our tests of its compliance with laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

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

February 18, 2013

Board of County Commissioners
Leon County, Florida
Balance Sheet - Governmental Funds
September 30, 2012

	General Fund	Fine & Forfeiture Fund	Grants Fund	Fire Rescue Services Fund
Assets				
Cash	$ 389,163	$ 0	$ 124,847	$ 0
Investments	35,358,770	1,637,419	3,222,685	2,324,352
Receivables (net of allowances for uncollectibles):				
Accounts	69,681	26,605	19,058	4,067
Special assessments	0	0	0	5,746,845
Due from other governments	1,283,988	4,303	7,793,751	0
Due from other funds	3,831	0	0	0
Due from other county units	947,184	1,479,419	16,438	354
Inventories	236,505	0	0	0
Other assets	100	0	0	0
Total assets	$ 38,289,222	$ 3,147,746	$ 11,176,779	$ 8,075,618
Liabilities and fund balances				
Liabilities:				
Accounts payable	$ 1,643,477	$ 9,418	$ 38,517	$ 32,129
Accrued liabilities	216,098	0	3,498	0
Due to other governments	5,061	0	3,272,369	7,581,495
Due to other funds	0	0	0	0
Due to other county units	67,993	0	9,864	0
Deposits	45,010	367,083	0	0
Deferred revenue	0	0	6,086,164	0
Total liabilities	1,977,639	376,501	9,410,412	7,613,624
Fund balances:				
Unreserved, reported in:				
General fund	36,311,583	0	0	0
Special revenue funds	0	2,771,245	1,766,367	461,994
Debt service funds	0	0	0	0
Capital project funds	0	0	0	0
Total fund balances	36,311,583	2,771,245	1,766,367	461,994
Total liabilities and fund balances	$ 38,289,222	$ 3,147,746	$ 11,176,779	$ 8,075,618

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

Capital Improvement Fund	Local Option Sales Tax Fund	Nonmajor Governmental Funds	Component Unit - Housing Finance Authority of Leon County	Total Governmental Funds
$ 0	$ 0	$ 3,988,336	$ 854,386	$ 5,356,732
46,172,534	24,793,745	38,826,872	7,905	152,344,282
89,640	43,946	3,851,655	34,528	4,139,180
0	0	2,385,597	10	8,132,452
0	0	3,397,021	0	12,479,063
0	0	0	0	3,831
0	0	469,332	0	2,912,727
0	0	0	0	236,505
0	0	22,342	0	22,442
$ 46,262,174	$ 24,837,691	$ 52,941,155	$ 896,829	$ 185,627,214
$ 1,160,150	$ 350,194	$ 1,158,610	$ 0	$ 4,392,495
0	0	369,383	0	588,979
0	0	55,706	0	10,914,631
0	0	3,831	0	3,831
0	0	3,825	0	81,682
149,925	0	114,512	0	676,530
0	0	2,499,929	0	8,586,093
1,310,075	350,194	4,205,796	0	25,244,241
0	0	0	0	36,311,583
0	0	30,773,013	896,829	36,669,448
0	0	289,642	0	289,642
44,952,099	24,487,497	17,672,704	0	87,112,300
44,952,099	24,487,497	48,735,359	896,829	160,382,973
$ 46,262,174	$ 24,837,691	$ 52,941,155	$ 896,829	$ 185,627,214

Board of County Commissioners
Leon County, Florida
Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds
Year Ended September 30, 2012

	General Fund	Fine & Forfeiture Fund	Grants Fund	Fire Rescue Services Fund
Revenues				
Taxes	$ 48,853,449	$ 60,761,807	$ 0	$ 0
Licenses and permits	0	0	0	0
Intergovernmental	16,894,741	25,674	9,368,258	0
Charges for services	2,384,016	800,536	120,968	7,741,933
Fines and forfeitures	0	98,849	0	0
Interest	648,235	348,603	57,245	44,420
Miscellaneous	555,477	0	14,001	0
Total revenues	69,335,918	62,035,469	9,560,472	7,786,353
Expenditures				
Current:				
General government	14,934,478	0	10,871	0
Public safety	532,396	0	1,526,182	8,120,168
Physical environment	2,267,653	0	6,294,554	0
Transportation	0	0	6,890	0
Economic environment	2,014,864	0	162,393	0
Human services	7,296,399	100,000	921,628	0
Culture and recreation	6,318,922	0	739,337	0
Judicial	232,692	1,337,536	51,293	0
Debt Service:				
Principal retirement	0	0	0	0
Interest and fiscal charges	0	0	0	0
Other debt service costs	0	0	0	0
Total expenditures	33,597,404	1,437,536	9,713,148	8,120,168
Excess (deficiency) of revenues over (under) expenditures	35,738,514	60,597,933	(152,676)	(333,815)
Other financing sources (uses):				
Transfers in	17,967,131	1,690,371	253,174	0
Transfers out	(40,602,732)	(73,381,201)	(125,322)	(52,055)
Total other financing sources (uses)	(22,635,601)	(71,690,830)	127,852	(52,055)
Net change in fund balances	13,102,913	(11,092,897)	(24,824)	(385,870)
Fund balances at beginning of year	23,208,670	13,864,142	1,791,191	847,864
Fund balances at end of year	$ 36,311,583	$ 2,771,245	$ 1,766,367	$ 461,994

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

Capital Improvement Fund	Local Option Sales Tax Fund	Nonmajor Governmental Funds	Component Unit - Housing Finance Authority of Leon County	Total Governmental Funds
$ 0	$ 0	$ 27,703,430	$ 0	$ 137,318,686
0	0	1,950,327	0	1,950,327
313,676	0	5,381,224	0	31,983,573
0	0	14,505,459	33,490	25,586,402
0	0	380,722	0	479,571
835,274	505,939	1,022,353	17,904	3,479,973
39,030	0	2,486,592	0	3,095,100
1,187,980	505,939	53,430,107	51,394	203,893,632
2,660,238	0	2,233,559	0	19,839,146
8,219,437	0	18,480,554	0	36,878,737
1,233,577	0	8,959,790	0	18,755,574
1,650,878	2,173,149	16,042,583	0	19,873,500
0	0	3,244,254	25,465	5,446,976
177,255	0	1,626,642	0	10,121,924
3,908,344	0	4,196,340	0	15,162,943
245,954	0	529,556	0	2,397,031
0	0	6,018,960	0	6,018,960
0	0	3,237,861	0	3,237,861
0	0	1,616	0	1,616
18,095,683	2,173,149	64,571,715	25,465	137,734,268
(16,907,703)	(1,667,210)	(11,141,608)	25,929	66,159,364
15,954,246	0	25,440,413	0	61,305,335
0	0	(16,518,941)	0	(130,680,251)
15,954,246	0	8,921,472	0	(69,374,916)
(953,457)	(1,667,210)	(2,220,136)	25,929	(3,215,552)
45,905,556	26,154,707	50,955,495	870,900	163,598,525
$ 44,952,099	$ 24,487,497	$ 48,735,359	$ 896,829	$ 160,382,973

Board of County Commissioners
Leon County, Florida

Balance Sheet - Proprietary Funds

September 30, 2012

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Assets		
Current assets:		
Cash	$ 300	$ 201,845
Cash with fiscal agent	0	39,708
Investments	9,453,908	4,849,261
Accounts	1,248,970	36,023
Due from other governments	0	22,350
Due from other county units	882	0
Inventories	11,143	78,553
Total current assets	10,715,203	5,227,740
Noncurrent assets:		
Restricted cash and investments	7,126,955	0
Capital assets:		
Land nondepreciable	1,809,844	0
Depreciable (net)	11,075,941	0
Total noncurrent assets	20,012,740	0
Total assets	$ 30,727,943	$ 5,227,740
Liabilities		
Current liabilities:		
Accounts payable	$ 130,330	$ 285,653
Accrued liabilities	151,116	38,950
Due to other governments	25	0
Other current liabilities	0	2,599,596
Total current liabilities	281,471	2,924,199
Noncurrent liabilities:		
Liability for closure costs/maintenance	11,327,787	0
Accrued liabilities	116,779	0
Total noncurrent liabilities	11,444,566	0
Total liabilities	11,726,037	2,924,199
Net assets		
Invested in capital assets, net of related debt	12,003,333	7,299,013
Designated for rate stabilization	6,998,573	0
Unrestricted	0	(4,995,472)
Total net assets	19,001,906	2,303,541
Total liabilities and net assets	$ 30,727,943	$ 5,227,740

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

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenses, and Changes in Fund Net Assets - Proprietary Funds

Year Ended September 30, 2012

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Operating revenues		
Charges for services	$ 7,052,049	$ 5,632,808
Total operating revenues	7,052,049	5,632,808
Operating expenses		
Personnel services	2,153,535	650,825
Contractual services	5,422,546	119,096
Supplies	438,232	1,581,441
Communications services	23,418	471,391
Insurance	40,692	2,046,158
Utility services	304,845	20,496
Depreciation	483,546	0
Other services and charges	2,161,276	629,664
Total operating expenses	11,028,090	5,519,071
Operating income (loss)	(3,976,041)	113,737
Nonoperating revenues:		
Taxes	1,481,624	0
Interest	358,544	151,167
Miscellaneous	340,190	0
Total nonoperating revenues	2,180,358	151,167
Income (loss) before contributions and transfers	(1,795,683)	264,904
Transfers in	1,026,334	0
Transfers out	(29,632)	(5,494,505)
Change in net assets	(798,981)	(5,229,601)
Net assets at beginning of year	19,800,887	7,533,142
Net assets at end of year	$ 19,001,906	$ 2,303,541

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

Board of County Commissioners
Leon County, Florida
Statement of Cash Flows - Proprietary Funds
Year Ended September 30, 2012

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Cash flows from operating activities		
Receipts from customers	$ 6,661,948	$ 357,239
Payments to suppliers	(8,644,419)	(4,291,371)
Payments to employees	(2,142,960)	(638,667)
Internal activity - payments to other funds	(40,692)	0
Internal activity - cash received from other funds	0	5,233,599
Claims paid	0	(765,000)
Net cash used in operating activities	(4,166,123)	(104,200)
Cash flows from noncapital financing activities		
Tax proceeds	1,481,624	0
Repayments on interfund loans	(9)	0
Transfers from other funds	1,026,334	0
Transfers to other funds	(29,632)	(5,494,505)
Net cash provided by (used in) noncapital financing activities	2,478,317	(5,494,505)
Cash flows from capital and related financing activities		
Sale of property	1,083,939	0
Acquisition and/or construction of capital assets	(1,310,766)	0
Net cash used in capital and related financing activities	(226,827)	0
Cash flows from investing activities		
Proceeds from sales and maturities of investments	6,106,573	7,159,406
Purchases of investments	(4,338,668)	(1,513,291)
Interest and dividends received	146,484	117,468
Net cash provided by investing activities	1,914,389	5,763,583
Net (decrease) increase in cash	(244)	164,878
Cash at beginning of year	544	76,675
Cash at end of year	$ 300	$ 241,553

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

Board of County Commissioners
Leon County, Florida

Statement of Cash Flows - Proprietary Funds (continued)

Year Ended September 30, 2012

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Reconciliation of operating (loss) income to net cash (used in) operating activities		
Operating (loss) income:	$ (3,976,041)	$ 113,737
Adjustment to reconcile operating (loss) income to net cash (used in) operating activities:		
Depreciation expense	483,546	0
Change in assets and liabilities:		
Accounts and intergovernmental receivables	(612,213)	(41,971)
Inventories	(2,895)	2,660
Accounts payable and other liabilities	(291,208)	(190,784)
Accrued expenses	10,575	12,158
Estimated liability for closure costs/maintenance	222,113	0
Net cash (used in) operating activities	$ (4,166,123)	$ (104,200)

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

Board of County Commissioners
Leon County, Florida

Budgetary Comparison Statement - General Fund

Year Ended September 30, 2012

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues				
Taxes	$ 47,895,736	$ 47,895,736	$ 48,853,449	$ 957,713
Intergovernmental	16,413,014	16,413,014	16,894,741	481,727
Charges for services	2,223,061	2,223,061	2,384,016	160,955
Interest	330,410	330,410	648,235	317,825
Miscellaneous	247,475	247,475	555,477	308,002
Total revenues	67,109,696	67,109,696	69,335,918	2,226,222
Expenditures				
General government	16,291,441	19,349,352	14,934,478	4,414,874
Public safety	405,338	532,397	532,396	1
Physical environment	2,337,597	2,361,772	2,267,653	94,119
Economic environment	2,203,173	2,243,173	2,014,864	228,309
Human services	7,634,442	8,109,525	7,296,399	813,126
Culture and recreation	6,931,871	6,858,006	6,318,922	539,084
Judicial	226,714	238,264	232,692	5,572
Total expenditures	36,030,576	39,692,489	33,597,404	6,095,085
Excess of revenues over expenditures	31,079,120	27,417,207	35,738,514	8,321,307
Other financing sources (uses):				
Transfers in	4,077,699	17,427,699	17,967,131	539,432
Transfers out	(38,206,819)	(54,105,043)	(40,602,732)	13,502,311
Total other financing sources (uses)	(34,129,120)	(36,677,344)	(22,635,601)	14,041,743
Net change in fund balance	(3,050,000)	(9,260,137)	13,102,913	22,363,050
Fund balance at beginning of year	23,208,670	23,208,670	23,208,670	0
Fund balance at end of year	$ 20,158,670	$ 13,948,533	$ 36,311,583	$ 22,363,050

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

Board of County Commissioners
Leon County, Florida

Budgetary Comparison Statement - Fine & Forfeiture Fund

Year Ended September 30, 2012

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues				
Taxes	$ 60,695,579	$ 60,695,579	$ 60,761,807	$ 66,228
Intergovernmental	17,100	17,100	25,674	8,574
Charges for services	1,201,550	1,201,550	800,536	(401,014)
Fines and forfeitures	86,450	86,450	98,849	12,399
Interest	279,015	279,015	348,603	69,588
Total revenues	62,279,694	62,279,694	62,035,469	(244,225)
Expenditures				
Human services	100,000	300,000	100,000	200,000
Judicial	2,477,672	2,577,672	1,337,536	1,240,136
Total expenditures	2,577,672	2,877,672	1,437,536	1,440,136
Excess of revenues over expenditures	59,702,022	59,402,022	60,597,933	1,195,911
Other financing sources (uses):				
Transfers in	95,386	95,386	1,690,371	1,594,985
Transfers out	(59,797,408)	(73,047,408)	(73,381,201)	(333,793)
Total other financing sources (uses)	(59,702,022)	(72,952,022)	(71,690,830)	1,261,192
Net change in fund balance	0	(13,550,000)	(11,092,897)	2,457,103
Fund balance at beginning of year	13,864,142	13,864,142	13,864,142	0
Fund balance at end of year	$ 13,864,142	$ 314,142	$ 2,771,245	$ 2,457,103

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

Board of County Commissioners
Leon County, Florida

Budgetary Comparison Statement - Grants Fund

Year Ended September 30, 2012

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues				
Intergovernmental	$ 311,833	$ 22,254,275	$ 9,368,258	$(12,886,017)
Charges for services	122,075	307,830	120,968	(186,862)
Interest	0	1,703	57,245	55,542
Miscellaneous	0	1,999,092	14,001	(1,985,091)
Total revenues	433,908	24,562,900	9,560,472	(15,002,428)
Expenditures				
General government	0	157,099	10,871	146,228
Public safety	585,942	4,829,034	1,526,182	3,302,852
Physical environment	0	12,713,322	6,294,554	6,418,768
Transportation	0	1,897,879	6,890	1,890,989
Economic environment	0	300,176	162,393	137,783
Human services	0	1,413,008	921,628	491,380
Culture and recreation	15,000	3,770,948	739,337	3,031,611
Judicial	2,479	109,159	51,293	57,866
Total expenditures	603,421	25,190,625	9,713,148	15,477,477
(Deficiency) excess of revenue (under) over expenditures	(169,513)	(627,725)	(152,676)	475,049
Other financing sources (uses):				
Transfers in	259,513	391,532	253,174	(138,358)
Transfers out	(90,000)	(202,525)	(125,322)	77,203
Total other financing sources (uses)	169,513	189,007	127,852	(61,155)
Net change in fund balance	0	(438,718)	(24,824)	413,894
Fund balance at beginning of year	1,791,191	1,791,191	1,791,191	0
Fund balance at end of year	$ 1,791,191	$ 1,352,473	$ 1,766,367	$ 413,894

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

Board of County Commissioners
Leon County, Florida

Budgetary Comparison Statement - Fire Rescue Services Fund

Year Ended September 30, 2012

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues				
Taxes	$ 54,434	$ 54,434	$ 0	$ (54,434)
Charges for services	6,882,627	6,882,627	7,741,933	859,306
Interest	0	0	44,420	44,420
Total revenues	6,937,061	6,937,061	7,786,353	849,292
Expenditures				
Public safety	6,903,981	7,250,200	8,120,168	(869,968)
Total expenditures	6,903,981	7,250,200	8,120,168	(869,968)
Excess (deficiency) of revenues over (under) expenditures	33,080	(313,139)	(333,815)	(20,676)
Other financing sources (uses):				
Transfers out	(33,080)	(58,080)	(52,055)	6,025
Total other financing sources (uses)	(33,080)	(58,080)	(52,055)	6,025
Net change in fund balance	0	(371,219)	(385,870)	(14,651)
Fund balance at beginning of year	847,864	847,864	847,864	0
Fund balance at end of year	$ 847,864	$ 476,645	$ 461,994	$ (14,651)

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

Board of County Commissioners
Leon County, Florida

Statement of Fiduciary Assets and Liabilities - Agency Fund

September 30, 2012

Assets	
Cash	$ 24,805
Accounts receivable	977,250
Total assets	$ 1,002,055
Liabilities	
Accounts payable	$ 433,773
Accrued liabilities	568,282
Total liabilities	$ 1,002,055

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies

Reporting Entity

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

Component Units

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

Specific criteria used to determine financial accountability are:

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

Financial statements of component units are included in the financial reporting entity either as a blended component unit or as a discretely presented component unit in accordance with governmental accounting

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Component Units (continued)

standards. At September 30, 2012, the only component unit of the Board is The Housing Finance Authority of Leon County (the Authority) which is discretely presented in a separate column on the Board's financial statements.

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

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

Excluded from the Reporting Entity:

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

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

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

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Basis of Presentation

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

Description of Funds

Governmental Major Funds:

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

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

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

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

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

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Description of Funds (continued)

Governmental Major Funds: (continued)

Local Option Sales Tax Fund – The Local Option Sales Tax Fund accounts for revenues generated by the local option one-cent sales tax. This tax, which was approved by the voters of Leon County in a referendum election held on November 4, 1989, provides for the levy of a one percent sales tax on every taxable item sold in the County and taxed pursuant to the provisions of Chapter 206, *Florida Statutes*. The statutory authority to collect these revenues expired October 31, 2004. Utilization of the proceeds of this tax is limited to the costs of acquisition, construction, reconstruction, and maintenance of roads and streets; and the costs of establishing, operating, and maintaining a transportation system and related facilities.

Proprietary Major Fund:

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

Other Fund Types:

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

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

Basis of Accounting

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

The accompanying special-purpose financial statements have been prepared using the current financial resources measurement focus and the modified accrual basis of accounting for all Governmental Funds. Accordingly,

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Basis of Accounting (continued)

revenues are recognized when measurable and available to pay liabilities of the current period and expenditures are generally recorded when the liability is incurred and/or will be paid from expendable available financial resources. The Board considers receivables collected within 60 days after year-end to be available and susceptible to accrual as revenues of the current year. The following revenues are considered to be susceptible to accrual: taxes, charges for services, interest, state revenue sharing, federal forestry revenue, insurance agents' revenue, various other gas taxes, gas tax pourover trust, federal and state grants, planning and zoning revenue, municipal service franchise fees, and special assessments.

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

The financial statements of the Proprietary Funds and Fiduciary Funds (Agency Funds) are prepared on the economic resources measurement focus and the accrual basis of accounting. Their revenues are recognized when earned and their expenses are recognized when incurred. Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Nonoperating revenues, such as subsidies, taxes, and investment earnings, result from nonexchange transactions or ancillary activities. The Proprietary Funds do not apply all FASB accounting standards issued after November 30, 1989.

Budgets and Budgetary Accounting

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

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

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

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Budgets and Budgetary Accounting (continued)

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

1. On or before May 1 of each year, the designated budget officer submits to the Board a tentative budget for the ensuing fiscal year. The tentative budget includes proposed expenditures and funding sources.

2. The Board requires such changes to be made as it shall deem necessary, provided the budget remains in balance and subject to the notice and hearing requirements of Section 200.065, *Florida Statutes* and the budget preparation and adoption procedures, as defined in Section 129.03, *Florida Statutes*. The legal level of budgetary control is at the fund level.

3. Public hearings are held pursuant to Section 200.065, *Florida Statutes* in order for the Board to adopt the tentative and final budgets.

4. Prior to October 1, the budget is legally enacted through passage of a resolution.

5. All changes to the final budget must be approved by the Board in accordance with Section 129.06, *Florida Statutes*.

6. Formal budgetary integration is used as a management control device during the year for all governmental funds of the Board.

7. Budgets for the governmental fund types are adopted on a basis consistent with accounting principles generally accepted in the United States of America.

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

Cash and Investments

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

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Cash and Investments (continued)

During the 2011-2012 fiscal year, the Board invested in three different investment pools: the Special Purpose Investment Account (SPIA) within the Florida Treasury Investment Pool (the Pool) administered by the Florida Department of Financial Services, as authorized by Section 17.61(1), *Florida Statutes*; The Florida Local Government Investment Trust (FLGIT), a local government investment pool developed through the joint efforts of the Florida Association of Court Clerks (FACC) and the Florida Association of Counties (FAC); and The Florida Municipal Investment Trust (FMIvT), administered by the Florida League of Cities, Inc. The FMIvT is an Authorized Investment under Section 163.01, *Florida Statutes*.

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

Receivables

Receivables are shown net of an allowance for uncollectibles. The emergency medical services allowance is equal to 41% of outstanding charges at September 30, 2012.

Short-Term Interfund Receivables/Payables

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

Inventories

Inventories in the General Fund and Internal Service Funds consist of expendable supplies held for consumption. These items are considered expenditures/expenses when used. Inventories are stated at an average unit cost.

Restricted Assets

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

Capital Assets

Capital assets purchased in the governmental fund types are recorded as expenditures (capital outlay) at the time of purchase. Such assets are reported as capital assets in the Statement of Net Assets as part of the county-wide basic financial statements. The Board does not record depreciation of these assets on its governmental fund financial

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Capital Assets (continued)

statements, although depreciation is recorded for such assets in the county-wide financial statements. Donated assets are recorded at fair market value at the date of donation. Accounting policies for capitalization and depreciation of infrastructure assets including roads, bridges, curbs, gutters, and sidewalks are described in the county-wide financial statements. A summary of capital assets purchased by the Board's governmental funds is provided in Note 4.

Fixed Assets

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

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

Liability for Compensated Absences

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

Other Postemployment Benefits

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

Executive Service Plan

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 1. Accounting Policies (continued)

Fund Equity

Reserves represent those portions of fund equity not appropriable for expenditure or legally segregated for a specific future use. Designated fund balances represent tentative managerial plans or intent for future use of financial resources.

Common Expenses

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

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

Operating Transfers

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

Use of Estimates

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

Note 2. Property Taxes

Under Florida Law, the assessment of all properties and the collection of all county, municipal, special taxing districts, and school board property taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of Florida regulating tax assessments are also designed to assure a consistent property valuation method statewide. State statutes permit counties to levy property taxes at a rate of up to 10 mills. The tax levy of Leon County is established by the Board prior to October 1 of each year. The millage rate collected by the Board during the current fiscal year was 7.850 mills. County citizens were also assessed for emergency medical services through a Municipal Services Taxing Unit at a millage rate of 0.5000 mills. For County citizens charged a special assessment, the required annual payment is included on their tax bill.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 2. Property Taxes (continued)

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

All taxes are due and payable on November 1 of each year, or as soon thereafter as the assessment roll is certified and delivered to the Tax Collector. All unpaid taxes become delinquent on April 1 following the year in which they are assessed. Discounts are allowed for early payment at the rate of 4% in the month of November, 3% in the month of December, 2% in the month of January, and 1% in the month of February. The taxes paid in March are without discount. No accrual for the property tax levy becoming due in September 30, 2012 is included in the accompanying financial statements, since such taxes are collected to finance expenditures of the subsequent period.

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

Delinquent taxes on personal property bear interest at 18% per year until the tax is satisfied either by seizure and sale of the property or by the seven-year statute of limitations. Since tax certificates were sold for substantially all current year delinquent property taxes, there were no material property taxes receivable at September 30, 2012.

Note 3. Cash and Investments

As of September 30, 2012, the value of the Board's deposits and investments, with their respective credit ratings, was as follows:

	Fair Value	Credit Rating	Duration
Deposits in Qualified Public Depositories	$ 5,610,633	N/A	N/A
External Investment in Government Pools:			
Florida State Treasury Special Purpose Investment Account (SPIA)	55,602,142	A+f	2.58
Florida Local Government Investment Trust Government Fund (FLGIT)	14,499,655	AAAf	1.84
Florida Municipal Investment Trust (FMIvT) 1-3 Year High Quality Bond Fund	27,382,710	AAA/V2	1.64
Florida Municipal Investment Trust (FMIvT) 0-2 Year High Quality Bond Fund	49,897	AAA/V1	0.83

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 3. Cash and Investments (continued)

	Fair Value	Credit Rating	Duration
Externally Managed Portfolio:			
Money Market	$ 506,973	AAA	0.08
U.S. Treasuries	21,258,429	AA+	2.24
Government Sponsored Agencies:			
Fannie Mae	11,777,029	AA+	1.50
Federal Home Loan Mortgage Corp	645,434	AA+	0.51
Other Government Sponsored Agencies	7,547,615	AA+	1.15
Temporary Liquidity Guarantee	476,439	AA+	2.65
Collateralized Mortgage Obligations	2,126,949	AA+	1.54
Commercial Paper	2,047,477	A-1	0.32
Corporate Bonds	4,335,401	AA	1.75
Corporate Bonds	14,347,480	A	2.12
Municipal Bonds	3,194,819	AAA	3.51
Municipal Bonds	4,834,737	AA	1.65
Municipal Bonds	970,002	A	3.15
Asset-backed Securities	2,119,334	AAA	0.92
Asset-backed Securities	22,443	A	0.05
Total Cash and Investments	$ 179,355,598		

The amounts above exclude cash on hand and amounts held by third parties in trust for the Board.

Credit Risk

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

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

1. The Local Government Surplus Funds Trust Fund or any authorized intergovernmental investment pool.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 3. Cash and Investments (continued)

Credit Risk (continued)

2. Securities and Exchange Commission (SEC) registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

3. Interest-bearing time deposits or savings accounts in qualified public depositories.

4. Direct obligations of the U.S. Treasury.

5. Federal agencies and instrumentalities.

6. Securities of, or other interests in, any management type investment company or trust registered under the Investment Company Act of 1940, where the investment portfolio is limited to United States Government Obligations.

7. Other investments authorized by law or by ordinance for a county or a municipality.

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

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

The Chief Financial Officer for the State of Florida (formerly the State Treasurer) has been investing state revenues, excess revenues of state universities and community colleges and certain other public agencies in a commingled investment portfolio for several years. This program is authorized under Section 17.61(1), *Florida Statutes* and is called the Treasury Special Purpose Investment Account (SPIA). Historically, SPIA participants have received higher earnings reflecting the higher risk associated with the longer maturities and lower credit quality. The financial details and disclosures for the Treasury Investment Pool are made in Note 2 to the State of Florida Comprehensive Annual Financial Report (CAFR). The Florida Treasury Investment Pool is rated by Standard and Poor's. The rating as of September 30, 2012 was A+f. Investments in this pool are limited to a maximum of 50% of the portfolio. A copy of SPIA's most recent financial statements can be found at http://www.fltreasury.org/fs_01.html.

The FLGIT is a local government investment pool created by the Florida Association of Court Clerks and the Florida Association of Counties for the purpose of providing public entities with an investment program that focuses on longer term securities with the highest credit ratings. The effective maturity of the underlying investments is five years or less. At year end, the FLGIT was invested in money markets, treasury notes, asset-

Note 3. Cash and Investments (continued)

Credit Risk (continued)

backed securities, and Federal agency obligations. This investment type is subject to some market risk due to fluctuating prices and liquidity risk due to advance redemption notification requirements. However, it has a professional investment advisor and an investment advisory board, and provides diversity in the Fund's portfolio. The FLGIT maintains a credit rating of AAA by Standard & Poor's. Investments in this pool are limited to a maximum of 15% of the portfolio. A copy of FLIGIT's most recent financial statements can be found at http://www.floridatrustonline.com/about

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

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

Custodial Credit Risk

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

Qualified public depositories of public funds are required to provide collateral each month pursuant to Section 280.04, Florida Statutes. The collateral is held by the Florida Division of Treasury or other custodian with full legal rights maintained by the Florida Division of Treasury to transfer ownership. Any loss not covered by the pledged securities and deposit insurance would be assessed by the Florida Division of Treasury and paid by the other public depositories. The County's deposits are therefore considered fully insured or collateralized. Bank balances at September 30, 2012, were $11,542,796.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 3. Cash and Investments (continued)

Custodial Credit Risk (continued)

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

Interest Rate Risk

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

The externally managed portfolio totaled $76,210,561 at September 30, 2012, and was invested for a weighted average term of 770 days. The County requires a minimum balance of short term investments. The portfolio shall maintain in liquid investments (defined as repurchase agreements purchased under the terms of the County's depository contract, open repurchase agreements, negotiable certificates of deposit, banker's acceptance, commercial paper, U.S. Treasury direct and agency obligations, money market funds, all having a maturity of 90 days or less, and SPIA) a minimum balance equal to one-twelfth of the current fiscal year's budgeted operating expenditures. The Board was in compliance with this requirement.

Foreign Currency Risk

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

Note 4. Fixed Assets

A summary of changes in fixed assets and depreciation for the year ended September 30, 2012, follows:

	Beginning Balance	Additions	(Reductions)	Ending Balance
Governmental activities:				
Land	$ 20,208,716	$ 0	$ 0	$ 20,208,716
Improvements other than buildings	14,626,843	0	0	14,626,843
Buildings and improvements	165,350,537	514,588	0	165,865,125

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 4. Fixed Assets (continued)

	Beginning Balance	Additions	(Reductions)	Ending Balance
Equipment	50,918,433	4,050,592	(2,575,944)	52,393,081
Construction in progress	39,928,125	14,405,210	(5,236,720)	49,096,615
Totals at historical cost	$291,032,654	$ 18,970,390	$ (7,812,664)	$302,190,380

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

	Beginning Balance	Additions	(Reductions)	Ending Balance
Business type activities:				
Land	$ 1,809,844	$ 0	$ 0	$ 1,809,844
Buildings, improvements, and construction in progress	19,276,507	151,725	0	19,428,232
Equipment	5,397,492	1,159,031	(1,130,786)	5,425,737
Totals at historical cost	26,483,843	1,310,756	(1,130,786)	26,663,813
Less accumulated depreciation for:				
Buildings and improvements	(11,116,477)	(35,619)	0	(11,152,096)
Equipment	(2,565,052)	(447,927)	387,048	(2,625,931)
Total accumulated depreciation	(13,681,529)	(483,546)	387,048	(13,778,027)
	$ 12,802,314	$ 827,210	$ (743,738)	$ 12,885,786

Note 5. Long-Term Debt

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

	Balance October 1, 2011	Additions	(Reductions)	Balance September 30, 2012	Due Within One Year
Long-Term Debt					
Special revenue debt:					
Capital Improvement Revenue Bonds, Series 2003A	$ 7,965,000	$ 0	$ 0	$ 7,965,000	$ 0
Taxable Capital Improvement Revenue Bonds, Series 2003B	12,465,000	0	0	12,465,000	0

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 5. Long-Term Debt (continued)

	Balance October 1, 2011	Additions	(Reductions)	Balance September 30, 2012	Due Within One Year
Capital Improvement Revenue Refunding Bonds, Series 2005	47,490,000	0	(2,985,000)	44,505,000	3,090,000
Capital Improvement Revenue Refunding Bonds, Series 2011	5,342,830	0	(2,656,760)	2,686,070	2,686,070
Total special revenue debt	73,262,830	0	(5,641,760)	67,621,070	5,776,070
Note payable	2,870,700	0	(377,200)	2,493,500	391,456
Liability for compensated absences	4,146,600	1,810,806	(1,606,048)	4,351,358	1,407,669
Other postemployment benefits	1,448,333	447,351	(51,614)	1,844,070	395,737
Arbitrage rebate liability	25,000	0	0	25,000	0
	$ 81,753,463	$ 2,258,157	$ (7,676,622)	$ 76,334,998	$ 7,970,932

Total interest costs incurred for general long-term debt by the Board, including amortization of bond refunding costs, for the year ended September 30, 2012, was $3,237,861.

B. A summary of each special revenue debt obligation outstanding at September 30, 2012 is as follows:

	Outstanding at September 30, 2012
$7,965,000, Capital Improvement Revenue Bonds, Series 2003A, (i) to pay a portion of the costs of the acquisition of the Bank of America Building, and (ii) the construction of improvements to the Bank of America Building, and (iii) to finance improvements to the County's courthouse and parking garage. The bonds dated May 27, 2003, are in denominations of $5,000 each and bear interest of 3.70% to 4.50% per annum. The interest on the bonds is payable on April 1 and October 1, beginning October 1, 2003. The bond principal matures serially on October 1 of each year for three years beginning October 1, 2018.	$ 7,965,000
$12,465,000, Taxable Capital Improvement Revenue Bonds, Series 2003B, to, (i) pay a portion of the costs of the acquisition of the Bank of America Building, and (ii) pay capitalized interest and issuance costs on the Series 2003 bonds, and (iii) pay bond issuance costs. The bonds dated May 27, 2003, are in denominations of $5,000 each and bear interest from 4.80% to 4.85% per annum. The interest on the bonds is payable on April 1 and October 1, beginning October 1, 2003. The bond principal matures serially on October 1 of each year for two years beginning October 1, 2018.	12,465,000

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 5. Long-Term Debt (continued)

	Outstanding at September 30, 2012
$54,695,000, Capital Improvement Revenue Refunding Bonds, Series 2005, (i) to finance a portion of the cost of the Series 2005 Project, (ii) to refund the County's Capital Improvement Revenue Bonds, Series 1997, maturing in the years 2008 through 2017, (iii) to refund the County's Capital Improvement Revenue Bonds, Series 1998A, maturing in the years 2014 through 2017, (iv) to refund the County's Capital Improvement Revenue Bonds, Series 1999, maturing in the years 2010 through 2017, (v) to pay capitalized interest on a portion of the Series 2005 Bonds, and (vi) to pay the costs of issuance of the 2005 Bonds, including the premiums in respect of a financial guaranty insurance policy and the surety bond to be deposited into the Reserve Fund. The bonds dated March 30, 2005, are in denominations of $5,000 each and bear interest from 3% to 5% per annum. The interest on the bonds is payable on April 1, and October 1, beginning October 1, 2006. The bond principal matures serially on October 1 of each year beginning October 1, 2006.	44,505,000
$7,895,040 Capital Improvement Revenue Refunding Bonds, Series 2011, (i) to refund the Capital Improvement Anticipation Notes, Series 1998B of which $7,790,000 was currently outstanding and (ii) to pay the bond issuance costs. The bonds, dated March 17, 2011 bear interest of 1.15% per annum. The interest on the bonds is payable on October 1, beginning October 1, 2011. The bond principal matures serially on October 1 of each year beginning October 1, 2011. The bond principal matures on October 1, 2013.	2,686,070
The Capital Improvement Revenue Bonds, Series 2003A, the Capital Improvement Refunding Revenue Bonds, Series 2005, 2011, and Taxable Capital Improvement Revenue Bonds, Series 2003B are parity bonds payable from and secured by a lien upon certain non-ad valorem revenue. The pledged revenues include the Local Government Half-Cent Sales Tax, Guaranteed Entitlement, Second Guaranteed Entitlement, and additional State Reserve Sharing Funds (less the Guaranteed Entitlement and the Second Guaranteed Entitlement).	
Total Special Revenue Debt	$ 67,621,070

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 5. Long-Term Debt (continued)

The Board's note payable at September 30, 2012 is as follows:

	Outstanding at September 30, 2012
SunTrust Equipment Finance & Leasing Corp On November 18, 2005, the Board borrowed $4,466,238, (including $3,986,522 tax exempt, and $479,686 taxable), under provision of Section 489.145 Florida Statutes. Interest rates are 3.74% and 5.85% for the tax exempt and taxable portion, respectively. The proceeds were used to purchase energy savings equipment. The taxable portion matured on May 18, 2008, and the tax-exempt portion matures on May 18, 2018.	$ 2,493,500

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

	Year ending September 30,				
	2013	2014	2015	2016	2017
Capital Improvement Revenue Refunding Bonds, Series 2005	$ 5,097,219	$ 7,969,406	$ 7,976,381	$ 7,970,781	$ 7,973,181
Capital Improvement Revenue Refunding Bonds, Series 2011	2,716,960	0	0	0	0
Capital Improvement Revenue Bonds, Series 2003A	352,170	352,170	352,170	352,170	352,170
Taxable Capital Improvement Revenue Bonds, Series 2003B	601,510	601,510	601,510	601,510	601,510
Note payable	484,513	484,513	484,514	484,514	484,514
Total Debt Service	$ 9,252,372	$ 9,407,599	$ 9,414,575	$ 9,408,975	$ 9,411,375

	2018-2022	2023-2025	Total Payments	Less Interest	Principal
Capital Improvement Revenue Refunding Bonds, Series 2005	$ 9,200,406	$ 10,520,951	$ 56,708,325	$ 12,203,325	$ 44,505,000
Capital Improvement Revenue Refunding Bonds, Series 2011	0	0	2,716,960	30,890	2,686,070
Capital Improvement Revenue Bonds, Series 2003A	8,975,020	0	10,735,870	2,770,870	7,965,000
Taxable Capital Improvement Revenue Bonds, Series 2003B	13,375,940	0	16,383,490	3,918,490	12,465,000
Note payable	484,514	0	2,907,082	413,582	2,493,500
Total Debt Service	$ 32,035,880	$ 10,520,951	$ 89,451,727	$ 19,337,157	$ 70,114,570

Note 6. Employees' Retirement Plan

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

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

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

The HIS Program is funded by required contributions from FRS participating employers as set by the State Legislature. Employer contributions are a percentage of gross compensation for all active FRS employees and are reported by employers with monthly payroll reports and included with the amount submitted for retirement contributions. For the fiscal year ended September 30, 2012, the contribution rate was 1.11% of payroll pursuant to Section 112.363, *Florida Statutes*.

The total employer retirement contributions for the fiscal years ended September 30, 2012, 2011, and 2010 were $2,106,821, $3,698,159, and $3,977,893, respectively, which is equal to the required contribution for each year.

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

Note 7. Other Postemployment Benefits

Plan Description

The Board participates in an agent multiple-employer plan administered by Leon County, Florida (the County) under which qualified retired employees are permitted to participate in the health and life insurance benefits

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 7. Other Postemployment Benefits (continued)

program (the Program). The health insurance benefits portion of the Program is considered by the County's insurance provider to be community-rated and the Program may be amended by the Board. A stand alone financial report is not issued for the Program.

Funding Policy

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

Annual OPEB Cost and Net OPEB Obligation

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

Normal cost (service cost for one year)	$ 220,520
Amortization of unfunded actuarial accrued liability	234,456
Interest on normal cost and amortization	18,199
Annual required contribution	473,175
Interest on net OPEB obligation	57,933
Adjustment to annual required contribution	(83,757)
Annual OPEB cost	447,351
Contributions made	(51,614)
Increase in net OPEB obligation	395,737
Net OPEB obligation at beginning of year	1,448,333
Net OPEB obligation at end of year	$ 1,844,070

The Board's share of the County's OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for fiscal year 2012 and the preceding two years is as follows:

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 7. Other Postemployment Benefits (continued)

Fiscal Year Ended	Annual OPEB Cost	Amount Contributed	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
September 30, 2012	$ 447,351	$ 51,614	12%	$ 1,844,070
September 30, 2011	$ 454,650	$ 45,236	10%	$ 1,448,333
September 30, 2010	$ 482,623	$ 74,427	15%	$ 1,038,919

Funded Status and Funding Progress

As of September 30, 2012, the Board's share of the actuarial accrued liability for benefits recognized in the County's financial statements was $4,216,369, all of which was unfunded. The Board's covered payroll (annual payroll of active employees covered by the plan) was $32,816,737. The ratio of the Board's actuarial accrued liability to the Board's covered payroll was 13% at September 30, 2012.

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

Actuarial Methods and Assumptions

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

For the October 1, 2010 actuarial valuation, the projected unit credit method of funding was used. The objective under that method is to fund each participant's benefits under the plan as they would accrue, taking into consideration the plan's benefit allocation formula. Thus, the total benefit value each participant is expected to become entitled to is broken down into units, each associated with a year of past or future credited service. The actuarial assumptions included a 4% rate of return based on the estimated long-term investments that are expected to be used to finance the payment of the benefits. In addition, the actuarial assumptions included a 3% salary growth rate. The unfunded actuarial liability is being amortized as a level of percentage of projected payroll on an open basis. The remaining amortization period at September 30, 2012, was 30 years.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 8. Risk Management

The County is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; error and omissions; injuries to employees; and natural disasters. The following is a summary of the County's coverage and exposure relating to the various risks of loss retained as of September 30, 2012.

General Liability

Effective October 1, 2009, the Board purchased commercial insurance for general liabilities from Travelers. From October 1, 2002 through September 30, 2008, the Board maintained commercial insurance for general liabilities from Preferred Governmental Insurance Trust. The Board maintained a $10,000 deductible with each insurance carrier.

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

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

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2012	$ 97,000	$ (34,002)	$ 0	$ 62,998
September 30, 2011	$ 64,000	$ 33,000	$ 0	$ 97,000

The claims liability of $62,998 includes an actuarial valuation for incurred but not reported claims of $15,000.

Workers' Compensation

The Board maintains a self-insurance Internal Service Fund (the Fund) to account for insurance activities relating to workers' compensation, which is administered by a third-party administrator, Preferred Governmental Claims Solutions. Under this program, the Board absorbs losses up to a maximum of $350,000 for each claim. At September 30, 2012, the Board had $40,000 deposited with the third-party administrator for use against future claims. The Board purchases commercial insurance for claims in excess of coverage provided by the Fund. Settled claims have not exceeded the retention level for this commercial coverage in the current year and any of the past four years.

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 8. Risk Management (continued)

Workers' Compensation (continued)

The actuarially-determined claims liability for workers' compensation of $2,531,277, which includes incurred but not reported claims of $1,325,737, reported in the Fund at September 30, 2012 is based on the requirements of Governmental Accounting Standards Board Statement No. 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred as of the date of the financial statements and the amount of the loss can be reasonably estimated. Changes in the Fund's claims liability amount were as follows:

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2012	$ 2,870,000	$ (458,723)	$ (120,000)	$ 2,531,277
September 30, 2011	$ 2,973,000	$ 306,000	$ 409,000	$ 2,870,000

Automobile Liability

The Board purchases commercial coverage for automobile liability insurance through the same provider of its general liability insurance. In addition the Board maintains physical damage coverage to vehicles valued at $25,000 or greater.

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

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2012	$ 5,000	$ 321	$ 0	$ 5,321
September 30, 2011	$ 13,000	$ (8,000)	$ 0	$ 5,000

The claims liability of $5,321 includes an actuarial valuation for incurred but not reported claims of $5,000.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 9. Leases

In June 2003, the Board purchased the Bank of America building. There are several noncancellable operating lease agreements for the rental of its building. The lease agreements provide for monthly rentals, which escalate over the lease terms and expire on various dates. Minimum future rentals to be collected under the terms of the lease agreements as of September 30, 2012, are as follows:

Year ending September 30,	Amount
2013	$ 1,174,630
2014	1,205,999
2015	1,110,321
2016	790,405
2017	322,870
Thereafter	1,187,484
	$ 5,791,709

On January 31, 2009, the Board entered into a capital lease for the purchase of computer equipment. The following is a schedule by years of future minimum lease payments under capital leases together with the present value of the net minimum lease payments:

Year ending September 30,	Amount
2013	$ 229,120
Less amount representing interest	(7,381)
Present value of net minimum lease payments	$ 221,739

Note 10. Other Required Individual Fund Disclosures

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

Interfund receivable and payable balances at September 30, 2012, are as follows:

Fund	Interfund Receivable	Interfund Payable
General Fund	$ 3,831	$ 0
Non-major Governmental Funds	0	3,831
	$ 3,831	$ 3,831

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 10. Other Required Individual Fund Disclosures (continued)

Interfund Transfers for the year ended September 30, 2012, consisted of the following:

Transfers to the General Fund from:	
Nonmajor Governmental Funds	$ 5,256
Total Transfers to the General Fund	5,256
Transfers to the Fine & Forfeiture Fund from:	
Nonmajor Governmental Funds	435,273
Total Transfers to the Fine & Forfeiture Fund	435,273
Transfers to the Grants Fund from:	
General Fund	121,155
Nonmajor Governmental Funds	132,019
Total Transfers to the Grants Fund	253,174
Transfers to the Capital Improvement Fund from:	
General Fund	3,725,115
Fire Assessment Fund	25,000
Nonmajor Governmental Funds	6,709,626
Total Transfers to the Capital Improvement Fund	10,459,741
Transfers to the Nonmajor Governmental Funds:	
General Fund	17,647,678
Other Nonmajor Funds	7,792,735
Total Transfers to the Nonmajor Governmental Funds	25,440,413
Total Transfers to Governmental Funds	36,593,857
Transfers to the Enterprise Fund from:	
General Fund	1,026,334
Total Transfers to Enterprise Funds	1,026,334
Total Interfund Transfers	$ 37,620,191

Note 11. Closure and Post-closure Care Cost

State and federal laws and regulations require the Board to place a final cover on each of its landfill cells when it stops accepting waste and to perform certain maintenance and monitoring functions on each cell for thirty years after closure. Although closure and post-closure care costs will be paid only near or after the date that the landfill stops accepting waste, the Board reports a portion of these costs as an operating expense in each period based on

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 11. Closure and Post-closure Care Cost (continued)

landfill capacity used as of each balance sheet date. The $11,327,787 reported as landfill closure and post-closure care liability at September 30, 2012, represents the cumulative amount reported to date based on the use of 100% of the estimated capacity of the landfill cells placed in use. These amounts are based on what it would cost to perform closure and post-closure care in 2012 on those cells placed in use. Actual costs may be higher due to inflation, changes in technology, or changes in regulations. The landfill is no longer accepting Class I waste, however it is still accepting residuals from a Class III materials recovery facility and recovered screened materials. Since the landfill is permitted as a single permit, until the entire landfill is closed the Board cannot begin to perform closure and post-closure care.

The Board is required by state and federal laws to make annual contributions to an escrow account to finance a minimum of all closure costs. The Board is in compliance with those minimum requirements, and at September 30, 2012, held investments in the amount of $7,126,955 for these purposes that are reported as restricted assets on the balance sheet. The Board expects that future inflation costs will be paid from interest earnings on these annual contributions. However, if interest earnings are inadequate or additional post-closure care requirements are determined; these costs may need to be covered by charges to future landfill users or from future tax revenue.

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

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

The Authority had the following bonds outstanding at September 30, 2012, pursuant to its authorization:

	Amount Outstanding
Single Family Mortgage Revene and Refunding Bonds:	
Series 1995 A	$ 265,000
	$ 265,000

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

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 13. Fund Balance

The Governmental Accounting Standards Board's Statement No. 54, effective for fiscal years beginning after June 15, 2010, requires that all fund balances be classified into one of the following four categories: nonspendable, restricted, committed, assigned, and unassigned. As described in Note 1, the financial statements of the Board are fund statements considered to be special purpose financial statements consistent with accounting practices prescribed by the Office of the Auditor General, State of Florida. Accordingly, the reclassification of fund balances is made at the county-wide financial statement level rather than in these special-purpose financial statements. Had the fund balance been reclassified in the special-purpose financial statements, the fund balances at September 30, 2012 would be:

	General Fund	Fine & Forfeiture Fund	Grants Funds	Fire Rescue Services Fund	Capital Improvement Fund
Invested in capital assets, net of related debt	$ 0	$ 0	$ 0	$ 0	$ 0
Unrestricted	0	0	0	0	0
Fund balances:					
Nonspendable	265,714	0	0	0	7,801
Restricted	0	0	1,358,617	0	1,285,822
Committed	3,081,165	144,875	63,310	431,994	11,300,210
Assigned	7,859,210	2,626,370	344,440	30,000	32,358,266
Unassigned	25,105,494	0	0	0	0
Total fund balances	$ 36,311,583	$ 2,771,245	$ 1,766,367	$ 461,994	$ 44,952,099

	Local Option Sales Tax Fund	Other Governmental Funds	Housing Component Unit	Landfill Fund	Governmental Activities Internal Service Funds
Invested in capital assets, net of related debt	$ 0	$ 0	$ 0	$ 12,003,333	$ 7,299,013
Unrestricted	0	0	896,829	6,998,573	(4,995,472)
Fund balances:					
Nonspendable	0	3,798,858	0	0	0
Restricted	0	9,758,631	0	0	0
Committed	538,064	10,286,807	0	0	0
Assigned	23,949,433	26,244,583	0	0	0
Unassigned	0	(1,353,520)	0	0	0
Total fund balances	$ 24,487,497	$ 48,735,359	$ 896,829	$ 19,001,906	$ 2,303,541

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 14. Commitments and Contingencies

A. Contract commitments:

Grants

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

Long-Term Construction Projects

The Board is committed to various material long-term construction projects at September 30, 2012. These commitments have been included in the 2011-2012 fiscal year budget and the five-year Capital Improvement Program and certain amounts have been reserved in the capital projects fund. Current contracts outstanding as of the report date approximate $5 million.

B. Potential liabilities resulting from litigation:

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

C. Encumbrances:

Encumbrances represent commitments related to unperformed contracts for goods or services. They do not constitute expenditures or liabilities. The commitments will be honored in the subsequent year. The Board had $2,357,559 reserved for encumbrances as of September 30, 2012.

Note 15. Excess of Expenditures Over Appropriations

The Fire Rescue Services Fund shows an excess of expenditures over appropriations. This excess is due to the appropriation and use of fund balance during the fiscal year. The contract for fire services with the City states that its collection of any fire service fees and assessments imposed by the County shall constitute full payment by the County to the City for all Fire Services provided under the agreement. In the agreement it states, “Both the City and County recognize the fire service fee rates are based on an average five year rate study period. Possible surplus revenues collected in early years are intended to offset probable increased costs in latter years of the five year rate study period. Any excess funds at the end of each fiscal year will be transferred into a Fire Services Reserve fund for future appropriation.” The true-up between the County and City is completed after the 60 day period for budget amendments to be done. All distributions are made in accordance with the contract.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2012

Note 16. Subsequent Event

The County issued $21,223,000 Capital Improvement Revenue Refunding Bonds, Series 2012 A and Series 2012 B to (i) refund the Capital Improvement Revenue Bonds Series 2003A and 2003B of which $7,965,000 and $12,465,000 respectively, were currently outstanding, and (ii) to pay the bond issuance costs. Proceeds of the Series 2012 A & B Bonds plus debt service reserve funds for $211,638.57 accrued interest were deposited into an escrow account held by a Trustee. The bonds, dated December 20, 2012, bear interest of 1.65% and 2.22% per annum, respectively. The interest on the bonds will be paid semiannually on April 1 and October 1, of each year, beginning April 1, 2013. The principal amount of the 2012A Term Loan will be payable annually on October 1, 2019 and October 1, 2020. The principal amount of the 2012B Term Loan will be payable annually on October 1 of each year through the final maturity of October 1, 2019.

Internal Control and Compliance Section

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

September 30, 2012

Thomas Howell Ferguson P.A.
CERTIFIED PUBLIC ACCOUNTANTS
Law, Redd, Crona & Munroe, P.A.

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

To the Board of County Commissioners
Leon County, Florida

We have audited the special-purpose financial statements of the Board of County Commissioners of Leon County, Florida (the Board) as of and for the year ended September 30, 2012, and have issued our report thereon dated February 18, 2013. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the Board is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the Board's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Board's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

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

We noted certain other matters that we reported to the Board's management in a separate letter dated February 18, 2013.

This report is intended solely for the information and use of the Board of County Commissioners of Leon County, Florida, others within the entity, and the Board's federal and/or state awarding agencies, and is not intended to be, and should not be, used by anyone other than these specified parties.

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

February 18, 2013

Management Letter

September 30, 2012

Thomas Howell Ferguson P.A.
CERTIFIED PUBLIC ACCOUNTANTS
Law, Redd, Crona & Munroe, P.A.

Management Letter

To the Honorable Board of County Commissioners
Leon County, Florida

We have audited the special-purpose financial statements of the Board of County Commissioners of Leon County, Florida (the Board), as of and for the fiscal year ended September 30, 2012, and have issued our report thereon dated February 18, 2013.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*; and Chapter 10.550, *Rules of the Florida Auditor General*. We have issued our Report on Internal Control Over Financial Reporting and Compliance and Other Matters. Disclosures in that report, which is dated February 18, 2013, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with the Chapter 10.550, *Rules of the Auditor General*, which govern the conduct of local governmental entity audits performed in the State of Florida. This letter includes the following information, which is not included on the aforementioned auditors' report

The *Rules of the Auditor General* (Section 10.554(1)(i)1.) require that we determine, whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. Corrective actions have been taken to address findings and recommendations made in the preceding annual financial report.

The *Rules of the Auditor General* (Section 10.554(1)(i)2.), require our audit to include a review of the provisions of Section 218.415, *Florida Statutes*, regarding the investment of public funds. In connection with our audit, we determined that the Board complied with Section 218.415, *Florida Statutes*.

The Rules of the Auditor General (Section 10.554(1)(i)3.) require that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

The Rules of the Auditor General (Section 10.554(1)(i)4.) require that we address violations of provisions of contracts or grant agreements, fraud, illegal acts, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did not have any such findings.

The Rules of the Auditor General (Section 10.554(1)(i)5.) provide that the auditor may, based on professional judgment, report the following matters that have an inconsequential effect on financial statements, considering both quantitative and qualitative factors: (1) violations of provisions of contracts or grant agreements, fraud, illegal acts, or abuse, and (2) deficiencies in internal control that are not significant deficiencies. In connection with our audit, we did not have any such findings.

The *Rules of the Auditor General* (Section 10.554(1)(i)6.), require that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the special-purpose financial statements. The name or official title and legal authority for the primary government and each component unit of the reporting entity are disclosed in Note 1 of the Notes to the Special-Purpose Financial Statements. The Leon County Housing Finance Authority, a component unit of Leon County, was authorized pursuant to Chapter 159, Part IV, of the *Florida Statutes* and was created by Leon County Ordinance 80-39.

*****

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

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

February 18, 2013

Thomas Howell Ferguson P.A.
CERTIFIED PUBLIC ACCOUNTANTS
Law, Redd, Crona & Munroe, P.A.

Management Letter

To the Honorable Board of County Commissioners
Leon County, Florida

We have audited the special-purpose financial statements of the Board of County Commissioners of Leon County, Florida (the Board), as of and for the fiscal year ended September 30, 2012, and have issued our report thereon dated February 18, 2013.

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Page Two

The Rules of the Auditor General (Section 10.554(1)(i)5.) provide that the auditor may, based on professional judgment, report the following matters that have an inconsequential effect on financial statements, considering both quantitative and qualitative factors: (1) violations of provisions of contracts or grant agreements, fraud, illegal acts, or abuse, and (2) deficiencies in internal control that are not significant deficiencies. In connection with our audit, we did not have any such findings.

The *Rules of the Auditor General* (Section 10.554(1)(i)6.), require that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the special-purpose financial statements. The name or official title and legal authority for the primary government and each component unit of the reporting entity are disclosed in Note 1 of the Notes to the Special-Purpose Financial Statements. The Leon County Housing Finance Authority, a component unit of Leon County, was authorized pursuant to Chapter 159, Part IV, of the *Florida Statutes* and was created by Leon County Ordinance 80-39.

*****

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

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

February 18, 2013

DRAFT

March 13, 2013

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

Dear Mr. Martin:

On March 12, 2013 the county received its audited financial statements for the year ended September 30, 2012. Along with the report, the county received the Management Letter. There were no findings by the auditors in the Management Letter.

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

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

Sincerely,

Nicholas J. Maddox
Chairman

NJM/DCR/dcr

Leon County
Board of County Commissioners

Notes for Agenda Item #3

Leon County
Board of County Commissioners

Cover Sheet for Agenda #3

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Adoption of an Enabling Resolution Establishing the Tallahassee-Leon County Commission on the Status of Women and Girls

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Shington Lamy, Assistant to the County Administrator

Fiscal Impact:
This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Adopt the Enabling Resolution establishing the Tallahassee-Leon County Commission on the Status of Women and Girls (Attachment #1).

Report and Discussion

Background:
In June 2010, the Oasis Center for Women and Girls (Oasis) approached the County with a proposal to create a Commission on Women and Girls. The initial proposal was to create a joint City/County committee; however, the City did not take action on the proposal. As a result, on September 14, 2010, the Board moved forward with the creation of the Leon County Commission on the Status of Women and Girls (Committee), with the goal of promoting issues that affect women and girls in the community. The current Committee is comprised of 21 members (14 appointed by the Board and seven appointed by the Committee).

On April 12, 2011, the Board adopted an enabling resolution that established the scope and responsibility of the Committee. Additionally, the Board contracted with Oasis, in the amount of $10,000, to provide administrative support to the Committee and assist in the preparation of an annual report to the Board.

On December 12, 2012, the Committee presented its annual report to the Board. At that time, the Board provided an additional $10,000 (for a total of $20,000) to Oasis to provide research and development support to the Committee. Additionally, the Board encouraged members of the Committee to approach the City of Tallahassee on providing financial support for a joint Commission on the Status of Women and Girls, as initially proposed in 2010.

On February 13, 2013, the City Commission agreed to provide funding to Oasis for administrative support to the Committee, at the current level provided by the County ($20,000) and move forward with the creation of a joint committee.

Analysis:
The terms of all 21 current members of the Committee will expire on April 30, 2013. This provides the Board the opportunity to adopt a new resolution that would establish a joint Committee to reflect the recent actions taken by the City.

As recommended by Oasis and the Committee, the proposed Enabling Resolution would establish the Tallahassee-Leon County Commission on the Status of Women and Girls and, in effect, replace the current Commission (Attachment #2). The Commission would remain a 21-member body with seven appointments by the Board (one appointment per Commissioner), seven appointments by the City Commission (one appointment per Commissioner, and two at-large appointments approved by the full City Commission, and seven appointments by the Commission.

Members of the Commission would serve two-year staggered terms. In order to establish staggered terms, 10 of the 21 appointments would serve initial one year terms, as follows: County Commission Districts 1, 3, and 5; City Commission Seats 2 and 4, and a full City Commission appointment; and four appointments by the Commission. After the initial appointments, all terms would be for two years.

As per County policy, members of the Commission appointed by the Board would not serve more than three consecutive terms. Should the Board adopt the Resolution, appointments to the Commission would be considered at an April Board meeting.

Options:

1. Adopt the Enabling Resolution establishing the Tallahassee Leon County Commission on the Status of Women and Girls.

2. Do not adopt the Enabling Resolution establishing the Tallahassee Leon County Commission on the Status of Women and Girls.

3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Enabling Resolution establishing the Tallahassee-Leon County Commission on the Status of Women and Girls
2. Email Correspondence from Oasis Center for Women and Girls regarding the Tallahassee-Leon County Commission on the Status of Women and Girls

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AND THE CITY OF TALLAHASSEE COMMISSION TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE TALLAHASSEE-LEON COUNTY COMMISSION ON THE STATUS OF WOMEN AND GIRLS AND WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE.

WHEREAS, the Board of County Commissioners of Leon County, Florida (the "Board"), and the City of Tallahassee Commission (the "Commission") recognizes and acknowledges the importance of public involvement and input in County and City governments; and

WHEREAS, women and girls make up more than half of the population in Tallahassee/Leon County; and

WHEREAS, while there has been significant progress made, there is still work to be done before women and girls achieve economic, education, and employment parity; and

WHEREAS, we must understand the current challenges that face our female citizens in order to best equip women and girls with the knowledge, skills, and equal access to reach for the promise of tomorrow; and

WHEREAS, in order for the Board and the Commission to consider the input of the public in the matter of the status of women and girls in the community, including, but not limited to discrimination, disparate experiences of diverse women and girls, employment, education, services, health, economic security, access to justice, freedom from violence and more, the Board and Commission wish to establish and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution" ("Board-Appointed Advisory Committees").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY AND CITY COMMISSION OF TALLAHASSEE, that:

1. The Board and the Commission hereby establish an advisory committee, to be named the Tallahassee-Leon County Commission on the Status of Women and Girls (the "Committee"), for the purpose of promoting matters pertaining to the status of women and girls in Tallahassee, Leon County.

2. The Committee shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Committee shall have as its goal the promotion of awareness on issues that affect women and girls in the community, including, but not limited to discrimination, disparate experiences of diverse women and girls, employment, education, services, health, economic security, access to justice, freedom from violence, and more.

4. The Committee shall be charged with the responsibility of providing input and recommendations to the Board and the Commission, as needed, on approaches with which to address issues affecting women and girls in Tallahassee, Leon County.

5. The Committee shall provide an annual written report to the Board and the Commission.

6. The Committee shall have twenty-one (21) members to be appointed as follows:

   a. Seven (7) shall be appointed by the Board. Each County Commissioner shall appoint one (1) member.
   b. Seven (7) shall be appointed by the Commission. The Mayor and each commissioner shall appoint one (1) member; the remaining two (2) appointments shall be made by the full Commission.
   c. Seven (7) members shall be appointed by the Committee and ratified by the Board and the Commission.

d. Each member shall serve a two-year term; however, the following committee appointments shall be made for an initial term of one (1) year: County Commission Districts 1, 3 and 5; City Commission Seats 2, and 4, and a full Commission appointment; and four appointments by the Committee. After the initial appointments, all terms shall be for two (2) years.

7. The members of the Committee shall not be subject to full and public disclosure of financial interests.

8. Member of the Committee appointed by the Board may not serve more than three consecutive terms.

9. The Committee shall be assisted by the staff of The Oasis Center for Women & Girls, Inc. pursuant to a separate agreement with Leon County and the City of Tallahassee.

10. The Committee shall be dissolved only upon direction of the Board and the Commission.

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 _____ day of _____, 2013 and by the City of Tallahassee Commission this ____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:

BY: _____
Bob Inzer
Clerk of the Circuit Court

APPROVED AS TO FORM:
Leon County Attorney's Office
Leon County, Florida

BY:_____
Herbert W. A. Thiele
County Attorney

CITY OF TALLAHASSEE, FLORIDA

BY: _____
John Marks, Mayor

ATTESTED BY:
City Clerk of Tallahassee, Florida

BY: _____

APPROVED AS TO FORM:
City of Tallahassee Attorney's Office

BY: _____

Shington Lamy - CSWG

From: "Haley Cutler" <haley.oasis@comcast.net>
To: "Shington Lamy" <lamys@leoncountyfl.gov>
Date: 2/28/2013 9:44 AM
Subject: CSWG

Hello Shington,

In accordance with our original vision for the Commission on the Status of Women and Girls, we are excited to be moving forward for the Leon County Commission on the Status of Women and Girls to become the Tallahassee-Leon County Commission on the Status of Women and Girls making this a joint City/County Citizens Advisory Committee. At the City Commission meeting on February 13, 2013 the City Commissioners unanimously voted to match the county's contribution to the Commission on the status of Women and Girls and proceed with the next steps.

It is our recommendation and request, after consulting with the Chair of the Commission on the Status of Women and Girls, that the appointment structure to the Tallahassee-Leon County Commission on the Status of Women and Girls consist of seven appointments made by the County Commission, seven appointments made by the City Commission and seven appointments which are made by the Commission on the Status of Women and Girls which will be ratified by both the County and City Commissions. We also need to establish rolling terms.

Lastly, we currently have many commissioners who are very interested in serving a second term and we hope to have the opportunity to communicate that to the County and City Commissioners when they consider their upcoming appointments.

Thank you for your stewardship and support! Please let me know if you need anything else.

Thank you!

--
Haley Cutler
Executive Director
Office: 850-222-2747
Cell: 954-260-5601
317 E. Call St. Tallahassee Fl 32301

THE OASIS CENTER FOR WOMEN & GIRLS

Improving the lives of women and girls through celebration and support

Visit us online! www.theoasiscenter.net

Leon County
Board of County Commissioners

Notes for Agenda Item #4

Leon County
Board of County Commissioners

Cover Sheet for Agenda #4

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of Commissioners' Appointments to the Science Advisory Committee and the Viva Florida Time Capsule Committee

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:
Option #1: Ratify Commissioners' appointments as follows:

a. Commissioner Dozier reappoints Robert Newburgh to the Science Advisory Committee.
b. Commissioner Lindley reappoints Scott Hannahs to the Science Advisory Committee.
c. Commissioner Proctor reappoints Michael Abazinge to the Science Advisory Committee.
d. Commissioner Desloge appoints Robert Bullard to the Viva Florida Time Capsule Committee.
e. Commissioner Lindley appoints Jordan Thompson to the Viva Florida Time Capsule Committee.
f. Commissioner Maddox appoints Marion McGee to the Viva Florida Time Capsule Committee.
g. Commissioner Sauls appoints Sharon Gray to the Viva Florida Time Capsule Committee.

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for Advisory Committee appointments by having a Consent item prepared for individual Commissioner appointments.

Analysis:

Science Advisory Committee

Members serve two-year terms, expiring March 31, with each Commissioner having one appointment and all appointees to the SAC are required to be credentialed scientists (Attachment #1). The terms of Michael Abazinge (Commissioner Proctor), Scott Hannahs (Commissioner Lindley), Robert Newburgh (Commissioner Dozier) expire March 31, 2013. Mr. Abazinge was originally appointed in 2008; Mr. Hannahs was first appointed in 2009; and, Mr. Newburgh was first appointed in 2008. Therefore, they would be eligible for reappointment. No additional applications have been received.

Commissioners Dozier, Lindley, and Proctor have appointments.

Viva Florida Time Capsule Committee

At the January 29, 2013 meeting, the Board adopted an Enabling Resolution establishing the Viva Florida Time Capsule Committee. The Committee is to be comprised of seven Leon County residents (one appointment per Commissioner), and have the responsibility of leading the effort of recommending and collecting the items for the time capsule. Additionally, the Committee is charged with gathering public input on determining the appropriate items that capture the events, policies, literature, and technologies that shape the community (Attachment #2). Applications for the following appointees are attached: Robert Bullard (Attachment #3), Jordan Thompson (Attachment #4), Marion McGee (Attachment #5), and Sharon Gray (Attachment #6).

Commissioners Desloge, Lindley, Maddox, and Sauls have appointments.

Options:

Option #1: Ratify Commissioners' appointments as follows:

a. Commissioner Dozier reappoints Robert Newburgh to the Science Advisory Committee.
b. Commissioner Lindley reappoints Scott Hannahs to the Science Advisory Committee.
c. Commissioner Proctor reappoints Michael Abazinge to the Science Advisory Committee.
d. Commissioner Desloge appoints Robert Bullard to the Viva Florida Time Capsule Committee.
e. Commissioner Lindley appoints Jordan Thompson to the Viva Florida Time Capsule Committee.
f. Commissioner Maddox appoints Marion McGee to the Viva Florida Time Capsule Committee.
g. Commissioner Sauls appoints Sharon Gray to the Viva Florida Time Capsule Committee.

2. Continue appointments.
3. Board direction.

Recommendation:

Option #1, a-g.

Attachments:

1. Eligibility and Criteria – Science Advisory Committee
2. Eligibility and Criteria – Viva Florida Time Capsule Committee
3. Application – Robert Bullard
4. Application – Jordan Thompson
5. Application - Marion McGee
6. Application – Sharon Gray

Science Advisory Committee

Responsibility:
Evaluates scientific evidence and reports findings and recommendations pertaining to environmental issues.

Created By:
BCC established in April 1995. Amended bylaws approved 2/8/2000

Appointments:
9 members - 7 appointed by BCC, each commssioners appoints one.
2 appointed by the City

If additional government bodies desire to make appointments to the Committee, said appointments shall be of an ex-officio nature. Ex-officio members will not have voting rights, but may participate in all other proceedings of the committee.

Terms:
Terms expire March 31. Appointed members serve a two-year term and shall be eligible for Commissioner reappointment for no more than three terms, as long as they are active, interested, and adhere to the articles of the by-laws. Per the 2000 revisions to the by-laws, terms will be staggered as follows: BCC appointments representing Commission Districts I, III, and IV and City Commission appointment #1 will expire in (March) 2000. BCC appointments representing Commission Districts II, V, and the At-Large Districts and City Commission appointment #2 will expire in (March) 2001. Vacancies filled for remainder of the unexpired term.

Eligibility Criteria:
All appointees to the SAC shall be credentialed scientists.

Schedule:
Meets the first Friday of each month, 8:30 a.m., at Growth and Environmental Managment Office located at 435 N. Macomb Street
Tallahassee, FL 32301

Type of Report:
Report to BCC annually.

Contact Person/Staff:
John Kraynak, Director, Environmental Services Division
Development Support & Environmental Management
435 N. Macomb Street 32301
606-1300
email: kraynakj@leoncountyfl.gov

Administrative Support:
Mechelle Cook
606-1300
cookme@leoncountyfl.gov

Jones, Cynthia B.	Begin Term: 7/6/2011 End Term: 3/1/2013 Type: unexpired term	Original Date: 7/6/2011 Appointed by: Tallahassee City Commission	Notes: Email: Jones1.Cynthia@gmail.com
Hannahs, Scott	Begin Term: 3/15/2011 End Term: 3/31/2013 Type: two years	Original Date: 3/19/2009 Appointed by: Mary Ann Lindley Commissioner At-large	Notes: Research Physicist Email: sth@curg.org
Wieckowicz, Richard	Begin Term: 3/31/2011 End Term: 3/31/2013 Type: two years	Original Date: 1/1/2005 Appointed by: Tallahassee City Commission	Notes: Professional Engineer (retired) tdmlbears@yahoo.com
Newburgh, Robert	Begin Term: 4/26/2011 End Term: 3/31/2013 Type: two years	Original Date: 12/9/2008 Appointed by: Kristin Dozier Commissioner District V	Notes: Biochemistry Email: bobnewburgh@gmail.com
Abazinge, Michael FAMU Environmental Science Institute	Begin Term: 3/15/2011 End Term: 3/31/2013 Type: two years	Original Date: 10/14/2008 Appointed by: Bill Proctor Commissioner District I	Notes: Environmental Science Email: michael.abazinge@famu.edu
Lewis, Thomas	Begin Term: 1/24/2012 End Term: 3/31/2014 Type: two years	Original Date: 1/24/2012 Appointed by: Nick Maddox Commissioner At-large	Notes: Category: Consulting Geologist Email: tlewis@chastainskillman.com

Salters, Vincent Florida State University	Begin Term: 4/10/2012 End Term: 3/31/2014 Type: two years	Original Date: 5/25/2010 Appointed by: Bryan Desloge Commissioner District IV	Notes: Magnetic Science Email: salters@alum.mit.edu
Landing, William Oceanography Department, FSU	Begin Term: 4/10/2012 End Term: 3/31/2014 Type: two years	Original Date: 4/11/1995 Appointed by: John Dailey Commissioner District III	Notes: Environmental Chemistry and Chemical Engineering Email: Wlanding@mailer.fsu.edu
Fusaro, Ben	Begin Term: 4/10/2012 End Term: 3/31/2014 Type: two years	Original Date: 5/25/2004 Appointed by: Jane G. Sauls Commissioner District II	Notes: Environmental mathematician

RESOLUTION NO. 13-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE LEON COUNTY VIVA FLORIDA TIME CAPSULE COMMITTEE AND WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE.

WHEREAS, the state of Florida is celebrating the 500th anniversary of its discovery by Juan Ponce de Leon with the Viva Florida Celebration; and

WHEREAS, the Board of County Commissioners of Leon County, Florida (the Board) has identified the Viva Florida 500th anniversary as a strategic initiative and citizen engagement in the celebration as a high priority; and

WHEREAS, the Florida Department of State has provided Leon County as well as the remaining 66 counties with a time capsule to store and seal items unique to the community that may one day be opened by a future generation; and

WHEREAS, the time capsule is required to be sealed with the items selected by December 31, 2013; and

WHEREAS, the Board recognizes and acknowledges the importance of public involvement and input in County government; and

WHEREAS, the Board wishes to engage citizens in collecting items for the Viva Florida Time Capsule and to establish and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution" ("Board-Appointed Advisory Committees")

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

1. The Board hereby establishes an advisory committee, to be named the Leon County Viva Florida Time Capsule Committee, for the purpose of leading the effort to recommend and collect the items for the Viva Florida Time Capsule.

2. The Leon County Viva Florida Time Capsule Committee shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Leon County Viva Florida Time Capsule Committee shall have as its goal the promotion of awareness of the County's effort to collect items for the Viva Florida Time Capsule and to gather public input on items that should be included.

4. The Leon County Viva Florida Time Capsule Committee shall determine the length of period for which the Viva Florida Time Capsule shall be sealed.

5. The Leon County Viva Florida Time Capsule Committee shall provide a presentation the Board within 60 days of its appointment.

6. The Leon County Viva Florida Time Capsule Committee shall have seven (7) members with each County Commissioner having one appointment.

7. The members of the Leon County Viva Florida Time Capsule Committee shall not be subject to full and public disclosure of financial interests.

8. The Leon County Viva Florida Time Capsule Committee shall be dissolved on June 30, 2013.

9. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 29th day of January, 2013.

ATTESTED BY:

BY: _____
Bob Inzer
Clerk of the Circuit Court

LEON COUNTY, FLORIDA

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

APPROVED AS TO FORM:
Leon County Attorney's Office
Leon County, Florida

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

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: Robert Bullard | Date: 14-Feb-2013

Home Phone: (850) 893-4978 | Work Phone: | Email: bcbullard@comcast.net

Occupation:RETIRED | Employer: N/A

Preferred mailing location: Home Address
Work Address:

City/State/Zip: FL

Home Address 1202 CONSERVANCY DRIVE E

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? 6.00 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?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Viva Florida Time Capsule 2nd Choice: Adjustment and Appeals Board

What cultural arts organization do you represent, if any?

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested: Code Enforcement, Planning

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: 66
Disabled? No District: District 4

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.

References (you must provide at least one personal reference who is not a family member):

Name: MARK WILBANKS Telephone: 850-894-0023
Address: 8524 HEATHCLIFF COURT 32312

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? 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: Bob Bullard

This application was electronically sent: 2/14/2013 11:37:53AM

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: Jordan Thompson | Date: 27-Feb-2013

Home Phone: (850) 893-9350 | Work Phone: (850)570-6974X | Email: cgthompson@comcast.net

Occupation: HIGH SCHOOL STUDENT | Employer: N/A

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE FL

Home Address 6617 SANDY JAMES DR.

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? 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? 17.00years

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?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: 2nd Choice:

What cultural arts organization do you represent, if any?
N/A

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:
N/A

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? 1
And for how many months would you be willing to commit that amount of time? 2
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 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: 17
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.

I AM A SENIOR AT LAWTON CHILES HIGH SCHOOL AND PLAN TO ATTEND THE UNIVERSITY OF FLORIDA. I AM A FREQUENT VOLUNTEER AT CAPITAL REGIONAL MEDICAL CENTER. I HAVE HAD THE CHANCE TO VOLUNTEER AT TALLAHASSEE ORTHOPEDIC CLINIC. I HAVE ALSO HAD THE OPPORTUNITY TO SPEARHEAD MULTIPLE CAMPAIGNS THROUGHOUT LEON COUNTY SUCH AS THE CIVICS AND AMERICANISM CAMPAIGN, THE UNITED WAY "QUARTERS OF A MILE" INITIATIVE, AND ALSO THE STOP SAGGING AND START SWAGGING CAMPAIGN. THROUGHOUT HIGH SCHOOL, I HAVE PLAYED A ROLE IN ORCHESTRATING RELAY FOR LIFE AND VARIOUS OTHER ANNUAL CHARITABLE EVENTS.

References (you must provide at least one personal reference who is not a family member):

Name: RAMON ALEXANDER Telephone: 850-597-2977
Address: N/A

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? No
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? 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: Jordan Thompson

This application was electronically sent: 2/27/2013 8:33:36PM

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: MARION MCGEE | Date: 28-Feb-2013

Home Phone: | Work Phone: (850)681-7881X | Email: mmcgee@rileymuseum.org

Occupation:ASSISTANT DIRECTOR | Employer: JOHN G. RILEY CENTER/MUSEUM

Preferred mailing location: Work Address
Work Address: HTTP://WWW.FAAHPN.COM
419 EAST JEFFERSON STREET
City/State/Zip: TALLAHASSEE FL 32301

Home Address 2000 NORTH MERIDIAN ROAD
APT 313
City/State/Zip: TALLAHASSEE FL 32301

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? No
For how many years have you lived in and/or owned property in Leon County? 17.00years

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?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: 2nd Choice:

What cultural arts organization do you represent, if any?
JOHN G. RILEY CENTER/MUSEUM OF AFRICAN AMERICAN HISTORY & CULTURE

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

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? 1
And for how many months would you be willing to commit that amount of time? 3 to 5
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 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: Sex:Female Age: 35
Disabled? No District: District 1

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.

CURRENTLY SERVING ON THE TOURIST DEVELOPMENT COUNCIL

References (you must provide at least one personal reference who is not a family member):

Name: ALTHEMESE BARNES Telephone: (850) 766-4266
Address: 419 EAST JEFFERSON STREET, TALLAHASSEE, FL 32301

Name: COMMISSIONER NICK MADDOX Telephone: (850) 606-5311
Address: 301 S. MONROE STREET, 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? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? 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: MARION M. MCGEE

This application was electronically sent: 2/28/2013 11:57:16AM

MARION MCGEE, M.B.A.

P.O. Box 4314 * Tallahassee, FL 32315 * (850) 339-2757 * MsMcGee78@gmail.com

Experienced professional with a proven ability to multi-task & accomplish organizational priorities, who desires to impact and enhance communities by empowering others. Highly regarded as an:

Innovative Relationship Builder	*Excellent Communicator*	*Engaging Public Speaker*
Experienced Deal Maker/Negotiator	*Interactive Facilitator*	*Community Focused Individual*

TECHNICAL PROFICIENCIES:

Adobe Acrobat	Microsoft Excel	Microsoft Outlook
Microsoft Publisher	Microsoft Power Point	Microsoft Word
Internet Navigation	SPSS Database Software	Typing Speed (65-wpm)

MANAGEMENT EXPERIENCE:

John G. Riley Museum of African American History & Culture – *Assistant Director (05/11 – Present)*

- Working closely with the Founder & Executive Director to learn every phase of the organization's operation inclusive of administration, program planning, funding development, and exposure to partners in preparation to assume the role of Executive Director in the next fifteen months.
- Provide leadership and collaboration through active involvement with staff, stakeholders and affiliates, in accordance with industry standards and professional practices, while having the latitude to be creative and bring new ideas and concepts to the organization.
- Offer strategic planning and support toward prudent financial management of resources and exercise good stewardship over all proprietary holdings, programs and organizational initiatives.
- Attend industry meetings and conferences to accomplish the organizational mission and to augment local, regional and national partnerships.
- Administrate, coordinate and oversee fundraising initiatives to preserve museum programs that ensure the sustainability of the organization
- Collaborate with Board and the Staff to develop policies and procedures that ensure adherence to local, state and federal grant standards.
- Provide an engaging educational journey through history to visitors and supporters of the museum through ongoing communications and enhanced marketing and promotional strategies.

U.S. Department of Commerce (Bureau of the Census) – *Senior Partnership Specialist (12/08 – 09/10)*

- Established partnerships with county governments and municipalities, school districts, businesses, faith and community-based organizations within a 28-county North Florida Region (Escambia to Duval counties) to guarantee a complete and accurate 2010 Census count.
- Established strategic alliances that enhanced local communities by increasing civic awareness among underserved populations, resulting in an overall increase in the Census response rate.
- Promoted to Regional Team Leader (within 9 months of hire) responsible for the management, training and delegation of a 12-person staff. attraction

- Developed performance measures and process improvement methods based on detailed assessments of regional performance in order to offer solutions that led to more fruitful partnerships and more effective management of client relationships.

- Coordinated simultaneous promotional events, marketing/collateral material, logistic and staffing needs in multiple locations throughout the North Florida Region, successfully attracting hundreds and thousands of people from underserved populations specifically targeted by the Census partnership program.

- Protected confidential and proprietary materials while maintaining a database of over 3,000 contacts, using (Salesforce™) software, to allow for more efficient access and preservation of data by the U.S. Congress.

WORKFORCE *plus* Executive Center - *Executive Center Associate* *(12/ 07 – 01/09)*

- Designed, promoted and facilitated weekly professional development courses for job-seeker clients and semi-annual train-the-trainer courses for employees requiring the design of new coursework, scheduling consistent course offerings, developing learning objectives, determining information flow, and incorporating practical learning tools to engage auditory, visual and kinesthetic learners.

- Promoted participation using collateral marketing material, distributing announcements, enrolling participants, facilitating learning in an engaging manner, collecting participant feedback, evaluating course effectiveness and providing bi-weekly, monthly and quarterly performance reports for management review.

- Established internal communication methods to protect the integrity of employers and job-seeker data and to provide consistent and exceptional service to stakeholders served by our Regional Workforce Board.

- Managed workforce development programs, recruitment events and performance measures to successfully align local employers with the highest quality job-seeker candidates.

- Identified process improvement methods through observation and analysis of processes to offer appropriate solutions that led to more efficient client intake, enhanced job-seeker services and retention.

MARKETING & DEVELOPMENT EXPERIENCE:

Tallahassee Lenders' Consortium - *Homebuyer Education Program Trainer* *(05/06 – 01/09)*

- Administered financial literacy, homebuyer education, orientations pre- and post-purchase courses including: workshop logistics, schedule of classes, lesson-plan development, curriculum enhancement, adult learning-style observation, evaluation and enhancement of course material.

- Coordinated adult education workshops including: leading discussions, designing course materials, procuring partners, identifying no-cost facilities, monitoring and maintaining cleanliness, opening and securing buildings, soliciting sponsors and participant incentives.

- Collected and reviewed course evaluations, sign-in sheets, funds received by and for clients and updated client intake data in Fannie Mae case management database to ensure compliance with federal grant administration guidelines.

- Fostered communication and participation by local community leaders and business owners through organized meetings, goal-setting, and recommending changes to enhance the flow of information.

- Provided financial guidance, one-on-one counseling and group education to first-time homebuyers, delinquent borrowers, and reverse mortgage clients in order to protect the financial interest of each customer served and to promote a more thorough understanding of consumer rights and responsibilities.

Florida State University College of Human Sciences - *Adjunct Instructor* *(07/05 – 07/06)*

- Established student performance standards and measurable academic objectives to better equip future housing professionals to make a significant contribution to the community.
- Adapted behavior and teaching methods in response to new information, changing external (housing market) and internal (course demand) conditions, and unexpected obstacles.
- Accountable for the creation and management of course material, student performance standards and grade accumulation for the Fall 2005 and Spring 2006 academic semesters.
- Incorporated professional development principles into the academic coursework to provide a more realistic application of community development practices and enhance the marketability of recent graduates who would soon be pursuing full time employment.
- Facilitated learning of key concepts and practical application of material in the Residential Development Program for core curriculum courses that included: *Principles of Housing* (HHD 3120), *Introduction to Property Management* (HHD 3820), and *Marketing Issues in Property Management* (HHD 4823).

Abundant Life & Restoration Ministries - *Celebration of Girls Event Coordinator* *(04/04 – 01/09)*

- Established a youth mentoring and community outreach event designed to encourage and empower girls ages 7 to 18.
- Equipped young ladies with practical tools to help them handle various challenges and changes in their physical, spiritual and emotional makeup.
- Shared wisdom and experiences of accomplished women throughout the Tallahassee community in an effort to provide the young participants with tangible proof of all that is attainable for them.
- Coordinated creatively themed events which provided participants with a life enriching experience through educational and entertaining activities where participants, parents and volunteers can all be enriched.
- Developed activity days such as: *"Girl Power"* a day of tennis & golf instruction which honored female athletes of every genre and culminated with a trivia game testing their knowledge of past and present female sports pioneers; *"Sugar & Spice"* a sweet treats day where we baked homemade goods and discussed appropriate dining etiquette; *"Jewels of a Princess"* an inner beauty development day complete with a crown making session, a self discovery scavenger hunt where girls discussed origins of true beauty and culminated with a poise lesson provided by the reigning Miss Florida Teen U.S.A.

Tallahassee Board of Realtors - *Equal Opportunity Committee Chairperson* *(09/03 – 01/09)*

- Secured a grant from the National Association of Realtors to administer homebuyer education and training curriculums to underrepresented populations throughout the Tallahassee/Big Bend region.
- Implemented diversity training initiatives and events to promote understanding of the changing demographics of the local region.
- Worked as an independent contractor (*Florida Licensed Realtor®)* which required highly efficient management of time, while handling heavy workloads, producing results within tight deadlines, and determining priorities among competing demands.
- Maintained cohesive partnerships with lenders, developers, builders and local non-profit agencies to maximize affordable housing opportunities for low and moderate-income homebuyers in [target] high-risk populations through ongoing community outreach, competitor goodwill and a professional demeanor that reflects a personal standard of excellence and promotes a synergistic team atmosphere.

Florida Housing Finance Corporation – *Statewide Marketing Coordinator* *(05/03 – 01/05)*

- Promoted the state's down-payment assistance program for First Time Homebuyers through creative outreach events and other housing policy awareness building initiatives which involved: statewide travel to establish partnerships with housing affiliates, lenders, realtors® and affordable housing advocates, as well as contributing editorial content for the Corporation's quarterly Newsletter, external Website and Annual Report.

- Established the organization's first Homebuyer Showcase in partnership with the Tallahassee Lenders' Consortium to provide prospective homebuyers with an opportunity to meet housing industry professionals, tour local properties and gain an understanding of the purchase process in a trade-show style environment.

- Initiated the first Annual Lender Appreciation Awards Banquet in recognition of top producing loan originators throughout the state of Florida, who successfully originated bond loans for first-time homebuyers. This awards program still continues to motivate and engage participating lenders annually.

- Developed the organization's first Continuing Education Course for Florida Realtors *"Affordable Housing Solutions: What Every Realtor Should Know"* and traveled throughout the state facilitating the course to further build recognition and understanding of the state's First-Time Homebuyer Down Payment Program.

Educational Development Company - *Strategic Marketing & Development Coordinator* *(08/01 – 08/02)*

- Implemented and structured municipal bond financing deals to allow for the creation of multi-family housing facilities through partnerships between University Foundations, local non-profits, Community Development Corporations and private sector developers.

- Provided market analysis, site selection, project oversight, marketing and final product delivery of student housing properties.

- Developed interactive presentations and responses to RFP's in an effort to expand the organizations' market share and asset management portfolio.

- Designed innovative marketing strategies for newly built properties, including but not limited to: implementing college campus incentives, recruiting and training part-time student staff members, providing ongoing project promotion and creating management operation plans.

EXCELLENT REFERENCES AVAILABLE UPON REQUEST

PROFESSIONAL CREDENTIALS & ACCOMPLISHMENTS:

Appointment to Leon County Tourist Development Council *(January 2013)*
Develops plans for tourism growth and formulates recommendations for use of local tax dollars and revenue from the county's development trust fund (Tallahassee, Florida)

Salzburg Global Forum for Young Cultural Leaders *(October - November 2012)*
6-day forum for leaders (ages 25-35) from thirty-five countries focused on developing innovate yet practical approaches to public policy creation and community engagement (Salzburg, Austria)

Florida Licensed Real Estate Broker *(October 2010 – September 2012)*
Florida Department of Business & Professional Regulation (Tallahassee, FL)

Entrepreneurial Excellence Program Fellow (*March – April 2011*)
Economic Development Council of Tallahassee/Leon County (Tallahassee, FL)

Leadership Tallahassee Class 27 (*April 2009 – May 2010*)
A Division of the Greater Tallahassee Chamber of Commerce (Tallahassee, FL)

Tier 1 & Tier 2 Certified Workforce Development Professional *(August 2008)*
Dynamic Works Institute (Halstead, FL)

Chair of the Equal Opportunity Committee – Enhancing Diversity & Cultural Awareness Among Real Estate Professionals *(Fiscal Year 2007-2008)*
Tallahassee Board of Realtors Executive Board (Tallahassee, FL)

Board of Directors *(Fiscal Year 2007-2008)*
Tallahassee Lenders' Consortium (Tallahassee, FL)

Masters in Business Administration *(April 2007)*
Florida A&M University School of Business & Industry (Tallahassee, FL)

Million Dollar Sales Agent – Winner's Circle Award *(December 2006, 2005)*
Tallahassee Board of Realtors (Tallahassee, FL)

Founder, **Celebration of Girls *(February 2004)***
Youth Mentoring Program for Girls ages 7-18 (Tallahassee, FL)

Understanding Underwriting for Emerging Markets Certification *(May 2004)*
Neighbor-Works Training Institute - Neighborhood Reinvestment Corporation (Minneapolis, MN)

Homebuyer Education Professional Trainer Certification *(March 2004)*
Neighbor-Works Training Institute - Neighborhood Reinvestment Corporation (Atlanta, GA)

Marketing Home Ownership Programs for Maximum Impact Certification *(December 2003)*
Neighbor-Works Training Institute - Neighborhood Reinvestment Corporation (San Francisco, CA)

Florida Licensed Real Estate Sales Associate *(September 2003)*
Florida Department of Business & Professional Regulation (Tallahassee, FL)

Bachelor of Science in Business Management/Finance Concentration *(December 2001)*
Florida A&M University School of Business & Industry (Tallahassee, FL)

First Place Award for Development and Public Critique/Defense of Published Research Dissertation Exploring the Impact of Urban Economic Trends on Entrepreneurship *(July 1999)*
Ronald E. McNair Program Scholars Conference (Knoxville, TN)

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: Sharon Gray | Date: 28-Feb-2013

Home Phone: (850) 877-6579 | Work Phone: (850)224-6222X | Email: aplantomeet@earthlink.net

Occupation:MEETING PLANNER | Employer: A PLAN TO MEET, INC.

Preferred mailing location: Home Address
Work Address: P.O. BOX 6838

City/State/Zip: TALLAHASSEE FL 32314

Home Address 2012 RIVERS RD.

City/State/Zip: TALLAHASSEE FL 32305

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? 45.00years

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?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: 2nd Choice:

What cultural arts organization do you represent, if any?

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

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? 1
And for how many months would you be willing to commit that amount of time? 3 to 5
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 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:Female Age:
Disabled? Yes District: District 2

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.

PAST PRESIDENT, LCSO CITIZEN'S ACADEMY ALUMNI ASSOCIATION
PRESIDENT, FOREST EDGE NEIGHBORHOOD
BOARD MEMBER KEEP TALLAHASSEE LEON COUNTY BEAUTIFUL
MEMBER COMMITTEE OF 99
MEMBER TALLAHASSEE SOCIETY OF ASSOCIATION EXECUTIVES
MEMBER SOCIETY OF GOVERNMENT MEETING PROFESSIONALS
CERTIFIED MEETING PROFESSIONAL
SMALL BUSINESS OWNER, STATE OF FL MBE CERTIFIED
AFFILIATED WITH LOGISTIC INNOVATIONS AND PROFESSIONAL MEETING PLANNING NETWORK
COMMUNITY VOLUNTEER

References (you must provide at least one personal reference who is not a family member):

Name: HOMER TEDDER Telephone: 850-878-2001
Address: 6028 FOX RD, TALLAHASSEE, FL 32305

Name: JEWELL HIRSCH Telephone: 850-877-6188
Address: 6176 LAFRANCE RD, TALLAHASSEE, FL 32305

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? No
Are you willing to complete a financial disclosure form and/or a background check, if applicable? No

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? 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: Sharon P. Gray

This application was electronically sent: 2/28/2013 8:05:48PM

SHARON P. GRAY, CMP

P.O. Box 6838
Tallahassee, Florida 32314-6838
850-224-6222 phone 850-877-7022 fax

EDUCATION	Florida State University, Tallahassee, Florida Bachelor of Science in Economics
PROFESSIONAL EXPERIENCE	
10/03 to present	PRESIDENT/OWNER, A Plan to Meet, Inc. Providing comprehensive event planning services to clients in the government, association, and corporate market. Services tailored to meet the needs of the client.
8/99 to 9/03	CONFERENCE COORDINATOR, Florida Association of School Administrators Worked with Board of Directors, Executive Director, FASA staff members, and the Department of Education to coordinate and plan all aspects of conference activities, including budget development, site selection, hotel contract negotiations, promotional materials, program development, speaker contracts, sponsorship solicitation, participant registration, food and beverage selections, room sets, audio-visual equipment, transportation, security, and special events. Facilitated on-site implementation and reviewed evaluations to gauge participant satisfaction. Planned and managed trade shows held in conjunction with conferences and under contract. Maintained extensive vendor database, designed exhibitor brochure, responded to exhibitor inquiries and worked closely with decorator company from floor plan development to final show move-out.
7/98 to 2/99	MEETING PLANNER, Cortex Communications, Inc. Organized continuing education and special events for clinical pharmacists throughout the U.S. under contract with major pharmaceutical companies. (Following a merger, the Tallahassee office was closed.)
4/94 to 6/98	PROGRAM COORDINATOR, FSU Center for Professional Development Planned, administered, and implemented conferences, seminars, and workshops. Developed program budgets and negotiated contracts for meeting space, housing, food and beverage, audio-visual equipment, security, and transportation. Wrote copy, edited, and oversaw printing of marketing materials and conference programs. Worked closely with registration, facility management, food service, and support personnel to ensure on-site program success. Produced evaluation and expense summary.
7/93 to 3/94	AREA UNIT ASSISTANT, American Cancer Society Responsible for special events, program development, patient services, and general office administration for Leon Unit and five surrounding counties. Planned and coordinated community presentations. Recruited and trained volunteers. Wrote public service announcements and prepared media packets. Helped plan and implement fundraising events.
8/91 to 6/93	SITE COORDINATOR, Elder Care Services Responsible for operation of meal site for congregate program. Supervised Senior Employment workers and RSVP volunteers in daily activities for approximately forty older adults. Maintained service rendered data and generated reports. Counseled and assisted program participants in obtaining services from appropriate community agency. Provided nutrition education and planned special events.

Leon County
Board of County Commissioners

Notes for Agenda Item #5

Leon County
Board of County Commissioners

Cover Sheet for Agenda #5

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Florida Fish and Wildlife Conservation Commission's Bear-Resistant Cart Grant Pilot Program

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Maggie Theriot, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Don Lanham, Grants Program Coordinator

Fiscal Impact:

This item has no fiscal impact to the County. After the proposed program ends, residents wishing to retain the Bear-resistant carts will be required to pay the additional fee associated with the service.

Staff Recommendation:

Option #1: Approve the Florida Fish and Wildlife Conservation Commission's Bear-Resistant Cart Pilot Program, and authorize the County Administrator to select the target area for the Pilot Program.

Report and Discussion

Background:
According to the Florida Fish and Wildlife Conservation Commission (FWC), the number of Florida black bear reports in Leon County increased 10-fold from 2009 to 2011. The majority of those reports are associated with a bear "seeking out and feeding from garbage."

Normally, Florida black bears are shy and try to avoid people. Unfortunately, bears are attracted to neighborhoods in search of food, such as unsecured garbage, pet food, and even birdseed. As the bear population grows, and human development encroaches upon bear habitat, bear and human interaction will continue to increase.

On December 12, 2012, David Telesco with FWC's Bear Management Program, gave a presentation to the Board about a grant program aimed at discouraging bears from roaming into neighborhoods by introducing bear-resistant garbage carts. These carts require a higher level of service by the waste collection vendor; therefore, this grant will assist homeowners with the extra cost of servicing bear-resistant garbage carts. Following the presentation, the Board directed staff to prepare an agenda item to pursue the grant.

Analysis:
Currently, the County contracts for solid waste and recycling collection services for the unincorporated part of the County. As a part of the negotiated agreement with the vendor, bear-resistant containers will be made available to customers, where justification is proven. The County shall determine if a bear-resistant container is warranted. Although the cart will be provided free of charge to subscribers, they will incur an additional monthly service charge. The FWC pilot program offers financial assistance to no more than 200 homeowners to pay the extra cost of servicing a bear-resistant cart, depending upon the rate charged by the service provider. In this region, the range has been from $5 to $7.50 per month. The grant assistance is limited to six months; at which time, the homeowner would need to accept the increased cost or give up the bear-resistant cart. In Wakulla County, 99% of customers chose to keep their bear-resistant carts after the free trial period ended.

For the program to be successful as a human and bear conflict deterrent, the FWC believes that a majority of homeowners in any given neighborhood need to participate in the program. If not, bears will simply move about the neighborhood searching for those homes with accessible garbage. To that end, a specific neighborhood will be targeted for the pilot program. FWC has identified potential neighborhoods where they believe the program will have the greatest impact due to the frequency of bear reports and size of the neighborhood (Attachment #1). The County would ultimately decide the bear-resistant garbage cart pilot project area.

It is recommended that the program be aligned with the beginning of the next waste collection franchise contract on October 1, 2013. This will allow the vendor to capitalize the cost of bear-resistant garbage carts over the life of the initial term of the franchise agreement. The FWC grant agreement will be between the solid waste collection services vendor and FWC. Although the bear-resistant cart program will end on December 31, 2013, FWC has agreed to contract directly with the provider, and prepay the selected service provider, allowing the pilot program participants to receive the full six-month benefit. The County, working with the FWC, will need to select the target area. County residents outside of the selected target area will be eligible to receive bear-resistant carts by paying the fee associated with servicing the cart.

Options:

1. Approve the Florida Fish and Wildlife Conservation Commission's Bear-Resistant Cart Pilot Program, and authorize the County Administrator to select the target area for the Pilot Program.
2. Do not approve the Florida Fish and Wildlife Conservation Commission's Bear-Resistant Cart Pilot Program.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Potential target areas for the Bear-Resistant Cart Pilot Program

VSL/AR/MT/DAL/dal

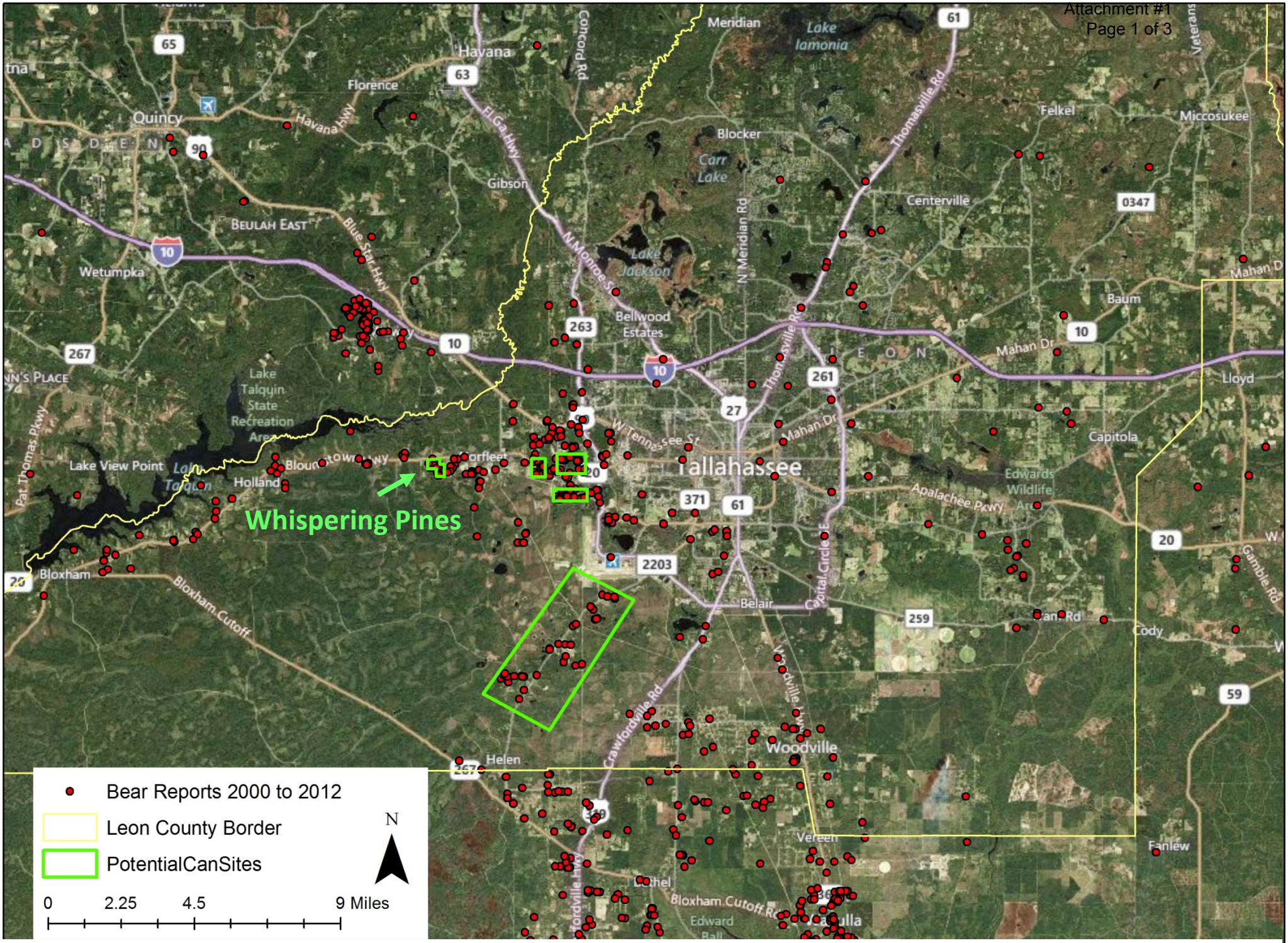

Figure 1. Bear reports received by FWC between 2000 and December 1, 2012 and communities with potential to test bear-resistant trashcans.

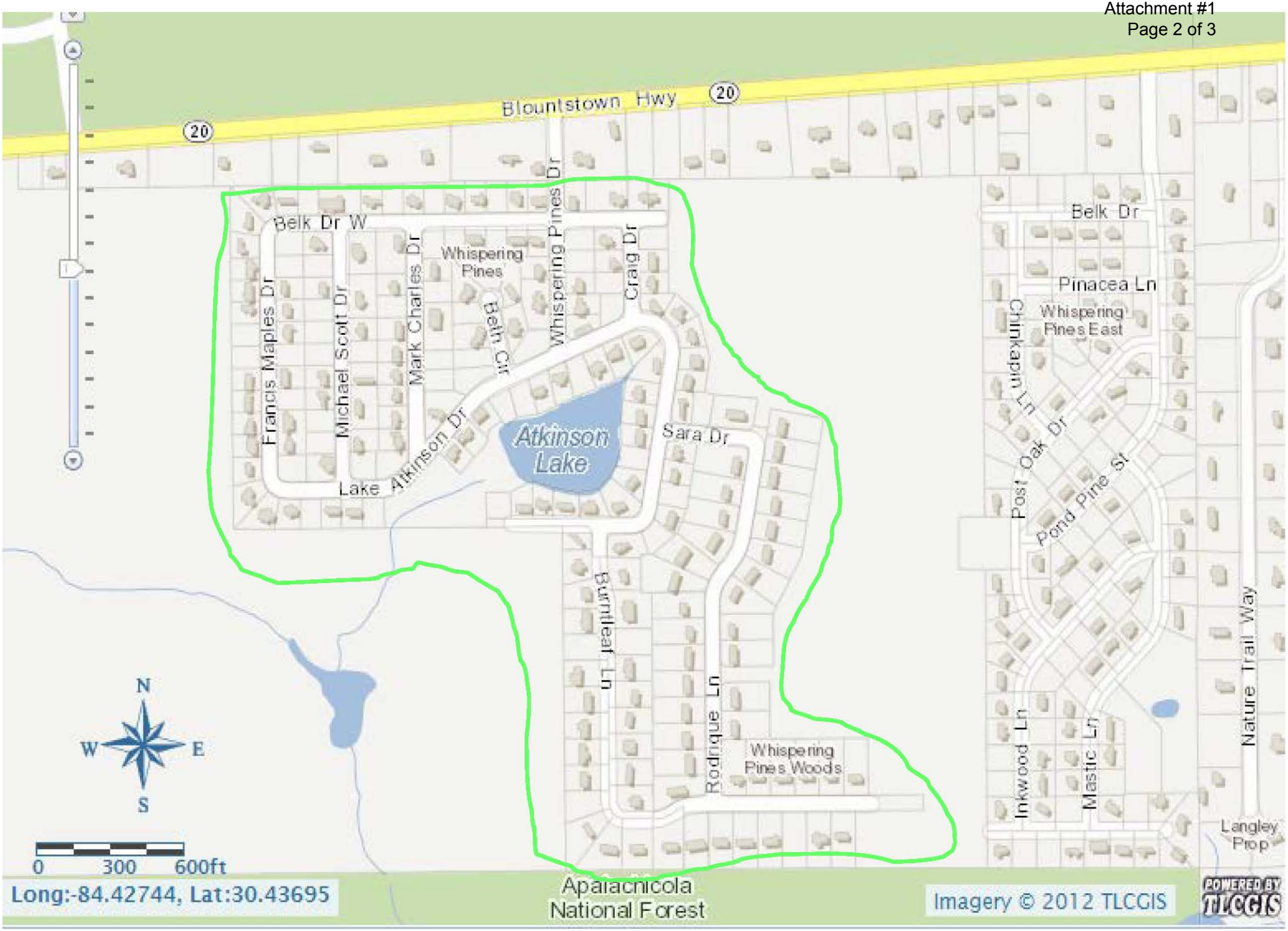

Figure 2. Whispering Pines West subdivision parcel map (outlined in green; from Leon County Property Assessor).

Figure 3. Whispering Pines West subdivision (outlined in green) could receive bear-resistant trashcans and therefore be the Treatment Area, and Whispering Pines East subdivision (outlined in red) would not receive bear-resistant trashcans therefore would be the Control Area.

Leon County
Board of County Commissioners

Notes for Agenda Item #6

Leon County
Board of County Commissioners

Cover Sheet for Agenda #6

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the WORKFORCE Plus Revised Interlocal Agreement and Appoint Representatives to Workforce Board of Directors

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Director of Economic Development and Business Partnerships
Lead Staff/ Project Team:	Cristina L. Paredes, Intergovernmental Affairs and Special Projects Coordinator

Fiscal Impact:
This item has no fiscal impact to the County

Staff Recommendation:

Option #1: Approve the revised **WORK**FORCE *plus* Interlocal Agreement (Attachment #1).

Option #2: Appoint the recommended representatives to serve on the **WORK**FORCE *plus* Board of Directors.

Report and Discussion

Background:

In 2011, Governor Scott and several state lawmakers, pushed for more state oversight over Florida's 24 regional, non-profit workforce boards, including Workforce Plus, due to allegations regarding financial mismanagement among workforce boards in Central Florida. Representative Brodeur sponsored HB 7023, backed by Governor Scott, which initially sought to give the Governor the power to hire and fire the workforce board chairperson and executive director. The legislation was then amended to allow only the Governor to remove the chairperson and executive director for cause; therefore, alleviating the concern that the state was limiting local government involvement in the regional workforce boards. In addition, the legislation requires that each regional workforce board adopt a budget and submit it for review to Workforce Florida, Inc., two weeks after the chair approves the budget. HB 7023, now referred to as the Workforce Accountability Act (Act), passed, and on March 28 2012, Governor Scott signed the Act into law. The law went into effect July 1, 2012.

On June 26, 2012, the Board approved the **WORK**FORCE *plus* Interlocal Agreement between Gadsden, Leon, and Wakulla counties and appointed Commissioner Maddox as the Board's designee to the Region 5 Consortium (Attachment #2). The Region 5 Consortium consists of representatives from Gadsden, Leon, and Wakulla counties. This consortium meets twice a year, and is responsible for reviewing and approving the local workforce board budget and annual audit.

Analysis:

In addition to creating the Region 5 Consortium, the Act also limited the members on the **WORK**FORCE *plus* Board of Directors to 23, as compared to the current membership of 34 members. In order to comply with the Act, **WORK**FORCE *plus* has revised the current Interlocal Agreement by reducing the Board of Directors to 23. The revised membership of the **WORK**FORCE *plus* Board of Directors would consist of 12 private sector members appointed by the three regional County Commissions (seven from Leon County, three from Gadsden County, and two from Wakulla County) and 11 statutorily required members. The statutorily required members include:

- The President of the local community college or his/her designee;
- The public School Superintendents of Gadsden, Leon, and Wakulla counties or his/her designee; based on an agreed upon rotation schedule
- Two economic development representatives nominated by the economic development agencies in Gadsden, Leon and Wakulla counties; based on an agreed upon rotation schedule
- One Private Not-for-Profit School representative;
- One Private For-Profit School representative;
- Two organized labor representatives;
- Two community-based organizations serving veterans and persons with disabilities; preference will be given to nominations by the local county commissions;
- One representative from the one-stop partners as selected by the One-Stop Consortium.

In regards to Leon County, the revised Interlocal Agreement reduces its appointments from eight to seven private business positions. The **WORK**FORCE *plus* Board of Directors contacted each current member to determine their continued level of interest in serving. Those members impacted, due to provisions in the Act, were given an opportunity to serve on the organization's standing committees. Bill Colledge (Capital City Bank) and Charles Cyrus (Capital City Chamber of Commerce) elected not to continue to serve on the Board of Directors.

On February 14, 2013, **WORK**FORCE *plus* sent a letter to the County Administrator recommending that the following current members continue to serve as private sector representatives for Leon County (Attachment #3, page 1)

- George Banks, STRUCTURE Commercial Real Estate
- Lee Harvey, Lee Harvey Insurance Agency
- Tim Meenan, Blank & Meenan
- Fred Seamon, MGT of America
- Martin Shipman, Tallahassee Orthopedic Clinic

Additionally, the Greater Tallahassee Chamber of Commerce recommends the appointment of the following (Attachment #3, pages 2 and 3):

- Katherine Mason, Tallahassee Memorial Healthcare
- Barb Edwards, Comcast/Xfinity

Wakulla and Gadsden Counties are also considering the revisions to Interlocal Agreement regarding their membership on the **WORK**FORCE *plus* Board of Directors.

Options:

1. Approve the revised **WORK**FORCE *plus* Interlocal Agreement.
   Appoint recommended representatives to serve on the **WORK**FORCE *plus* Board of Directors: George Banks, Barb Edwards, Lee Harvey, Katherine Mason, Tim Meenan, Fred Seamon, and Martin Shipman.
2. Do not approve the revised Interlocal Agreement and do not appoint recommended representatives to serve on the **WORK**FORCE *plus* Board of Directors.
3. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Revised **WORK**FORCE *plus* Interlocal Agreement between Gadsden, Leon, and Wakulla Counties.
2. June 26, 2012 Agenda Item: Approval of the WORKFORCE Plus Revised Interlocal Agreement.
3. Letters to County regarding **WORK**FORCE *plus* Board of Directors appointments.

VSL/KM/CLP/jp

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS
INTERLOCAL AGREEMENT

This Agreement, entered into by and between the following parties: Gadsden County, Leon County (a charter county), and Wakulla County (a charter county), political subdivisions of the State of Florida, hereinafter referred to as the "COUNTIES", and the Big Bend Jobs & Education Council, Inc. d/b/a **WORK**FORCE *plus*, a Florida nonprofit corporation, in its capacity as the Region 5 workforce board created and existing under Chapter 445, Florida Statutes, hereinafter referred to as "WORKFORCE".

WITNESSETH:

WHEREAS, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA") authorizes expenditures of federal funds for workforce development programs in areas of the state designated by the Governor as a Workforce Development Region; and

WHEREAS, Chapter 445, Florida Statutes, "the Workforce Innovation Act of 2000" ("Workforce Innovation Act") further delineates the roles and responsibilities of all parties in the expenditure of federal funds for workforce development programs in such designated areas; and

WHEREAS, the COUNTIES have been designated by the Governor of the State of Florida as a Workforce Development Region; and

WHEREAS, the WIA and Workforce Innovation Act require the chief local elected officials of each designated Workforce Development Region to establish a regional workforce development board; and

WHEREAS, CS/HB 7023 enacted by the 2012 Florida Legislature and signed into law by Governor Rick Scott provides for the membership of local workforce development boards to be limited to the minimum membership required in Pub. L. No. 105-220, Title I, s. 117(b)(2)(A); and

WHEREAS, WORKFORCE has requested and received certification as the Region 5 Workforce Development Board by Workforce Florida, Inc., the State of Florida Workforce Development Board; and

WHEREAS, the Department of Economic Opportunity, under the direction of Workforce Florida Inc., shall review and certify that WORKFORCE complies with state and federal law; and

WHEREAS, the COUNTIES and WORKFORCE previously entered into an Interlocal Agreement in 2001 defining their respective duties and responsibilities ("Original Interlocal"); and

Programs funded through **WORK**FORCE *plus* are equal opportunity programs with auxiliary aids and services available upon request to individuals with disabilities. Persons using TTY/TTD equipment use Florida Relay Service 711.

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS
INTERLOCAL AGREEMENT

WHEREAS, WORKFORCE is required to submit its strategic plan and annual budget, as approved by the COUNTIES and/or their designee, to Workforce Florida Inc. for review; and

WHEREAS, the COUNTIES and WORKFORCE desire to revise the terms of the Original Interlocal to define the scope of their relationship and their respective duties and responsibilities for the administration and operation of workforce programs within the Region 5 Workforce Region, as provided herein.

NOW THEREFORE, IN CONSIDERATION OF THE ABOVE AND THE MUTUAL COVENANTS HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Purpose:

The purpose of this agreement is to establish and maintain a partnership to carry out the requirements of the WIA, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), Workforce Innovation Act, applicable federal, state and local regulations including OMB circulars and future state and federal workforce initiatives and laws (together the "Acts").

2. Development of the Two Year Workforce Investment Act Plan/Workforce Services Plan:

Pursuant to the WIA and in accordance with the requirements established by the Governor of the State of Florida, WORKFORCE shall develop the Two Year Workforce Investment Act Plan/Workforce Services Plan and other plans, as required, and shall present said plans to the COUNTIES for review and approval. Upon approval and execution of the plans by the COUNTIES when required by the Acts, acting through the respective Boards of County Commission, or their designees, the plans will be submitted to the proper funding authorities by WORKFORCE.

3. Establishment of the Gadsden, Leon, Wakulla Workforce Development Consortium

The Gadsden, Leon, and Wakulla Workforce Development Consortium (the "CONSORTIUM") is hereby created to be organized as hereinafter provided. Each respective Board of County Commissioners shall identify and designate one individual to serve as their designee on the CONSORTIUM. The designee shall be a voting member. The CONSORTIUM will exercise approval authority, which will not be unreasonably withheld, over the budget adopted by WORKFORCE for final submittal and approval to Workforce Florida Inc. The CONSORTIUM will also exercise approval authority and review of the annual audit as conducted over WORKFORCE for final submittal to the proper funding authorities by WORKFORCE.

Programs funded through **WORK**FORCE *plus* are equal opportunity programs with auxiliary aids and services available upon request to individuals with disabilities. Persons using TTY/TTD equipment use Florida Relay Service 711.

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS
INTERLOCAL AGREEMENT

4. Duties and Responsibilities of WORKFORCE:

The COUNTIES hereby designate WORKFORCE as the local sub-grant recipient and local fiscal agent for all Workforce Investment Act and workforce development programs operating within the Region 5 Workforce Region (the "Program"). In that capacity, WORKFORCE shall act as its own administrative entity, and be responsible for all Program activities as required by the Acts, including and/or subject to the following:

A. WORKFORCE shall employ personnel to carry out the effective and efficient operation of the Program, as defined in the Workforce Services Plan, and to provide necessary technical assistance to WORKFORCE, acting in partnership with the COUNTIES as provided herein;

B. WORKFORCE shall organize and train such staff as necessary to conduct the functions and operations of WORKFORCE as provided herein;

C. WORKFORCE, through the actions of said personnel, as authorized, approved or directed by the WORKFORCE Board of Directors, shall:

1. Prepare planning documents required by applicable state and federal law and, after any required approval by the COUNTIES, submit them to the appropriate funding authorities for approval;

2. Prepare and submit for approval by the CONSORTIUM, an annual budget for the proper expenditure of all funds allocated to WORKFORCE;

3. Direct the receipt and expenditure of funds in accordance with the Acts, this Agreement, approved local plans and budget, and/or all applicable Federal, State or Local Laws;

4. Execute contracts, sub-grants and other agreements necessary to carry out the programs authorized by the Acts, including making the designation of the One Stop Operator, selecting and designating youth service providers, identifying eligible providers of adult and dislocated worker intensive and training services, and maintaining a list of those providers with performance and cost information;

5. Reach agreement with the Governor on local performance measures;

6. Recommend policy and develop program procedures for program management, planning, operation, evaluation and other necessary functions;

7. Evaluate program performance and determine whether there is a need to reallocate program resources and to modify the grant agreement with the State of Florida;

8. Establish and maintain such committees as determined by the WORKFORCE Board of Directors;

9. Establish and maintain in force agreements with each of the required local One Stop Partner agencies;

10. As the fiscal agent, collect, account for, invest and expend Program income generated by Program activities pursuant to the Acts and State of Florida requirements and approved WORKFORCE bylaws, procurement policies, finance and accounting policies and cash management policies;

11. Conduct oversight with respect to activities, programs and expenditures under WIA and such other federal programs that assign responsibility for oversight over programs, activities and expenditures. Oversight shall include monitoring related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

12. Enforce all agreements and take action against any sub-recipient or vendor for abuse in the programs in order to protect the funds and the integrity of the program, subject to final approval or ratification by the Audit Committee and the WORKFORCE Board of Directors;

13. Coordinate workforce investment activities with economic development strategies and developing employer linkages;

14. Promote private sector involvement in the statewide workforce investment system through effective brokering, connecting and coaching activities through intermediaries in the local area or through other organizations to assist employers in meeting hiring needs;

15. Develop and administer a system to hear and resolve all grievances or complaints filed by participants, subcontractors or other interested parties as required by the Acts, Regulations or State Laws, subject to approval by the respective Boards of County Commissions when approving the Workforce Services Plan.

16. Develop fiscal controls, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under WIA, with at least fifty percent (50%) of the Title I funds for Adults and Dislocated Workers that are passed through to WORKFORCE allocated to and expended on Individual Training Accounts, unless a waiver is received from Workforce Florida Inc.

17. Make available to the COUNTIES and the general public through its website, www.wfplus.org, the audit conducted in accordance with OMB Circular A-133/Single Audit Act annually.

18. Perform any other functions as necessary or appropriate to meet its responsibility for the operation of the Program;

19. Maintain the required insurance coverage to protect the COUNTIES addressed through this agreement.

D. WORKFORCE shall have authority to seek, compete for and secure other sources of funding consistent with and in accordance with its purpose and for such other purposes as WORKFORCE may deem appropriate and necessary.

E. WORKFORCE shall perform or cause to have performed internal audits and monitoring of all funds as required by the Acts and in accordance with the provisions of paragraph 6(c) herein; shall satisfactorily resolve any questions or problems arising from said audits and monitoring; and present audit and monitoring findings directly to the Audit Committee and CONSORTIUM.

F. WORKFORCE shall adopt such procedures to ensure compliance with applicable conflict of interest and

public meetings laws. Members of the WORKFORCE Board of Directors shall ensure there is no conflict of interest in the actions of the WORKFORCE Board or its members with respect to all activities by complying with all disclosure, conflict of interest statutes, and other regulations and guidelines, as well as complying with all public meeting requirements, notifications and restrictions as prescribed by law.

G. In order to exercise its independent Program oversight, WORKFORCE shall serve as the one stop operator and/or a direct service provider of certain components or all components of workforce services if deemed necessary by the WORKFORCE Board of Directors.

H. WORKFORCE shall promote and solicit participation by the business community in the Program in order to maximize services to eligible residents of the area.

I. WORKFORCE shall collect or have collected appropriate labor market information to determine business and industry needs for specific job categories in the COUNTIES.

J. WORKFORCE shall approve, in conjunction with the respective Board of County Commissioners, all plans as may be required under the Wagner Peyser (employment services) Act.

K. WORKFORCE shall exert every reasonable and necessary effort to resolve disagreements between WORKFORCE and the COUNTIES.

L. WORKFORCE shall comply with all the filing and other requirements mandated by the Florida not-for-profit corporation statutes, and applicable IRS regulations and filings.

M. WORKFORCE shall complete and submit all assurances and certifications as required by the funding sources.

5. Duties and Responsibilities of the COUNTIES:

Each Board of County Commissioners is designated as the Chief Elected Officials under the WIA, and in the capacity as the local grant recipient shall have the following duties and responsibilities:

A. Appoint and reappoint members to the WORKFORCE Board of Directors in a timely manner so as to maintain the minimum number of members required by WORKFORCE's bylaws, CS/HB 7023 enacted by the 2012 Florida Legislature and as provided in the WIA. Each Board of County Commissioners shall have the authority to

remove a Board Member for cause which was appointed by that Commission for their specific county to the WORKFORCE Board of Directors. Cause may include, but is not limited to, conviction of a crime involving moral turpitude or dishonesty; and/or intentional and flagrant violation of County or WORKFORCE standard of conduct to include ethical violation; and/or any conduct the COUNTIES determine to be detrimental to WORKFORCE and/or the County or to the purposes and objectives of the workforce development system. Removal of the Chair and/or Officer of the WORKFORCE Board of Directors requires approval by all COUNTIES.

The WORKFORCE Board of Directors membership shall number twenty-three (23). Thereafter, the number of members of the regional workforce development board shall be determined by the WORKFORCE *plus* Board of Directors, but must remain compliant with the WIA, State of Florida Workforce Innovation Act of 2000 and the Workforce Board Accountability Act of 2012, as amended.

Members shall be appointed for fixed terms and may serve until their successors are appointed. Terms of the WORKFORCE Board members shall be three (3) years.

A majority of the WORKFORCE Board of Directors shall be representative of the private sector, who shall be owners of businesses, chief executives, or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility. The Chairman of the WORKFORCE Board of Direcotrs shall be a representative of the private sector and shall be selected by the membership of the WORKFORCE Board of Directors.

The private sector representatives on the WORKFORCE shall number twelve (12) and shall be selected in the following manner:

1) Nominations for the private sector seats shall be submitted to the respective county commissions or their designee by local business organizations including local chambers of commerce, downtown merchants associations, area business associations, etc., but must be compliant with the WIA, the State of Florida Workforce Innovation Act of 2000 and the Workforce Board Accountability Act of 2012.
2) Such nominations for the WORKFORCE Board of Directors shall be representative of the business community. In addition, the number of private sector seats appointed by the respective county commissions shall be apportioned as follows:
   (a) Leon County Commission, seven (7);
   (b) Gadsden County Commission, three (3); and
   (c) Wakulla County Commission, two (2).
3) Eleven (11) of the remaining board membership is specified in the State of Florida Workforce Innovation Act of 2000 and the Workforce Board Accountability Act of 2012.

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS
INTERLOCAL AGREEMENT

4) The following members **are not nominated** by the three (3) respective County Commissions or their designee, but are appointed as specified in the State of Florida Workforce Innovation Act of 2000 and the Workforce Board Accountability Act of 2012:
   (a) The President of the local community college or his/her designee (1);
   (b) The public School Superintendents of Gadsden, Leon, and Wakulla counties (1) or his/her designee; based on an agreed upon rotation schedule
   (c) Two (2) economic development representatives nominated by the economic development agencies in Gadsden, Leon and Wakulla counties; based on an agreed upon rotation schedule
   (d) One (1) Private Not-for-Profit School representative;
   (e) One (1) Private For-Profit School representative;
   (f) Two (2) organized labor representatives;
   (g) Two (2) community-based organizations serving veterans and persons with disabilities; preference will be given to nominations by the local county commissions;
   (h) One (1) representative from the one-stop partners as selected by the One-Stop Consortium.

B. Maintain communication with WORKFORCE necessary to carry out the objectives of this agreement.

C. Appoint and reappoint members to the CONSORTIUM as defined in Section 3.

D. Provide such Program oversight to ensure the effective and efficient delivery of all services as provided for in accordance with this Agreement, WORKFORCE's approved plans, and as defined in the WIA.

E. Review, make recommendations, and approve, in its reasonable discretion, all plans as may be required under the Wagner Peyser Act.

F. Take prompt corrective action as it determines appropriate in its reasonable discretion when necessary to comply with the Acts, or to assure that performance standards are met.

G. Ensure, through WORKFORCE Board meetings and WORKFORCE staff presentations, as well as approval of WORKFORCE policies, reports and other agreements, that WORKFORCE has and maintains adequate administration, controls and management for funds and programs handled by WORKFORCE including, but not limited to, such activities as receipts and disbursement of funds, monitoring, evaluation and contracting.

H. Exert every necessary and reasonable effort to resolve disagreements between WORKFORCE and the COUNTIES.

6. Financial Responsibility for the Program:

As provided in the WIA, the Board of County Commissioners of the respective counties, as the Chief Elected Officials, are not relieved of the liability for the misuse of grant funds by the designation of WORKFORCE as sub-grantee and fiscal agent as provided herein, as authorized by the WIA, and WORKFORCE agrees to the following, in order to provide assurances to and protection for the Chief Elected Officials as to sound fiscal management of the Program in compliance with the Acts:

A. Indemnification. Unless determined to be contrary to applicable law, WORKFORCE shall indemnify, pay the cost of defense, including attorneys' fees, and hold harmless the respective Boards of County Commissioners, its agents or employees; or by, or in consequence of any act or omission, neglect or misconduct in the performance of this Agreement; or on account of any act or omission, neglect or misconduct of WORKFORCE, its agents or employees; or by, or on account of, any claim or amounts recovered under the "Workers' Compensation Law" or of any other laws, by-laws, ordinance, order or decree, except *only* such injury or damage as shall have been occasioned by the sole negligence of the respective Board of County Commissions.

B. Disallowed Cost Liability. In the event WORKFORCE is found responsible for any disallowed costs, through whatever means, WORKFORCE and the COUNTIES will mutually work to resolve all such disallowed costs. In the event that repayment of funds is demanded by the funding source, WORKFORCE will have first responsibility for repayment, through its insurance, bonds, grant or non-grant funds as allowed by the Acts. If WORKFORCE's insurance, bonds, grant or non-grant funds are insufficient for the demanded repayment, then any repayment obligation shall be determined as provided by the Acts.

C. Additional Financial Assurances. During the term hereof, in addition to any other remedies provided by law, the Acts, or in this Agreement, in the event the respective Boards of County Commissions reasonably determines that additional financial or performance assurances are necessary to protect the interests of the respective Boards of County Commissions, as the Chief Elected Officials, after written notice to WORKFORCE, the COUNTIES may: (i) require WORKFORCE to withhold payments from its designated one stop operator(s) or service providers; (ii) require that all contracts, and payments thereon, provide for the retainage of a portion of payments due; (iii) make any appearances in any proceedings or conduct any reviews or examinations the respective Boards of County Commissions reasonably deems necessary; or (iv) post such security, as the respective Boards of County Commissions reasonably deems necessary, for the performance of any obligations as provided in the Acts or this Agreement.

7. Term and Termination:

A. Term. The term of this Agreement shall commence on the Effective Date or the filing of this Interlocal Agreement as provided in paragraph 13 herein, whichever occurs last, and continues through June 30, 2013, unless otherwise terminated as provided herein. Thereafter, this Agreement shall automatically renew for additional one year terms commencing on July 1 and ending in June 30, unless any party provides written notice of its intent not to renew on or before March 1 of any extension period.

B. Termination for Convenience. Either Party may terminate this Agreement, without cause, by giving one hundred fifty (150) days prior written notice of the termination hereof pursuant to this provision.

C. Termination on Default.

1. Each of the following shall constitute an Event of Default:

(a) The failure or refusal by any of the 4 parties to substantially fulfill any of its obligations in accordance with this Agreement, provided, however, that no such default shall constitute an Event of Default unless and until a nondefaulting party has given prior written notice specifying that a default or defaults exist which will, unless corrected, constitute a material breach of this Agreement, and the defaulting party has either corrected such default or has not cured the defaults, as determined by the non-defaulting parties within thirty (30) days from the date of such notice;

(b) The written admission by WORKFORCE that it is bankrupt, or the filing by a voluntary petition as such under the Federal Bankruptcy Act, or the consent by WORKFORCE to the appointment by a court of a receiver or trustee or the making by WORKFORCE of any arrangement with or for the benefit of its creditors involving an assignment to a trustee, receiver or similar fiduciary regardless of how designated, of all or a substantial portion of Contractor's property or business, or the dissolution or revocation of WORKFORCE'S corporate charter.

2. Upon the occurrence of an Event of Default, the nondefaulting party(ies) shall have the right to immediately terminate this Agreement upon written notice to the party(ies) in default.

D. Fiscal Nonfunding. In the event that sufficient budgeted state formula funds are not available for a new fiscal period, the respective Boards of County Commissions shall notify WORKFORCE of such occurrence and the Agreement shall terminate on the last day of the current fiscal period without penalty or expense to the respective Boards of County Commissions.

8. **Notice:**

Except as otherwise provided in this Agreement, any notice required or permitted to be given hereunder shall be delivered personally or sent by mail with postage pre-paid to the following addresses or to such other places as may be designated by the parties hereto from time to time.

For WORKFORCE:
Chief Executive Officer
325 John Knox Road,
Bldg B100
Tallahassee, Florida 32303

For GADSDEN COUNTY:
Chairperson
PO Box 1799
Quincy, Florida 32351

For LEON COUNTY:
Chairperson
301 S. Monroe Street,
5th Floor
Tallahassee, Florida 32301

For WAKULLA COUNTY:
PO Box 1263
Crawfordville, Florida 32326

9. Merger:

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes any and all oral agreements and/or negotiations between the parties relating to the subject matter thereof. All items referred to in this Agreement are incorporated or attached and deemed to be a part of this Agreement.

10. Modification:

This Agreement may be modified by the mutual consent of the parties thereto, in any lawful manner and consistent with the Acts, Regulations or any rule promulgated thereto.

11. Resolution of Disagreements:

A. To facilitate the timely and effective resolution of any controversy or dispute that may rise under this Agreement, the Chairman of WORKFORCE and each county's Administrators shall undertake negotiations to resolve the matter. To the extent the controversy or dispute cannot, after good faith effort, be resolved either party may refer the matter to non-binding mediation. The dispute will be mediated by a mediator chosen jointly by WORKFORCE and COUNTIES within thirty (30) days after written notice demanding non-binding mediation by either party. Neither party may unreasonably withhold consent to the selection of a mediator, and WORKFORCE along with the COUNTIES

will share the cost of the mediation equally. The parties may also, by mutual agreement, replace mediation with some other form of non-binding alternate dispute resolution ("ADR") procedure. The payment of costs incurred to address the mediation will be determined based on the area of service. (e.g. population, usage of services, etc.)

B. In the event that any claim, dispute or demand cannot be resolved between the parties through negotiation or mediation as provided herein within 60 days after the date of the initial demand for non-binding mediation, then either party may pursue any remedies as provided by Law.

12. Severability:

In the event any terms or provisions of this Agreement or the application to any of the parties hereto, person or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision to the parties hereto, persons or circumstances other than those as to which it held invalid or unenforceable, shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

13. Filing of Agreement:

This Agreement shall be filed with each county's Clerk of the Circuit Court.

14. Termination of Original Interlocal:

This Agreement supersedes all prior agreements between the parties, and said prior agreements, including the Original Interlocal between the parties are hereby terminated.

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS
INTERLOCAL AGREEMENT

THIS AGREEMENT IS ENTERED INTO ON BEHALF OF:

GADSDEN COUNTY

_____
Chairperson, Douglas M. Croley

_____
Date of Commission Action

APPROVED AS TO FORM:

BY:_____
Gadsden County Attorney

ATTEST: Gadsden County Clerk of the Circuit Court

BY:_____
Gadsden County Clerk of the Circuit Court

LEON COUNTY

_____
Chairman, Nicholas Maddox

_____
Date of Commission Action

APPROVED AS TO FORM:

BY: _____
Leon County Attorney

ATTEST: Leon County Clerk of the Circuit Court

BY:_____
Leon County Clerk of the Circuit Court

WAKULLA COUNTY

_____
Chairman, Randy Merritt

_____
Date of Commission Action

APPROVED AS TO FORM:

BY:_____
Wakulla County Attorney

ATTEST: Wakulla County Clerk of the Circuit Court

BY:_____
Wakulla County Clerk of the Circuit Court

BIG BEND JOBS & EDUCATION COUNCIL, INC. d/b/a WORKFORCE *plus*

_____
Chairperson, Barbara C. Edwards

APPROVED AS TO FORM:

BY:_____
Secretary, Lee Harvey

Back Print

Leon County
Board of County Commissioners
Cover Sheet for Agenda #14

June 26, 2012

To:	Honorable Chairman and Members of the Board
From:	Vincent S. Long, County Administrator
Title:	Approval of the WORKFORCE Plus Revised Interlocal Agreement

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review and Approval:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director of Economic Development and Business Partnerships Cristina L. Paredes, Intergovernmental Affairs and Special Projects Coordinator

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Approve the **WORK**FORCE *Plus* revised Interlocal Agreement (Attachment #1).

Option #2: Appoint a Commissioner designee to the Region 5 Consortium.

Report and Discussion

Background:

This past fall, Governor Scott, and several state lawmakers, began to push for more state oversight over Florida's 24 regional, non-profit workforce boards, including Workforce Plus, primarily due to recent allegations regarding financial mismanagement among workforce boards in Central Florida. Representative Brodeur sponsored HB 7023, backed by Governor Scott, which initially sought to give the Governor the power to hire and fire the workforce board chairperson and executive director. At that time, the Governor only had the 'nuclear option'; meaning, that only the entire board can be removed, not just one member. While the bill did attempt to promote more accountability within the workforce boards, it also limited the locally driven system that is representative of business and community stakeholders, and posed a concern to the counties and the regional workforce boards.

On January 24, 2012, the Board passed a Resolution to urge the Legislature to address concerns through the state and federal process currently in place, without substituting state governance for local governance (Attachment #2). FAC, Capital Alliance Group, and staff worked to express the counties' concerns to Representative Brodeur, the Governor's office, and Workforce Florida of giving the Governor the power to hire and fire the chairperson and executive director.

The legislation was then amended to allow only the Governor to remove the chairperson and executive director for cause; therefore, alleviating the concern that the state was limiting local government involvement in the regional workforce boards. In addition, the legislation requires that each regional workforce board adopt a budget and submit it for review to Workforce Florida, Inc., two weeks after the chair approves the budget. HB 7023, now referred to as the Workforce Accountability Act, passed and Governor Scott signed it into law. The law goes into effect July 1, 2012 (Attachment #3).

Analysis:

The Workforce Accountability Act (Act) requires that each County review and approve the local workforce board budget as well as participate in the review and approval of the annual audit. In response to the Act, **WORK**FORCE *plus* has revised the current Interlocal Agreement, along with the Workforce Service Plan, to address the requirements of the Act (Attachments #4).

With the required changes, **WORK**FORCE *plus* is requesting the appointment of a designee to a Consortium of representatives from Gadsden, Leon and Wakulla counties, which make up Region 5. This consortium will meet twice a year and will be responsible for reviewing and approving the local workforce board budget and annual audit. The designee selected must be a member of the current Leon County Commission body and will serve at the discretion of the Commission.

As stated previously, the Act goes into effect on July 1, 2012, and members of the consortium must be appointed by the effective date in order to approve the 2012/2013 budget for **WORK**FORCE *plus*. Wakulla and Gadsden Counties have recently approved the revised Interlocal Agreement.

Options:

1. Approve the **WORK**FORCE *Plus* revised Interlocal Agreement.
2. Appoint a Commissioner designee to the Region 5 Consortium.
3. Do not approve the Interlocal Agreement and do not appoint a Commissioner to the Region 5 Consortium.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Revised Interlocal Agreement
2. January 24, 2012 Workforce Accountability Resolution
3. 2012 Workforce Board Accountability Act
4. Workforce Services Plan

Back Print

WORKFORCE plus Your Employment Solution

Officers
Barbara C. Edwards, Chairwoman
R. Martin Shipman, Vice-Chair
Leanders "Lee" Harvey, Secretary
G. Patrick Hutto, Treasurer
Timothy J. Meenan, Past Chairman
Kimberly A. Moore, Chief Executive Officer

Administrative Office
325 John Knox Road, Bldg. B100
Tallahassee, FL 32303
(850) 414-6085
(888) WFP-JOB1
Fax (850) 410-2595
www.wfplus.org

Center for Business and Employer Services
2525 S. Monroe Street, 3A
Tallahassee, FL 32301
(850) 413-0315

Executive Center
325 John Knox Road, Bldg. B100
Tallahassee, FL 32303
(850) 414-6085

Gadsden County
1140 W. Clark St.
Quincy, FL 32351
(850) 875-4040

Leon County
2525 S. Monroe Street, 3-A
Tallahassee, FL 32301
(850) 922-0023

Wakulla County
3278 Crawfordville Hwy., Unit G
Crawfordville, FL 32327
(850) 926-0980

February 14, 2013

Vince Long, County Administrator
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301

Dear Administrator Long:

I am writing this letter in regards to the revisions being requested to the current Inter-local Agreement as required by the Workforce Board Accountability Act of 2012. Per the Act, regional workforce board membership is limited to twenty-three members unless a gubernatorial application is submitted and approved. The membership of the twenty-three is described as 12 private sector members and 11 statutorily required members.

Based upon this requirement, the WORKFORCE *plus* Board of Directors has gone through the exercise of contacting each member to determine their continued level of interest in serving. Additionally, those members impacted as a result of the Act were given an opportunity to serve on the organization's standing committees.

Based upon the above, WORKFORCE *plus* recommends that the membership of private sector members from Leon County be reduced from eight members to seven members. Currently you have five active members serving and two members who have been removed. The five active members include:

- George Banks, STRUCTURE Commercial Real Estate
- Lee Harvey, Lee Harvey Insurance Agency
- Tim Meenan, Blank & Meenan
- Fred Seamon, MGT of America
- Martin Shipman, Tallahassee Orthopedic Clinic

Included below are the two members that were removed based upon their request (i.e. retirement) and/or based upon the group represented by the member was not included under the Act:

- Bill Colledge, Capital City Bank
- Charles Cyrus, Capital City Chamber of Commerce

Attached to this letter, you will find a letter from the Greater Tallahassee Chamber of Commerce nominating Barb Edwards, Comcast/Xfinity and Katherine Mason, Tallahassee Memorial Healthcare, to serve on the WORKFORCE *plus* Board of Directors. It is my hope that you will honor the Chamber's nomination as well as approve the revised Inter-local Agreement. In doing so, this will ensure that our board membership is in compliance with the law.

Should you have any questions or require additional clarification, please do not hesitate to contact me.

Sincerely,

Kimberly A. Moore

Kimberly A. Moore, MBA
Chief Executive Officer

Programs funded through WORKFORCE *plus* are equal opportunity programs with auxiliary aids and services available upon request to individuals with disabilities. Florida Relay Service: 1-800-955-8771 (Voice) or 1-800-955-8770 (TDD/VCO)

EMPLOY FLORIDA MEMBER

THE CHAMBER
GREATER TALLAHASSEE CHAMBER OF COMMERCE

February 14, 2013

Honorable Nicholas Maddox
Chairman
Leon County Board of County Commissioners
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Maddox:

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nominations for individuals to serve on the Workforce Plus Board of Directors, we would ask that you consider the following individual to serve in that capacity.

- Barbara Edwards, Comcast/Xfinity

We would appreciate your consideration at the next meeting of the Leon County Commission.

Sincerely,

Sue Dick
President
Greater Tallahassee Chamber of Commerce

EXECUTIVE COMMITTEE:

Winston Howell
Chairman

Ed Murray
Chairman-Elect

Bill Moor
Immediate Past Chairman

Kathy Bell
Treasurer

Cecilia Homison
Assistant Treasurer

Sue Dick
President

Terrie Glover Ard
Reggie Bouthillier
Beth Corum
Chris Dudley
Steve Evans
Thomas Haynes
Liz Maryanski
John Medina
Karen Moore
Rick Moore
Julie Moreno
Jim Murdaugh
Mark O'Bryant
Martha Olive-Hall
Sean Pittman
Ron Sachs
Nick Williams

P. O. Box 1639 • Tallahassee, FL 32302 • Phone: (850) 224-8116 • Fax: (850) 561-3860 • www.TalChamber.com

Chamber Affiliates:
ECONOMIC DEVELOPMENT COUNCIL OF TALLAHASSEE/LEON COUNTY • LEADERSHIP TALLAHASSEE
WORLD CLASS SCHOOLS • ACCESS TALLAHASSEE • OUR REGION TOMORROW

THE CHAMBER
GREATER TALLAHASSEE CHAMBER OF COMMERCE

February 14, 2013

Honorable Nicholas Maddox
Chairman
Leon County Board of County Commissioners
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Maddox:

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nominations for individuals to serve on the Workforce Plus Board of Directors, we would ask that you consider the following individual to serve in that capacity.

- Katherine Mason, Tallahassee Memorial Healthcare

We would appreciate your consideration at the next meeting of the Leon County Commission.

Sincerely,

Sue Dick
President
Greater Tallahassee Chamber of Commerce

EXECUTIVE COMMITTEE:

Winston Howell
Chairman

Ed Murray
Chairman-Elect

Bill Moor
Immediate Past Chairman

Kathy Bell
Treasurer

Cecilia Homison
Assistant Treasurer

Sue Dick
President

Terrie Glover Ard
Reggie Bouthillier
Beth Corum
Chris Dudley
Steve Evans
Thomas Haynes
Liz Maryanski
John Medina
Karen Moore
Rick Moore
Julie Moreno
Jim Murdaugh
Mark O'Bryant
Martha Olive-Hall
Sean Pittman
Ron Sachs
Nick Williams

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Chamber Affiliates:
ECONOMIC DEVELOPMENT COUNCIL OF TALLAHASSEE/LEON COUNTY • LEADERSHIP TALLAHASSEE
WORLD CLASS SCHOOLS • ACCESS TALLAHASSEE • OUR REGION TOMORROW

Leon County
Board of County Commissioners

Notes for Agenda Item #7

Leon County
Board of County Commissioners

Cover Sheet for Agenda #7

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Payment of Bills and Vouchers Submitted for March 12, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of March 13 through April 8, 2013

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

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for March 12, 2013, and pre-approve the payment of bills and vouchers for the period of March 13 through April 8, 2013.

Report and Discussion

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval March 12, 2013 and pre-approval of payment of bills and vouchers for the period of March 13 through April 8, 2013. The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the March 12, 2013 meeting, the morning of Monday, March 11, 2013. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Due to the Board not meeting until April 9, it is advisable for the Board to pre-approve payment of the County's bills for March 13 through April 8, 2013, so that vendors and service providers will not experience hardship because of delays in payment. The OMB office will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Options:

1. Approve the payment of bills and vouchers submitted for March 12, 2013, and pre-approve the payment of bills and vouchers for the period of March 13 through April 8, 2013.
2. Do not approve the payment of bills and vouchers submitted for March 12, 2013, and do not pre-approve the payment of bills and vouchers for the period of March 13 through April 8, 2013.
3. Board direction.

Recommendation:

Option #1.

VSL/AR/SR/cc

Leon County
Board of County Commissioners

Notes for Agenda Item #8

Leon County
Board of County Commissioners

Cover Sheet for Agenda #8

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Adoption of the Proposed Revised Housing Finance Authority Multi-Family Bond Program Application Procedures & Program Guidelines Policy

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice M. Wilson, Director, Office of Human Services and Community Partnerships
Lead Staff/ Project Team:	Lamarr D. Kemp, Sr., Division Director, Housing Services

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:
Option #1: Adopt the proposed revised Housing Finance Authority Multi-Family Bond Program Application Procedures & Program Guidelines Policy (Attachment #1).

Option #2: Approve the new Bond Issuance Application (Attachment #2).

Report and Discussion

Background:

On June 10, 1980, the Board of County Commissioners established the Housing Finance Authority (HFA) of Leon County by adopting Ordinance No. 80-39 (Attachment #3), pursuant to the Florida Housing Finance Authority Law, Chapter 159, Part IV, Florida Statutes. The HFA was established for the purpose of providing financing for affordable housing or rental housing to persons of low, moderate, or middle income and capital investments in such housing.

The mission of the Leon County HFA is to consider Leon County affordable housing financing for owner-occupied single-family and multi-family housing units, which includes the sale of taxable bonds, once approved by resolution of the Board.

The HFA is a seven-member, dependent special district. Since its creation, the HFA has issued directly, or joined with other counties, single-family mortgage revenue bonds.

The HFA aims to increase the supply of residential housing for persons of very-low, low, or moderate income. To accomplish this purpose, the HFA encourages private enterprise and investors to sponsor, build, and rehabilitate residential housing for such persons and families. In addition, the HFA functions as the advisory committee for purposes of the State Housing Initiative Partnership (SHIP), the Community Development Block Grant (CDBG), and other grant programs requiring a citizens' advisory committee.

On November 25, 2008, the Board adopted Policy No. 08-3, "Leon County Conduit Financing Policy" that purports the following (Attachment #4):

- Leon County desires to provide appropriate access for non-governmental entities to tax exempt financing through conduit issuances;
- Leon County acknowledges that, although each individual issue must be self-supporting and will not at any time require the direct financial support of the County, the issues will utilize the County's authority and reputation for the issuance and that debt issues that do not ultimately perform to market expectations could negatively impact the County's future capacity to issue debt and the overall reputation of the County.
- Leon County further directs that all Authorities seeking to request Tax Equity and Financial Responsibility Act (TEFRA) hearings from the County shall have policies adopted equal to this County Policy.

Analysis:
At a regularly scheduled meeting on February 10, 2013, the HFA revised and updated the HFA Multi-Family Bond Program Application Procedures & Program Guidelines, in compliance with the Board's Conduit Financing Policy. The revisions were necessary to amend HFA's outdated Program procedures, dating from May 28, 2003. Additionally, a new Bond Issuance Application was approved.

Leon County's current Bond Counsel, Bryant, Miller and Olive, reviewed and revised the HFA Multi-Family Bond Program Application Procedures & Program Guidelines Handbook, which received approval by the HFA, with specific instructions to include all components and intents of the Leon County Conduit Financing Policy.

In late 2012, for the first time since the adoption of the Conduit Financing Policy in 2008, the HFA was approached by a developer requesting the issuance of Low-Income Tax Credit Multi-Family Bonds to develop 120 apartment units, targeted toward elderly tenants (55 years old and older). Protocol mandates that the HFA comply with the Conduit Financing Policy before pursuing the steps necessary for bond issuance; steps including, but not limited to:

- Project Feasibility Analysis
- Project Financial Statement Analysis, Reviewed by an HFA Financial Advisor,
- Project Bond Issuance Inducement Resolution adoption by the HFA and BOCC
- Bond Underwriter Project Bond Issue Financial Statement Analysis Report
- Conducting a Tax Equity and Financial Responsibility Act (TEFRA) Hearing

In summary, the revised and updated Multi-Family Bond Program Application Procedures & Program Guidelines will allow for HFA adherence to the Board's Conduit Financing Policy for any qualified bond issuance request made to the HFA.

Options:
1. Adopt the proposed revised Housing Finance Authority Multi-Family Bond Program Application Procedures & Program Guidelines Policy.
2. Approve the new Bond Issuance Application.
3. Do not adopt the proposed revised Housing Finance Authority Multi-Family Bond Program Application Procedures & Program Guidelines Policy.
4. Board direction.

Recommendation:
Options # 1 and #2

Attachments:
1. Revised HFA Multi-Family Bond Program Application Procedures & Program Guidelines Policy
2. New Bond Issuance Application
3. Leon County HFA Creation Ordinance 80-39
4. Leon County Conduit Policy No. 08-3

LEON COUNTY
HOUSING FINANCE AUTHORITY

MULTI-FAMILY
BOND PROGRAM

APPLICATION PROCEDURES &
PROGRAM GUIDELINES HANDBOOK

Revised ~~May 28, 2003~~ March 12~~,~~ 2013

LEON COUNTY
HOUSING FINANCE AUTHORITY
MULTI-FAMILY BOND PROGRAM
APPLICATION PROCEDURES AND PROGRAM GUIDELINES

~~Program Guidelines~~

I. ~~I.~~ Overview

The Leon County Housing Finance Authority (the ~~"Authority") will consider providing revenue bond financing for qualified multifamily housing developments which meet the goals of the Authority and comply with applicable federal and state law. The Authority has adopted the following guidelines to set forth the general requirements and procedures that apply to the financing of multifamily housing developments. The Authority may waive specific provisions of these guidelines where good cause is shown and adequate supporting documentation is provided. Any waiver is at the sole discretion of the Authority. In addition, these guidelines may be amended, revised, repealed or otherwise altered by the Authority with or without notice.~~

~~The Authority will not issue obligations to provide financing for any development unless the applicant has satisfied the general requirements set forth in these guidelines. The Authority reserves the right to impose additional requirements on any particular development. Compliance with these guidelines does not and shall not create any right by an applicant to a commitment or assurance that the Authority will provide the requested financing.The Authority~~"Issuer") provides below market rate loans of bond proceeds for construction, rehabilitation and permanent financing of multifamily housing developments~~.~~ (the "Multifamily Program"). The funds are made available by the ~~Authority~~Issuer's issuance of revenue bonds (the ~~"~~"Bonds~~"). If the Authority requires credit enhancement on the Bonds, the borrower must arrange to secure or collateralize the Bonds.~~"). The Bonds are secured solely by the credit enhancement provided by the borrower and/or by revenues from the development. In no event shall public revenues ever secure the Bonds. The ~~Authority~~Issuer is merely a conduit and shall not be liable on any Bonds. From time to time the ~~Authority~~Issuer may approve other financing structures to the extent permitted by law.

The ~~multifamily program~~Multifamily Program has been undertaken by the ~~Authority~~Issuer in order to alleviate the shortage of affordable housing through new construction, rehabilitation and preservation for persons and families in Leon County, Florida (the "County"), to generate affordable multifamily rental capital for investment in ~~Leon~~the County, to stimulate economic development~~,~~ and to create jobs.

~~All proposed developments will be assessed by the Authority's Financial Advisor. Also, each proposed development, once it has received a preliminary assessment by the Authority's Financial Advisor, shall be reviewed by the Leon County Housing & Community Development Department for consistency with housing policies at the Federal level, as determined by the U.S. Department of Housing & Urban Development (HUD), and at the local level, as determined by the Leon County Board of County Commissioners (BOCC).~~
The ~~terms of each development financed by the Authority, in whole or in part, will stipulate that such developments will not interfere with but rather will contribute to the housing stock, housing market, and economic stability of Leon County.~~

~~Information:~~

~~Interested Applicants may request additional information~~

~~from:~~ **~~Authority Staff:~~**

~~Shelley Murphy, Director~~
~~Leon County Housing and Human Services~~
~~918 Railroad Avenue~~
~~Tallahassee, FL 32310~~
~~(850) 488-7790~~
~~murphysv@mail.co.leon.fl.us~~

~~Bond Counsel:~~

~~Bob Reid, Esquire~~
~~Bryant, Miller and Olive P.A.~~
~~201 South Monroe Street, Suite 500~~
~~Tallahassee, FL 32301~~
~~(850) 222-8611~~
~~bobreid@bmolaw.com~~

~~Financial Advisor:~~

~~Kathryn Driver~~
~~William R. Hough & Co.~~
~~100 2nd Avenue South, Suite 800~~
~~St. Petersburg, FL 33701~~
~~(727) 895-8859~~

Issuer will consider providing revenue bond financing for qualified multifamily housing developments which meet the goals of the Issuer and comply with applicable federal and state law. The Issuer has adopted the following guidelines to set forth the general requirements and procedures that apply to the financing of multifamily housing developments. The Issuer will not issue obligations to provide financing for any development unless the applicant has satisfied the general requirements set forth in these guidelines. The Issuer reserves the right to impose additional requirements on any particular development. Compliance with these guidelines does not and shall not create any right by an applicant to a commitment or assurance that the Issuer will provide the requested financing.

II. Definitions

All terms in capitalized form that are defined in this Section shall have the same meanings as are ascribed to those terms herein, unless a different or additional meaning is given to those terms specifically. Unless the context shall otherwise indicate, words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons. The following terms shall have the meaning indicated below unless the context clearly requires otherwise:

(A) "*Applicant*" means the entity that makes application to the Issuer for the debt, sponsors the project, and provides the repayment funds. Notwithstanding the use of a conduit issuer and any credit enhancement, the Applicant is the entity whose credit is reviewed by the investors or credit enhancers as the underlying source of repayment funds.

(B) "*Bond Counsel*" means Bryant Miller Olive P.A. or any other firm of attorneys selected by the Issuer that is experienced in matters relating to the issuance of obligations by states and their political subdivisions that is listed as municipal bond attorneys in The Bond Buyer's Municipal Marketplace.

(C) "*County*" means Leon County, Florida.

(D) "*Credit Enhanced*" means a bond issue with a third party repayment guarantee such as a bank letter of credit, Federal program or insurance policy from a credit enhancer such as a bank or insurance company with credit ratings in the three highest categories, meaning at least A3 from Moody's, or A- from either Fitch or S&P, which repayment guarantee structure is binding for at least one year from date of issuance and results in the Bonds being issued with the long-term credit ratings and the highest short-term rating, if applicable, of the credit enhancer.

(E) "*Credit Rating*" means a professional assessment of creditworthiness from either Fitch, Moody's, or S&P, or such other firm as may reasonably attain a similar role in the future.

(F) "*Financial Advisor*" means a properly licensed firm retained by either the Issuer or Applicant with a fiduciary responsibility to their client under the rules and procedures of the National Association of Securities Dealers, the Municipal Securities Rulemaking Board, Securities and Exchange Commission, and the Florida Statutes. The Financial Advisor is expected to advise their client on structuring the debt, marketing the debt, and the investment or disposition of debt proceeds. Any Financial Advisor retained by the Applicant shall be acceptable to the Issuer. Debt issues for more than $10,000,000 undertaken for Applicants with Credit Ratings below Investment Grade Credit Ratings must use the services of a Financial Advisor mutually acceptable to the Applicant and the County.

(G) "*Fitch*" means Fitch Ratings, a nationally recognized credit rating agency.

(H) "*Investment Grade Credit Rating*" means a Credit Rating of BBB- or higher from Fitch, Baa3 or higher from Moody's, and BBB- or higher from S&P, and such other similar minimum rating level from another similar nationally recognized Credit Rating firm as may reasonably attain a similar role in the future.

(I) "*Issuer*" means the Leon County Housing Finance Authority as conduit issuer of the debt.

(J) "*Moody's*" means Moody's Investors Service, Inc., a nationally recognized credit rating agency

(K) "*S&P*" means Standard and Poor's Ratings Services, a Standard & Poor's Financial Services LLC business, a nationally recognized credit rating agency.

(L) "*Sophisticated Investor*" means a "qualified institutional buyer" as that term is defined under Rule 144A of the Securities and Exchange Commission or an "accredited investor" as that term is defined in Regulation D of the Securities and Exchange Commission.

~~kdriver@hough.com~~

~~II.~~ Summary of Process

A variety of collateral techniques may be explored. The financial structure is subject to approval by the Financial Advisor~~ to the Authority~~, if any, and Bond Counsel. The term of the bond issue is subject to negotiation. Interest rates cannot be determined until the Bond sale. The ~~bond~~Bond issue is accomplished via the following ~~Financing Steps~~steps:

(A) ~~A.~~ Selection Stage~~Applicants submit~~. An Applicant submits an application package for Issuer's staff~~ and~~, the Financial Advisor or credit underwriter to review~~. Financial Advisor performs development feasibility analysis. Authority Board~~ considers and perform a development and financial feasibility analysis, including, but not limited to, a review of the Applicant's ability to proceed, public purpose and other selection factors included in these Guidelines and will make a written recommendation to the Issuer. The Issuer will consider public purpose and financial feasibility ~~of development,~~ (including site control~~ and architectural design. Authority Board selects from all Applicants which~~) and decide if the Applicant will be invited ~~to~~into credit underwriting and subsequent stages of the process.

~~B. **Official Action (subsequent to written application)**~~

(B) ~~Ascertain that~~Official Action. Once it has been ascertained that the Applicant understands and agrees to comply with state, federal, local and ~~Authority~~Issuer requirements and has supplied all documentation required ~~for inducement. Public hearing advertised. Public hearing held. Consideration of Official Action Resolution. If approved, execute memorandum of agreement. Authority submits to County Commission for approval. Upon Commission approval, submission of private activity bond volume cap request to state, with priority designated by Authority. There is no guarantee that the private activity bond allocation will ultimately be granted. The Authority will make its best effort to obtain allocation, however the Applicant should be aware that the Authority shall not be responsible for any costs if the allocation cannot be obtained~~by the Issuer, an intent resolution for a proposed development will be placed on the agenda of a regularly scheduled meeting. After adoption of the intent resolution, the Issuer may authorize execution of a memorandum of agreement specifying the terms under which the Issuer will issue the bonds and inducing the Applicant. The date of the intent resolution will evidence "Official Action" by the Issuer. Under the IRS Code, expenses incurred by the Applicant more than 60 days prior to the date of Official Action may not be reimbursed from proceeds of bonds.

(C) ~~C.~~ Pre-Financing Stage. If the development is in the planning stage, the site plan is developed and submitted to appropriate authorities and other development approval processes are put in motion~~. Construction analysis/engineering firm performs review~~, pending approval of a proposed timetable by Issuer. Review of site plan, architectural design, and final construction contract~~.~~ is performed by a construction analysis/engineering firm. By dates established by the Issuer, the Applicant shall enter and complete~~3~~ credit underwriting. Credit underwriting is to be performed by a firm acceptable to the ~~Authority (and may include firms under contract with~~

~~the Florida Housing Finance Corp.),~~Issuer at the expense of the Applicant. Failure by the Applicant to meet such deadlines will result in rejection of the application. Validation proceedings, if required, are commenced~~. Financing~~ and the financing structure (credit enhancement, etc.) is finalized. Applicant then contacts Bond Counsel for commencement of documentation.

~~D. **Pre-Closing Stage**~~

(D) County Approval. The Tax Equity and Fiscal Responsibility Act ("TEFRA") requires that the Board of County Commissioners of the County approve tax-exempt bond financing for each development following a public hearing held after at least 14 days published notice in an appropriate publication approved by Bond Counsel. The Issuer will also publish notice of the TEFRA hearing in community newspapers servicing the affected area, if any, prior to the hearing. This notice shall not be published unless a recommendation for approval is received from the Issuer.

(E) Application to State Board of Administration. Following County approval, the Issuer will make submission to the State Board of Administration's (the "SBA") Division of Bond Finance for private activity bond volume cap (the "Private Activity Bond Volume Cap Allocation") unless the Applicant is a 501(c)(3) not-for-profit company. Private activity bonds must be issued by the Issuer within 155 days of receiving an award of Private Activity Bond Volume Cap Allocation from the SBA.

(F) Pre-Closing Stage. Ratings and insurance, as appropriate, are obtained~~. Documentation finalized. Receipt of Letter from~~ and documentation is finalized. The preliminary and final credit underwriting report will be delivered to the Issuer for review and approval. Upon receipt of the reports, the Issuer may establish conditions and timetables for the financing. In addition to any conditions established by the Issuer, the Applicant shall comply with all conditions established by the credit underwriter within the preliminary and final credit underwriting reports. Failure to comply with such conditions shall result in rejection of the application. Such conditions will include, but are not limited to, personal guaranties by the principals of the general partner and development entity (and the related corporate entities) of construction completion, operating deficits, environmental indemnity, and non-recourse obligations. The Issuer may elect to not move forward with the financing due to information included in the credit underwriting report. Prior to closing, the Issuer must be in receipt of a letter from the Applicant that all deal points have been resolved and that documents are in ~~Substantially~~substantially final form. Adoption by ~~Authority~~the Issuer of a Bond Resolution approving documents and authorizing the issuance of the Bonds will then be placed on the agenda for a regularly scheduled meeting. The Bonds may then be underwritten and sole to purchaser(s), subject to all conditions precedent to closing being accomplished.

~~issuance of Bonds. Bonds underwritten and sold to purchaser(s), subject to all conditions precedent to closing being accomplished.~~

E. **Closing**

(G) Closing. Closing shall be held at a time and place acceptable to the AuthorityIssuer. Any and all costs and expenses of the AuthorityIssuer incurred in connection with the issuance of the Bonds, including, but not limited to, the fees and expenses of the Authority's BondBond Counsel, Issuer's Counsel, if any, the underwriter(s), credit underwriter and Financial Advisor shall be paid at closing, or such earlier time as outlined herein. The proceeds raised will be deposited with the Trustee for the bondholders in accordance with bond documents.

III. III. Application

(A) A. Filing Application. Application for the issuance of the Bonds shall be made in the form attached hereto as "Leon County Housing Finance Authority, Multifamily Mortgage Revenue Bond Program, Application".Exhibit A. The application (original and twelve copies) must be submitted to the AuthorityIssuer at the address contained within, and by the deadline established by the Authority, within a Notice of Fund Availability (NOFA).at anytime Monday through Friday. The submission must becontain an original and 12 copies of the application and twelve copies.

B. **Expense and Indemnity Agreement**

(B) Expense and Indemnity Agreement. In conjunction with the filing of the application, the Applicant will be required to execute an Expense and Indemnity Agreement, in the form attached hereto as Exhibit A B, whereby the Applicant agrees to pay all bondBond issuance expenses, including, without limitation, the fees and disbursements of the Authority's Bond Counsel, Financial Advisor and any other administrative charges or out-of-pocket expenses which relate to the issue, and to indemnify the AuthorityIssuer and its members, officers, agents, attorneys and employees against any and all claims and liability arising out of the issuance of the Bonds.

C. Timely and Complete Filing

The Applicant will be required to file a complete application by the time and date noticed in the NOFA. Failure to comply will result in a rejection of the application.

D. Site Control

The Authority is not involved in site selection, but rather finances developments that are proposed by Applicants. However, location of the proposed development maybe a factor utilized by the Authority in its determination of whether to finance the development. Prior to application to the Authority, site control by deed, contract or option is required.

IV. Summary of Requirements for the Development and the Financing

A. General Requirements

1. The summary set forth herein is subject in all respects to the financing documents, Authority requirements and applicable state and federal law.

2. Developments must satisfy all applicable state and5 federal requirements. The Authority will rely on Bond Counsel, the Financial Advisor, and Counsel to the Authority, if any, to determine the

~~applicable requirements with respect to each development. There may be additional limitations imposed by the Authority in accordance with the policies, rules and regulations of the Authority.~~

~~3. The Authority will not issue obligations to provide financing for any multifamily rental housing development unless the applicant complies with the requirements set forth in these Program Guidelines.~~

~~B. Fair Housing Practices~~

~~All applicable Federal, State, and Local Fair Housing requirements must be followed.~~

~~C. Other Requirements~~

~~1. No bond issue may be made by an Applicant to fmance the acquisition of a development from an affiliated party, without prior approval by the Authority and confirmation by the credit underwriter that the sales price reflects a fair market value for the property, without considering the benefit of the tax exempt financing.~~

~~2. An Applicant must, upon delivery of the Bonds, execute an agreement which provides that the Applicant agrees to comply with the Program Guidelines in all respects. This agreement contains the Applicant's covenants, which run with the land and binds the Applicant's successors and assigns. In addition, the Applicant will be required to deliver, following completion of the development, periodic certifications with regard to continuing compliance with the Program Guidelines.~~

~~3. Each financing must have a credit enhancement policy in place at Bond closing which is rated at least "BBB/Baa" or the Bonds must be sold to an institutional investor. Any unrated bond or bond rated less than "A" shall be limited in its distribution to accredited investors.~~

~~4. If the Application involves the sale of low income housing tax credits, the Applicant must conform to all federal and state requirements associated with those credits, including compliance with Section 42 of the Internal Revenue Code and compliance with the State ofFlorida's Qualified Allocation Plan and associated administrative rules.~~

~~5. If the Application involves the sale of bonds not subject to the unified volume cap due to the 501(0(3) status of the Applicant, the Applicant must demonstrate at a minimum that (i) the organization is a 501(c)(3) in good standing, with affordable housing as part of their charter, and with a legal opinion relating to the organization and its role in the transaction, (ii) the organization should have a role in the community beyond that as a conduit financing vehicle, (iii) the organization should have a meaningful role in the development. Payment of a minimal fee with no real on-going role would not qualify as "meaningful".~~

~~6. All Applicants must provide a homeownership opportunity program available to all residents living in non-elderly developments in compliance with their current lease. The program must provide for the payment of 5% of the resident's gross rent towards a downpayment for that resident when the resident moves from the development into homeownership. The resident maybe suspended from the program during the period of a lease if the resident violates any provision of the lease. Upon renewal of the lease, the resident must be reinstated into the program for the period of that renewal, with suspension permitted under the same terms as discussed above. The homeownership opportunity program must also include financial counseling for all residents, with emphasis on credit counseling and other items necessary for successful purchase of, and maintenance of a home.~~

6

~~7. If the Application involves acquisition and/or rehabilitation, rehabilitation expenditures must exceed $12,000 per unit. This applies to bond issues using private activity bond allocation.~~

~~8. Elderly developments may not exceed 160 units.~~

(C) Site Selection. The Issuer is not involved in site selection, but rather finances developments that are proposed by Applicants. However, location of the proposed development may be a factor utilized by the Issuer in its determination of whether to finance a development. The Issuer only considers a request for Official Action of a proposed development when the Applicant can demonstrate control of the real estate. Control of the real estate can be evidenced by proof of ownership or by an executed purchase contract, deed or option agreement. Such instrument should clearly state the time period for which the instrument is effective, the purchase price to be paid and the cost of any extensions in the contract period, if applicable. However, the purchase price of real estate can be reimbursed from bond proceeds only if paid no more than 60 days before Official Action, or as otherwise permitted by the IRS Code.

IV. ~~V.~~ Application Review

~~A. Initial Review by Financial Advisor~~

(A) ~~1. The application for financing will be received and reviewed by the Authority's Financial Advisor, who shall prepare a report for the Authority. Such~~Initial Review. Upon receipt of an application, the Issuer or designee shall determine whether an application is complete. No further processing of an incomplete application shall be done until the application is determined to be complete. The Issuer's staff, Financial Advisor or credit underwriter will review and have performed a development and financial feasibility analysis to be completed by an independent financial feasibility consultant of recognized competence at the Applicant's expense. The financial feasibility analysis shall include~~ an analysis of the proposed development and financing, including~~, but not be limited to, ~~financial feasibility,~~a review of a developer's ability to proceed, public purpose~~,~~ and ~~all other selection factors included in this document.~~other selection factors. Prior to the Issuer's consideration, Bond Counsel and Issuer's Counsel, if any, will provide a preliminary review of an application to ensure compliance with federal and state laws, regulations, court rulings and other mandates in effect at the time. The Issuer will prepare a written report to the Issuer's board with respect to the issue.

~~2. The cost of the Financial Advisor's analysis shall be paid directly to the Authority at the time of initial application.~~

~~B. Preliminary Selection by the Authority Board~~

~~**1.** The Authority, upon review of the Financial Advisor's analysis, and upon independent review of the applications, may select one or more Applicants to move forward into the remaining process to determine the amount of private activity bond allocation to be requested for the Development (subject to County approval), and the total amount of bond financing to be considered for the development.~~

~~2. The Authority may establish conditions and timetables related to the financing as part of this selection process.~~

(B) ~~3. This~~Preliminary Selection by the Issuer. The Issuer may: (1) recommend the development move forward into the~~7~~ remaining process to determine the amount of private activity bond allocation to be requested and the total amount of bond financing to be

considered for the development; (2) reject the application; or (3) request additional information, including whether the Applicant may make a presentation to the Issuer. Such initial selection is contingent upon the Applicant fulfilling all statutory requirements, the requirements of these Guidelines, and any other requirements the Issuer may deem appropriate depending on the circumstances, including any conditions and timetables established by the Issuer related to the financing. The initial "selection" by the ~~Authority~~Issuer does not bind the ~~Authority~~Issuer to finance any or all of the proposed development. Instead, it allows the Applicant to move forward into the remaining process that will determine if the ~~Authority~~Issuer elects to finance any or all of the proposed development.

~~C. Items to be Considered By the Authority the Initial Selection Process~~

(C) Items to be Considered by the Issuer.

(1) The primary criterion for financing any development will be the degree to which the community needs the proposed development The Issuer will require the presentation of all pertinent data and information, both objective and subjective, with respect to community needs before approving any development. In order to provide community need, a development shall make a significant contribution to the economic growth of the County; shall provide or preserve gainful employment; shall protect the environment; or shall serve a public purpose by advancing the economic prosperity, the public health, or the general welfare of the State and its people.

(2) ~~1.~~ The financial soundness of the Applicant and the development, including the experience of the Applicant and other development team members.

(3) ~~2.~~ Conformance of the development with legal restrictions governing the issuance of the Bonds.

(4) ~~3.~~ The impact of the development upon the County's housing shortage, and on any neighborhood development or redevelopment plan of the County.

(5) ~~4.~~ The relative affordability of the housing to those persons in the County of middle, moderate and lesser income or, if the development is for elderly housing, the relative affordability of housing to those persons in the County of constituting the elderly.

(6) ~~5.~~ Ability of the Applicant to complete financing and development on a timely basis, including the status of a commitment for credit enhancement or private placement of the ~~Bonds~~bonds, a commitment from the purchaser of any low-income housing tax credits associated with the financing, and the status of the Applicant in the permitting process.

(7) ~~6.~~ Economic impact of the development, including the impact of jobs created by substantial rehabilitation and new construction.

(8) ~~7.~~ Applicant's formal agreement to abide by the loan conditions established in the credit underwriting report ~~prepared by the Financial Advisor and the credit underwriter~~.

(9) ~~8.~~ Applicant's agreement to provide resident income set-asides in excess of those required by State and Federal law.

(10) ~~9.~~ Applicant's agreement to agree to extended low-income compliance periods.

(11) ~~10.~~ Applicant's agreement to serve residents with incomes at levels below the maximum "low income" levels established by Federal law.

(12) ~~11.~~ Applicant's agreement to provide services to the residents relevant to the needs of the residents, such as day care, financial and credit counseling, or other services approved by the ~~Authority~~Issuer.

(13) ~~12.~~ Appropriateness of the development design, including the number of bedrooms per unit in developments targeted to family occupancy.

(14) ~~13.~~ Development design and amenities that provide enhanced quality of life, energy efficiency, increased security, handicapped accessibility, or other features.

(15) ~~14.~~ The proposed financing structure, including the proposed credit enhancement or private placement and its related bond rating and term.

(16) ~~15.~~ Leveraging of the ~~Authority'~~Issuer's tax-exempt bond allocation by providing a portion of the financing from non-County sources, including, but not limited to taxable bonds, and state or city loans or grants.

(17) ~~16.~~ The location of the development, relating to the surrounding community, including work places, shopping, transit, open space, schools, etc. In addition, a site that demonstrates accessibility to social services, proximity to mass transit and employment opportunities will be favorably considered.

(18) ~~17.~~ Use of a financing structure that is efficient in its use of tax -exempt bond allocation.

~~18. In the vent two or more applicants have equal scores; the tie shall be broken according to school rankings. The proposed development lying in a school zone with the most Pre-K through 12th grade A-rated schools shall be ranked first and the proposed development lying in a school zone with the least number of Pre-K through 12th grade A-rated schools shall be ranked last. The school ratings shall be based on the most recently published ratings prior to submission of the application.~~

V. ~~VI.~~ Process After Initial Selection ~~by the Authority~~

~~A. Credit Underwriting~~

~~1. By dates established by the Authority Board, the Applicant shall enter and complete credit underwriting. Failure by the Applicant to meet such deadlines will result in rejection of the application.~~

(A) Official Action.

(1) *Intent Resolution; Memorandum of Agreement*. Once it has been ascertained

that the Applicant understands and agrees to comply with state, federal and Issuer requirements and has supplied all documentation required by the Issuer, an intent resolution for a proposed development will be placed on the agenda of a regularly scheduled meeting of the Issuer. Prior to adoption of the intent resolution, the Issuer may decide to reject the application for any reason, including, but not limited to changing market conditions or financial assumptions that render the proposed development financially infeasible. After adoption of the intent resolution, the Issuer may authorize execution of a memorandum of agreement specifying the terms under which the Issuer will issue the bonds and inducing the Applicant, contingent upon the applicant's execution of such agreement within ten calendar days. The agreement will include any conditions established by the Issuer as part of the initial selection process. The agreement will also include the ability to recapture the bond allocation if the Applicant does not meet all conditions in a timely manner. The Official Action of the Issuer should not be construed as indicating the marketability of the Bonds or a guarantee that the Bonds will be issued. Rather, it is an indication that the Issuer will issue its Bonds if a willing and suitable purchaser can be found by the applicant, and all conditions precedent to issuance occur or are met.

(2) *Termination of Official Action*. After execution of the memorandum of agreement, it is the Applicant's responsibility to commence the development. The Bonds must be issued the earlier of (i) the deadline established in the initial approval by the Issuer; (ii) prior to the expiration of the bond allocation associated with the financing; or (ii) within 12 months of the effective date of the agreement, subject to an extension granted in the sole discretion of the Issuer. The Issuer will consider extending the Official Action upon submission of a written notice, that the Applicant wishes to seek an extension and a status report providing tangible evidence satisfactory to the Issuer of the progress of the financing the development. Such written notice and status report shall be submitted to the Issuer no less than 30 days prior to the end of the above referenced 9 month period. The Issuer reserves the right to terminate an Official Action at the end of the 12 months, or any earlier time as noted herein. The Issuer shall deem the Official Action terminated in the event that the Applicant fails to meet the foregoing requirements.

(3) *Agenda Scheduling*. Official Action will be taken only at duly noticed meetings of the Issuer or, in cases deemed exceptional by the Chairman or any three members of the Issuer, at specially scheduled meetings of the Issuer. Official action shall only be taken if a quorum is present. All documentation requiring Issuer Official Action must be received for review by the Chairman, Bond counsel, Financial Advisor and Issuer Counsel at least 10 working days in advance of the meeting in which the requested action is to be taken.

(B) ~~2.~~ Credit Underwriting. By dates established by the Issuer, the Applicant shall enter and complete credit underwriting. Credit underwriting is to be performed by a firm acceptable to the Issuer (and may include firms under contract with Florida Housing Finance Corporation), at the expense of the Applicant. Failure by the Applicant to meet such deadlines will result in rejection of the application. A preliminary and final credit underwriting report will be delivered to the ~~Authority~~Issuer for review and approval. Upon receipt of the ~~reportg~~reports, the ~~Authority~~Issuer may establish conditions and timetables for the financing. The

~~Authority~~Issuer may elect to not move forward with the financing due to information included in the credit underwriting report. In addition to any conditions established by the Issuer, the Applicant shall comply with all conditions established by the credit underwriter within the preliminary and final credit underwriting reports. Failure to comply with such conditions shall result in rejection of the application.

~~3. In addition to any conditions established by the Authority, the Applicant shall comply with all conditions established by the credit underwriter within the preliminary and final credit underwriting reports. Failure to comply with such conditions shall result in rejection of the application.~~

(C) ~~**B.**~~ TEFRA Approval~~**; Private Activity Bond Allocation**Pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), a public hearing on the financing of the development must be held and the minutes of that meeting or applicable extracts thereof, submitted to~~. TEFRA requires that the Board of County Commissioners of ~~Leon County (the "BOCC"). A notice~~the County approve tax-exempt bond financing for each development following a public hearing held after published notice. The Issuer will submit to the County a TEFRA approval request, which includes, but is not limited to:

(1) A detailed development description and a distribution list of the participants. The project description should include a description of the plan to obtain all necessary TEFRA approvals. TEFRA approvals for developments involving multiple facilities over a period of time should be specific in identifying the names and locations of the multiple facilities and local TEFRA approvals should be obtained in all jurisdictions where appropriate.

(2) Any related financials, feasibility studies, and required pro-forma statements that were part of the Applicant's application to the Issuer. For Credit Enhanced debt issues, the Applicant's financials do not need to accompany the TEFRA request.

(3) Minutes of legally noticed hearings regarding the debt issue, along with copies of required legal notices (minutes should include the outcome of any votes that take place, hearing dates, and legal notice publication dates). To the extent possible, TEFRA hearings should be held in County Commission Chambers and televised to facilitate the most open process possible.

(4) A description of the sale method, the proposed debt structure, and the minimum debt denominations. When financial advisor participates in the debt issue, the financial advisor will provide the recommendation about sales method, debt structure, and minimum denominations.

(5) A credit discussion regarding such things as repayment sources, credit enhancements, ratings, insurance, and debt service reserve levels. When financial advisor participates in the debt issue, the financial advisor will provide the credit description.

(6) Copies of resolutions, being certain those resolutions contain legal disclosure confirming that no County funds are pledged when that is the case.

(7) Notice of any waiver granted pursuant to Section VII(C)(vii).

The Issuer or the County will publish the notice of the TEFRA hearing in an appropriate publication approved by Bond Counsel and in community newspapers servicing the affected area, if any, prior to the hearing. The notice setting forth the location and description of the development, the principal amount of the Bonds, the owner of the development, and other relevant data about the proposed financing and containing the date, time and location of ~~a TEFRA~~the public hearing must be published at least 14 days prior to the ~~TEFRA~~ public hearing. ~~Unless otherwise provided, the TEFRA public hearing will be held by the Authority at a regularly scheduled meeting time. At the TEFRA~~ At the hearing, the development will be discussed and the public will be invited to be heard with regard to the development. ~~Following the holding of the public hearing, the development and the financing must be approved by the BOCC. Bond Counsel and Authority~~ The Issuer or County staff will be responsible for all arrangements with respect to the holding of the public hearing and obtaining TEFRA approval. Failure to obtain TEFRA approval from the ~~BOCC~~County shall result in termination of the financing with no liability to the ~~Authority. Following receipt of approval by the BOCC, the Authority will submit to the state a private activity bond volume cap allocation request in the amount and in the order of priority determined by the Authority. No assurance can be given that a requested private activity bond volume cap allocation will be received.~~Issuer. Blanket (statewide) TEFRA hearings will not fulfill a local TEFRA hearing requirement.

~~C. Memorandum of Agreement~~

~~1. After deliberation the Authority may authorize execution of a memorandum of agreement (the "Official Action") specifying the terms under which the Authority will issue its Bonds and inducing the Applicant, contingent upon the applicant's execution of such agreement within ten (10) calendar days. The Agreement will include the loan conditions included in the development feasibility analysis and the credit underwriting report prepared by the Financial Advisor and the credit underwriter, and any other condition established by the Authority as part of the initial selection process. The Agreement will also include the ability to recapture the bond allocation if the Applicant does not meet all conditions in a timely manner.~~

~~2. The Official Action of the Authority should not be construed as indicating the marketability of the Bonds or a guarantee that the Bonds will be issued. Rather, it is an indication that the Authority will issue its Bonds if a willing and suitable purchaser can be found by the applicant, and all conditions precedent to issuance occur or are met.~~

~~D. Termination of Official Action~~

~~1. After execution of the memorandum of agreement, it is the Applicant's responsibility to commence the development. Additionally, prior to preparing bond sale documents the Applicant must submit the Commitment Fee. The Bonds must be issued the earlier of (i) the deadline established in the initial approval by the Authority, (ii) prior to the expiration of the bond allocation associated with the financing, or (iii) within nine (9) months of the effective date of the Agreement, subject to an extension granted in the sole discretion of the Authority. The Authority will consider extending the official action the submission by the Applicant, no less than thirty (30) days prior to the end of the above referenced nine month or earlier period, of a written notice that the applicant wishes to seek an extension and a status report providing tangible evidence satisfactory to the Authority of the progress of the financing of the Applicant's development. The Authority reserves the right to terminate an official action at the end of nine (9) months, or any earlier time as noted in this paragraph.~~

~~2. The Authority shall deem the inducement terminated in the event that the Applicant fails to meet the foregoing requirements.~~

~~**E. Authority Agenda Scheduling**~~

~~1. Official Action will be taken only at duly noticed Authority meetings or, in cases deemed exceptional by the Chairman or any three (3) members of the Authority, at specially scheduled Authority meetings. Official Action shall only be taken if a quorum is present.~~

~~2. All documentation requiring Authority official action must be received for review by the Chairman, Bond Counsel, Financial Advisor to the Authority and Counsel to the Authority at least ten (10) working days in advance of the meeting in which the requested action is to be taken.~~

(D) Application to SBA. Following County approval, the Issuer will make submission to the State Board of Administration's (the "SBA") Division of Bond Finance for private activity bond volume cap (with priority designated by the Issuer for competing developments, if any). Private activity bonds must be issued by the Issuer within 155 days of receiving an award of Private Activity Bond Volume Cap Allocation from the SBA. The Issuer has no control over the bond volume cap allocation and, therefore, accepts not liability for the final determination rendered regarding the availability of bond volume cap by the SBA. No assurance can be given that a requested private activity bond volume cap allocation will be received.

(E) ~~**F.**~~ Validation. The ~~bonds~~Bonds of the ~~Authority~~Issuer may be required to be validated in the manner provided by ~~Section~~section 159, Florida Statutes, ~~as amended,~~ and by ~~Chapter~~chapter 75, Florida Statutes~~,~~. The determination as ~~from time to time amended and supplemented.~~to whether bond validation is required shall be made by the Issuer upon advice of its attorneys. If a bond validation is necessary, Bond Counsel will prepare validation pleadings for filing ~~by Counsel to the Authority~~ in the Circuit Court in and for ~~Leon County.~~the County. The Applicant shall bear any fees and expenses (including legal fees of the Issuer's Counsel and Bond Counsel) relating to any bond validation.

VI. ~~VII.~~ Process after Final Approval of Financing ~~by the Authority~~.

(A) ~~**A.**~~ Preparation of Bond Package. After appropriate review and approval by the ~~Authority~~Issuer, the ~~Authority~~Issuer shall consult with Bond Counsel and initiate appropriate steps leading to the preparation of bond documents for the sale of the Bonds.

~~**B. Bond Counsel and Preparation of Bond Sale Documents**~~

~~1. It is the policy of the Authority that the legal firm serving as Bond Counsel to the Authority at the time of initial application for financing act as bond Counsel for all multifamily housing revenue bond issues.~~

(B) ~~2.~~ Bond Counsel and Preparation of Bond Sale Documents. It is the policy of the Issuer that Bond Counsel act as bound counsel for all multifamily housing revenue bond issues of the Issuer. Following the execution of the ~~Memorandum of Agreement by the Authority and the applicant~~memorandum of agreement, Bond Counsel will prepare all documents necessary for the sale of the Bonds and submit them for review and approval by the parties thereto.

~~10~~

(C) ~~**C.**~~ Sale of the Bonds.

~~**1.**~~ The act of the ~~Authority~~Issuer in entering into a ~~Memorandum~~memorandum of ~~Agreement~~agreement with the ~~applicant~~Applicant for the issuance of ~~**bonds**~~Bonds shall not be construed as an indication of the marketability of the ~~bonds~~Bonds, but rather, that the ~~Authority~~Issuer will issue its bonds only if appropriate and willing purchasers can be found and upon the execution of bond sale documents mutually agreeable to all parties thereto.

(i) ~~2.~~ The Bonds issued and sold by the ~~Authority~~Issuer shall not be deemed to constitute a debt, liability, or obligation of the ~~Authority~~Issuer, the County, ~~or of~~ the State ~~of Florida~~, or of any political subdivision thereof, or a pledge of the faith and credit or taxing power of the ~~Authority~~Issuer, the County, ~~or of~~ the State or of any such political subdivision, but shall be payable solely from the revenues and other resources pledged to the payment of the Bonds.

~~3. In general, prospective bond issues not considered of investment grade quality may be sold only at private sale or by limited public offering to accredited investors or qualified institutional buyers in bond denominations of not less than $100,000 each. Prospective issues of investment grade quality may be sold at public or private sale in bond denominations of not less than $5,000 each.~~

(ii) The Issuer or Applicant will cause an official statement and related offering documents to be produced in connection with all public sales of debt.

(iii) The Issuer or Applicant will avoid blind-pools justified by demand surveys where funds are issued and invested until used to fund projects. Instead, the Issuer or Applicant will focus on individual issues for individual projects or focus on draw-down structures that issue debt proceeds from investors only as projects require funding.

(iv) ~~4.~~ For ~~purposes of this paragraph, the term "limited public offering" shall be defined as an offering made only to accredited investors or qualified institutional buyers, not more than 35 in number. . Investment grade quality shall be as determined by the accepted standards of the nationally recognized credit rating agencies.~~debt (a) with credit enhancement and a rating in one of the three highest rating categories held by the borrower or a credit enhancer, or an affiliate of either; or (b) with a rating in one of the three highest rating categories from a nationally recognized rating service (currently at least A3 from Moody's or A- from Fitch Ratings or Standard and Poor's), there are no additional restrictions for issuance.

(v) For debt issued to support an existing or on-going concern of at least five years, these financings must meet the following criteria: (a) the revenues must be pledged from the entire enterprise, not from the specific project; (b) the debt must be issued as a sole placement and is not divisible; and (c) a financial pro-forma must demonstrate coverage of at least 1.10x of maximum debt service.

(vi) For debt not meeting the definitions of subsections (v) and (vi) above, these financings must meet the following criteria: (a) a feasibility study (market analysis, management structure, financial plans, etc.) with financial projections showing at least 1.10x coverage of maximum annual debt service, and (b) explanation of supplemental financial support from parent corporations, members, partners or guarantors, provision for reasonable and prudent reserves. If such debt is publicly placed, the

financing must also meet the following criteria:

1. shall be sold and subsequently transferred only to a Sophisticated Investor or Investors;

2. receive an investment credit grade rating;

3. shall comply with the conditions set forth below in paragraph i. through iii. or iv. through vi., as determined prior to the issuance of the Bonds:

i. The Bonds shall be sold in minimum denominations of $100,000; and

ii. The Bonds shall be sold only to Sophisticated Investors who have executed and delivered an "investor's letter", in form and substance satisfactory to the Issuer including, among other things, (A) stating that the purchase of the Bonds will be solely for its own account, (B) stating that such Sophisticated Investor can bear the economic risk of its investment in the Bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks of purchasing the Bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the Bonds based on its own independent investigation regarding the Bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the Bonds, and (E) acknowledging that the Issuer, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor's purchase of the Bonds; and

iii. The Bonds shall bear a legend restricting subsequent transfers to other Sophisticated Investors who have executed and delivered an "investor's letter" complying with the preceding paragraph ii.

Alternatively,

iv. The Bonds shall be sold in minimum denominations of $250,000; and

v. The Bonds shall be sold initially only to Sophisticated Investors who have executed and delivered an "investor's letter", in form and substance satisfactory to the Issuer including, among other things, (A) stating that the purchase of the Bonds will be solely for its own account, (B) such Sophisticated Investor can bear the economic risk of its investment in the Bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks

of purchasing the Bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the Bonds based on its own independent investigation regarding the Bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the Bonds, and (E) acknowledging that the Issuer, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor's purchase of the Bonds; and

vi. The Bonds shall bear a legend restricting subsequent transfers to investors who by their purchase of the Bonds represent that they (A) are purchasing the Bonds solely for their own account, (B) can bear the economic risk of their investment in the Bonds, (C) have such knowledge and experience in financial business matters that they are capable of evaluating the merits and risks of purchasing the Bonds, and (D) have made the decision to purchase the Bonds based on their own independent investigation regarding the Bonds and have received the information they consider necessary to make an informed decision to invest in the Bonds.

4. Each indenture related to the Bonds that are subject to the restrictions, as set forth above, shall provide that the trustee and the paying agent shall not authenticate or register a Bond unless the conditions of these policies have been satisfied.

5. Applicants can petition the Issuer for a waiver to issue in smaller denominations than required within this Section. The Applicant must demonstrate a compelling public purpose for smaller denominations. The demonstration of a compelling public purpose may require a formal presentation at the discretion of the Issuer. Any waiver granted by the Issuer may only be granted prior to submission of TEFRA materials to the County pursuant to Section VI(C).

VII. ~~VIII.~~ Process After Sale of Bonds ~~for Disposition of Bond Proceeds~~.

(A) ~~A.~~ Following the sale of the Bonds, the proceeds raised will be deposited with the ~~Trustee for the bondholders in accordance with bond documents.~~trustee for the Bondholders in accordance with the Bond documents.

(B) The Financial Advisor will recommend the investment structure for debt proceeds and bid the investment of proceeds. In the event Financial Advisor is not required for a debt amount under $10,000,000 or for a Applicant with Investment Grade Credit Ratings, a financial officer of the Applicant should submit a signed plan for disposition, investment and safekeeping of the proceeds as a part of the application process which will then be included in the TEFRA request packet for the County.

(C) ~~B.~~ In accordance with ~~bond~~the Bond documents, the ~~Authority~~Issuer will be

concerned with the use of the proceeds to the extent that they are used only for purposes allowed by the governing statutestatutes and provisions of the development as authorized in the Memorandummemorandum of Agreementagreement and bond sale documents. To this end, the AuthorityIssuer requires that all construction and other disbursements and certain other matters related to the development be approved by its construction servicing agent.

(D) The Issuer or the Applicant will arrange to use a recognized agent as an information repository and dissemination agent for Rule 15(c)2-12 disclosure, to the extent applicable. Applicants with Investment Grade Credit Ratings can choose to undertake any disclosure responsibilities under 15(c)2-12 through a proprietary process.

(E) The Issuer or the Applicant will ensure that electronic copies of all closing transcripts are forwarded to the Leon County Clerk, the County Attorney, and the County Administrator.

VIII. IX. Fees and Expenses.

The Applicant will be responsible for all fees and expenses of the Issuer and its professionals in connection with each bond issue on its behalf.an application for inducement and the subsequent issuance of the Bonds. Such expenses, where eligible under the Code, may be financed with Bond proceeds. The Code provides that only two (2) percentno more than 2% of the proceeds of a tax-exempt bond issue may be used to pay "Costs of Issuance." The Applicant hereby commits to pay from other sources any costs of issuance not payable from bondBond proceeds. The following fees are payable at the times and in the amounts as described below. ALL FEES ARE NON-REFUNDABLE.

(A) A. Each application submission shall include a non-refundable Application Fee in the amount of $15,000 application fee is required at the time of application, payable to the Issuer in the form of a cashier's check. The application fee is non-refundable in the event the Bond issue does not close for any reason. The application fee covers expenses incurred during the processing of the application and structuring of the financing prior to closing such as, the development feasibility study, TEFRA advertising expenses, publication expenses, Bond Counsel fees, etc.

0.1% (ten basis points) of the requested bond amount, but not less than five thousand ($5,000), payable to the Housing Finance Authority of Leon County, Florida in the form of a cashier's check.

B. Each application submission shall include a non-refundable Development Feasibility Analysis Fee in the amount of $5,500, payable to the Authority's Financial Advisor, in the form of a cashier's check.

(B) C. If invited to credit underwriting by the Authority, the Applicant must submit a non-refundable credit underwriting fee in the amount specified in thean agreement between the Authority andwith the credit underwriter. Such fee should be payable to the credit underwriter, and must be paid prior to commencement of credit underwriting. The Applicant is also responsible for other costs of credit underwriting, including appraisals, pre-construction analysis and engineering studies.

(C) D. Prior to official action, theThe 12 Applicant must execute a memorandum of

agreement with the ~~Authority~~ Issuer and submit to the ~~Authority a Commitment Fee~~Issuer a commitment fee equal to ~~twenty thousand dollars ($20,000),~~$20,000, or one quarter of one percent (1/4 of 1.00%) of the aggregate estimated principal amount of the Bonds to be issued, whichever is greater. If the ~~Authority~~Issuer meets its obligations under the ~~Memorandum~~memorandum of ~~Agreement~~agreement and the ~~bond~~Bond closing does not take place, this fee shall be non-refundable. ~~Additionally~~ However, if the sale and closing does not take place for any other reason, the fee is refundable, but only to the extent that any of it remains after the ~~Authority~~Issuer pays all hourly and out of pocket costs of the ~~Authority~~Issuer, Bond Counsel, Underwriters~~,~~ and the Financial Advisor. The out ~~ofpocket~~of pocket costs of the ~~Authority~~Issuer may include, but are not limited to, costs of printing the Bonds and official statement, drafting and distribution of ~~bond~~Bond and loan documents, review of ~~bond~~Bond and loan documents, travel and rating agency fees. If the ~~bond~~Bond issue closes, this fee will be credited against the total costs of issuing the Bonds, all of which the Applicant is required to pay.

(D) ~~E. At the~~A financing fee is required to be paid at closing of the Bonds ~~an Administrative Fee equal to twenty thousand dollars ($20,000), or twenty-five one-hundredths of one percent (25/100 of 1.00% or 25 basis points)~~to the Issuer in an amount equal to 1% of the principal amount of the Bonds~~,~~ actually issued, or $20,000, whichever is greater~~, will be due~~.

(E) ~~F. In addition, the Authority will charge an Annual Administration Fee~~An annual administration fee of two tenths of one percent ~~or twenty basis points~~ (2/10 of 1.00%) or 20 basis points~~)~~ on the outstanding amount of the Bonds, plus the costs of any ongoing third party service provided to the ~~Authority~~Issuer in conjunction with the ~~bond issue~~Bonds, including ~~rOan~~loan servicing, development compliance monitoring, financial monitoring, trustee services, audit costs, and rebate analysis.

(F) ~~G.~~ The Applicant shall ~~be responsible for payment of all fees and expenses in connection with the proposed financing, including, without limitation, the fees and expenses of the Authority's Financial Advisor, Bond Counsel, Credit Underwriter, Construction Servicing, Compliance, Monitoring Agent, and Financial Monitoring Agent, Trustee and its counsel, the Bond Underwriters and their counsel, the credit enhancers, and the rating agencies.~~ .pay to the Issuer and the County, an amount equal to all out-of pocket costs other than normal office expenditures for telephone charges, photocopying and the like incurred by the Issuer in processing the application and issuing the Bonds. The Applicant shall reimburse the Issuer or the County for time expended by attorneys employed by the Issuer or the County in direct support of the Bond issue. The Applicant shall also pay to the County all fees and expenses incurred by the County for the TEFRA approval of the Bonds. The Applicant shall pay these expenses within 10 days after receipt of written invoice or demand for payment. These expenses may be deferred and collected from the proceeds of sale upon approval of the Issuer and the County, respectively, provided the same shall not reduce the Applicant's liability to pay the expenses in the event that no closing occurs.

~~X. Waiver~~

~~The Authority reserves the right to waive any of the aforesaid guidelines and procedures, not~~

~~otherwise required to be met by law, upon good cause shown by Authority personnel or any corporation, firm or business concerned with the proposed financing showing of any of the following shall constitute "good cause" for the purpose of such waiver:~~

~~A. That a particular guideline or application requirement is not applicable to a particular applicant;~~

~~B. That due to the nature of a proposed development, applicant or bond financing transaction a particular guideline or application requirement is neither necessary for proper review and consideration of an application by the Authority nor practicable under the circumstances.~~

~~C. That compliance by an applicant with any guideline or application requirement would work an undue hardship on said applicant and compliance therewith is not essential, in the opinion of the Authority, to its review and considerations of the application.~~

~~D. That compliance with any guideline or application requirement is not, in the opinion of the Authority, essential to its review and consideration of an application and dispensing therewith would facilitate the Authority's action upon the application. Any such waiver shall be based upon evidence of the existence of good cause presented to the Authority at a public meeting and shall be by majority vote of the quorum of the Authority taken at such meeting. These guidelines may be amended from time to time by majority vote of the quorum of the Authority taken at any meeting.~~

~~E. The guidelines in effect at the time of execution of any Memorandum of Agreement shall be made a part thereof and incorporated therein by reference. In the event of conflict, the Memorandum of Agreement shall control.~~

~~**XI.**~~

(G) All fees and expenses of all such consultants required by the Applicant (including but not limited to financial advisor, bond counsel, engineers, etc.) shall be the sole responsibility of the Applicant.

IX. Program Compliance Requirements

~~A. **Compliance Agent.**~~

Multi-family developments qualified as exempt facilities under the Code, must comply with all federal, state and local laws relating to the use of tax-exempt bonds, including, but not limited to, the following:

(A) Ninety-five percent or more of the net proceeds of the Bonds must be used to provide exempt facilities such as a residential rental property.

(B) To qualify, the development must be classified as a resident rental property (that is, a multi-family housing development) consisting of one or more similarly constructed units which (i) must be used for other than on a transient basis; (ii) made available for rental to the general public; and (iii) satisfy the continuous rental and very low or low income occupancy requirements. Hotels, motels, fraternity and sorority houses, rooming houses, hospitals, nursing homes, retirement homes, sanitariums, ~~13~~ or rest homes are not residential rental properties. Each rental unit must contain separate and complete facilities for living, sleeping,

eating, cooking and sanitation.

(C) The Issuer has established criteria for resident selection that is based on cumulative annual household income. A minimum number of units must be set-aside for households that meet the Issuer's income criteria. The minimum set-aside determined by the Issuer is shown in Exhibit C. The Issuer may include the Applicant's willingness to set-aside units beyond the minimum requirements in its decision on whether to induce or finance the development. The set-aside requirement is based on cumulative current annual household income determined in accordance with Section 8 of the Housing Act of 1937, as amended. Each income amount associated with the number of persons per household reflects a percentage of the median gross income level for the Metropolitan Statistical Area in which the development is located, as determined by the Secretary of the United States Department of the Treasury, in a manner consistent with Section 8 of the Housing Act of 1937, as amended, including adjustments for family size.

(D) If the Applicant is a private person (not a governmental unit or a 501(c)(3) not-for-profit corporation), or if any investment in the development will be owned by private parties, the issuance will be a "private activity bond" and as such, will require an allocation of Private Activity Bond Volume Cap from the SBA. Pursuant to state law, local housing finance authorities may apply for allocations of bond volume cap on the first business day of each calendar year and until June 30 of each year. All applications that meet the threshold requirements of the Issuer will be submitted to the State of Florida Division of Bond Finance ("DOBF"). Proposals from the Issuer and other eligible entities will be randomly selected using procedures established by the DOBF. If approved, the Issuer has one hundred fifty-five (155) days from the date of approval to issue tax-exempt bonds for the intended purpose, or the allocation must be returned to the State for reallocation to other developments or requests. After June 30th of each year, allocation may be restricted until November 15th.

(E) If the application involves the sale of Bonds not subject to the unified volume cap due to the 501(c)(3) status of the Applicant, the Applicant must demonstrate at a minimum that (i) the organization is a 501(c)(3) in good standing, with affordable housing as part of their charter, it has been in existence for at least five years, and with a legal opinion relating to the organization and its role in the transaction, (ii) the organization should have a role in the community beyond that as a conduit financing vehicle, and (iii) the organization should have a meaningful role in the development. Payment of a minimal fee with no real ongoing role would not qualify as "meaningful".

(F) If the Applicant intends to acquire an existing housing project, at a minimum, all deferred maintenance items and structural deficiencies identified in the Property Assessment/Condition Report provided by the credit underwriter must be corrected and all improvements must meet current code requirements after rehabilitation is completed. At a minimum, at least 15% of the net tax-exempt bond proceeds issued must be used for rehabilitation expenditures that have been or are completed within a two-year period of the date of issuance. Rehabilitation expenditures generally mean any actual amount properly chargeable to a capital account and incurred in connection with the rehabilitation of the development.

(G) If the application involves the sale of low income housing tax credits ("Housing Credits"), the Applicant must conform to all federal and state requirements associated with those

credits, including compliance with Section 42 of the Code and compliance with the State's Qualified Allocation Plan and associated administrative rules. The Applicant should prepare the 4% Housing Credit County HFA Bonds Application Form and its Exhibits and deliver them to the Florida Housing Finance Corporation pursuant to the instructions for 4% Housing Credit County HFA Bonds Application. The form and its exhibits can be submitted to the Florida Housing Finance Corporation as early as the time the Applicant enters credit underwriting of the Bonds. The Applicant should consult with the Florida Housing Finance Corporation on its application for 4% Housing Credits.

(H) In order to insure compliance with the income targeting required under Federal ~~and~~, State and local law and the ~~Authority'~~Issuer's requirements, the ~~Authority~~Issuer will retain an independent program compliance agent. The Applicant will be required to pay for the cost of this service. This compliance agent will be responsible for monitoring the resident income certification forms and periodic on site inspections of the books and records of the development in order to insure compliance with these requirements. The compliance agent must have experience in compliance work with similar ~~bond~~Bond issues and must be appointed by the ~~Authority~~Issuer.

~~B. **Financial Monitoring Agent**~~

In order to provide the ~~Authority~~Issuer with current information with respect to the performance of the development, the ~~Authority~~Issuer will retain an independent financial monitoring agent. The Applicant will be required to pay for the cost of this service. The services of the financial monitoring agent shall be for the sole benefit of the ~~Authority~~Issuer, and solely for the information of the ~~Authority~~Issuer. The ~~Authority~~Issuer shall have no responsibility to bondholders, credit enhancers, or others to monitor the financial performance of the development or provide information with respect thereto.

~~C. **Qualified Resident Criteria**~~

(I) The ~~Authority has established criteria for resident selection that is based on cumulative annual household income. A minimum number of units must be Set-Aside for households that meet the Authority's income criteria. The Minimum Set-Aside determined by the Authority is shown in Exhibit B. The Authority may include the Applicant's willingness to set-aside units beyond the minimum requirements in its decision on whether to induce or finance the development. The Set-Aside requirement is based on cumulative current annual household income determined in accordance with Section 8 of the Housing Act of 1937, as amended. Each income amount associated with the number of persons per household reflects a percentage of the median gross income level for the Tallahassee Metropolitan Statistical Area, as determined by the Secretary of the United States Department of the Treasury, in a manner consistent with Section 8 of the Housing Act of 1937, as amended, including adjustments for family size.~~

~~D. **Other Compliance Requirements**hi addition to the criteria cited above,~~foregoing is not intended to serve as legal advice to any applicant, but merely recites the Issuer's understanding of the requirements of the Code. Bond Counsel shall preliminarily review all applications to ~~insure~~ensure compliance with Federal ~~and~~, State ~~law~~and local laws, regulations, court rulings~~,~~ and other mandates in effect at the time an ~~Application~~application is approved. Final approval of bond counsel will be required as a condition of issuance of the Bonds.

~~EXHIBIT~~ Exhibit A

~~FORM OF EXPENSE AND INDEMNITY AGREEMENT~~

Expense and Indemnity Agreement
(Leon County Housing Finance Authority)

RE: LEON COUNTY HOUSING FINANCE AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS

Ladies and Gentlemen:

The undersigned (the ~~"~~"Applicant~~"~~") has requested ~~that the Leon County Housing Finance Authority (the "Authority")~~you to consider its application ~~for~~to have you issue the ~~issuance of~~ bonds ~~by~~ referred to above (the ~~Authority~~"Bonds") for the benefit of the Applicant~~,~~ and as an inducement to such consideration, hereby agrees with ~~the Authority~~you as follows:

Section 1. Payment of Expenses~~.~~:

Whether or not the Bonds are offered, sold or issued, the Applicant agrees to pay and be liable for, and to hold you harmless against the payment of~~,~~ any and all expenses ~~related~~relating to the ~~Bonds~~Bond issue, including~~,~~ without limitation~~, the fees and expenses of Bond Counsel, Bond Underwriters, Financial Advisor, Credit Underwriters, and if any, Counsel to the Authority~~ the frees and disbursements of your financial advisor, special counsel and bond counsel, your administrative charges and out-of pocket expenses, recording charges, ~~expenses~~expense of printing offering circulars ~~or~~, official statements, ~~the cost of printing the Bonds and advertising the sale thereof. The application fee is a separate fee that is non-refundable and shall be used for the payment of administrative and/or legal expenses of the Authority~~and the Bonds, legal advertising and expenses of registering the Bonds with the securities commission of any state.

Section 2. Indemnity~~.~~:

Whether or not the Bonds are offered, sold or issued, the Applicant agrees to indemnify ~~and hold harmless~~ you, and each of your members, officers, agents, attorneys, advisors and employees against any and all claims and liability of whatsoever nature arising out of ~~the Bonds issued~~or relating directly or indirectly to the Bond issue, whether caused by you or the Applicant or otherwise, including, without ~~limitations,~~limitation, claims based upon actual or alleged misrepresentation, fraud or other tortuous conduct ~~or~~, breach of contractual relationships, or violation of law or administrative rule, whether ~~predicated~~predicted upon federal or state statutes, common law, principles of equity or otherwise, excepting only claims based upon willful misfeasance or nonfeasance ~~of the Authority~~. In furtherance of the foregoing, the ~~Applicant~~corporation agrees to pay any and all attorneys~~'~~' fees and court costs~~, including those relating to appeals,~~ incurred in the defense of ~~any of the claims herein above enumerated upon your written demand thereof.It is further understood and agreed that you or~~ any of the persons herein above indemnified shall be entitled to retain counsel acceptable to you or them to defend any such claim, but that neither you nor any such person will enter into any settlement of the same without the prior written approval of the Applicant.

Section 3. Survival of Agreement:

This Agreement shall survive the closing of the Bond issue and shall not merge into or be superseded by any other agreement other than by a written amendment hereto specifically denominated as such and executed by you and the Applicant.

If the forgoing is acceptable to you, please indicate your acceptance in the space provided below, whereupon the Agreement shall become a binding contract between us.

~~**EXHIBIT B**~~Dated:

NAME OF APPLICANT: _____

By: _____

Its: _____

Accepted and agreed to as of the date above written:

HOUSING FINANCE AUTHORITY OF LEON COUNTY, FLORIDA

By: _____
Chairperson

(SEAL)

ATTEST:

_____
Secretary

Exhibit B
Leon County Housing Finance Authority Application for Financing

(See Attachment #2)]

Exhibit C
Minimum Set-Aside Requirements

The ~~**Authority**~~Issuer requires the following ~~**Minimum Set-Aside Structure**~~minimum set-aside structure:

> Set-~~Aside~~aside requirements are based on cumulative current annual income per household determined in accordance with Section 8 of the Housing Act of 1937, as amended. Limits are based upon the then applicable income limitations established by federal guidelines.

20% Set-~~Aside~~aside for households whose income is 50% or less of the applicable area median income.

-OR~~–~~-

40% Set-~~Aside~~aside for households whose income is 60% or less of the applicable area median income.

> All set-aside units must meet the then applicable rent and income limitations in effect at the time of closing.

Document comparison by Workshare Compare on Thursday, February 07, 2013 4:56:54 PM

Input:	
Document 1 ID	file://J:\wdox\Docs\Clients\25108\002\ADM\00738272.RTF
Description	00738272
Document 2 ID	file://J:\wdox\Docs\Clients\25108\002\CORR\00728374.DOC
Description	00728374
Rendering set	Standard

Legend:	
Insertion	
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Style change	
Format change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	405
Deletions	398
Moved from	68
Moved to	68
Style change	0
Format changed	0
Total changes	939

I. APPLICATION INFORMATION

A. Applicant Name: _____

Must be a legally formed entity (i.e., limited partnership, corporation, etc.) qualified to do business in the State of Florida at the time of submission of Application. Include a copy of the certificate of good standing from the Florida Secretary of State and any creation documents (e.g., articles of incorporation, articles of organization, etc.). If the Applicant is a general partnership or joint venture, provide a copy of the partnership/joint venture agreement. Also include audited financial statements for the proceeding three years, an annual report (if regularly issued) and, if the Applicant is a public company, a copy of form 10-K for the last three years. Documentation can be found behind tab labeled "Exhibit I-_____."

Note: If four percent tax credits will be sought and it is contemplated that the tax credits will be syndicated, the Applicant entity must be a limited partnership or a limited liability company at the time of application for the tax credits. The Applicant entity will be the recipient of the tax credits and CANNOT BE CHANGED until after a Final Allocation of tax credits has been issued.

Address: _____

_____

Telephone: _____ Facsimile: _____

Email: _____

B. If partnership, name of general partner(s): _____

_____

If corporation, name and title of executive officer: _____

_____

Address: _____

Telephone: _____ Facsimile: _____

C. Designated Contact Person: Person with decision making authority with whom the Authority will correspond concerning the Application and Development for Applicant/Borrowing Entity (not a consultant). Who is the Designated Contact Person for this Development?

_____

Relationship to Applicant: _____

Address:_____

Telephone: _____ Facsimile: _____

Email: _____

D. Is there a Consultant? No _____ Yes _____ ; If yes, provide the following:

Name: _____

Company Name: _____

Address: _____

_____

Telephone: _____ Facsimile: _____

E. Applicant's Federal Taxpayer Identification Number:_____

F. Nonprofit Status

1. Is the Applicant a 501(c)(3) non-profit organization pursuant to the Internal Revenue Code? No _____ Yes _____; if "yes" provide the following items:

   a. Attach evidence of non-profit status behind tab labeled "Exhibit I-_____."

   b. Attach evidence non-profit has been in existence for at least five years behind tab labeled "Exhibit I-_____."

   c. Attach attorney's opinions as required by the Code and evidence that the nonprofit has not exceeded its allocation cap behind tab labeled "Exhibit I-_____."

2. Is the Authority's Bond Allocation being requested? Yes _____ No _____

If "No", complete the following:

   a. Attach evidence of the federal minimum set aside requirement. Evidence can be found directly behind tab labeled "Exhibit I-_____."

II. DEVELOPMENT INFORMATION

A. Development Name: _____

Note: After Final Board Approval, Development name MAY NOT BE CHANGED OR ALTERED WITHOUT CONSENT OF THE AUTHORITY. If available, provide the actual trade, "marketing" or d/b/a name.

B. Development Street Address/Zip Code (if new construction, give street names, city and zip code).

_____

_____

Legal description is attached behind tab labeled "Exhibit II-_____."

C. Development Category and Population:

1. (a) Choose all that apply:

☐ New Construction ☐ Acquisition* ☐ Remarketing

☐ Rehabilitation ☐ Refunding ☐ Acquisition/Rehab

(b) If acquisition, rehabilitation, or a acquisition/rehab was selected, is the Development occupied? No _____ Yes _____.

Note: If an acquired Development is occupied, it must be in compliance with program rules at the time of the Bond Closing. Contact the Authority staff immediately for a letter of determination.

2. Choose the category that describes the population to be served:

☐ Family ☐ Elderly ☐ Other: _____

D. Has construction begun? No _____ Yes _____; Date permits issued: _____

Is the Development complete? No _____ Yes _____ Date CO issued: _____

If certificates of occupancy were issued on more than one date, attach a listing of issue-dates for each building directly behind tab labeled "Exhibit II_____."

If not, what is the anticipated placed-in-service date? _____

E. Number of Units:

Total Number of Units: _____ (Market rate, Set-aside, and manager units)

Number of Residential Units: _____ (Market rate units plus Set-Aside units)

Number of Set-Aside Units: _____

Percent of Set-Aside Units: _____ (# Set-Aside Units/#Residential Units)

F. Manager/Employee Units: Are there one or more manager or employee units in the Development?

No _____ Yes _____; if yes, how many? _____ Unit Type(s) _____

If so, will each unit be occupied by an income-eligible manager/employee and included in the number of units set aside? No_____ Yes_____. If included in set-aside, it must be used in all calculations for number of units, e.g. in rent charts, pro formas, etc. NOTE: If manager/employee unit(s) is exempt from HC rent restrictions, the unit rent should be calculated as if it were a market rate unit.

G. Breakdown of units by square footage and monthly rent charged. All units in the Development must be listed INCLUDING all manager/employee units. Indicate manager/employee units with an asterisk.

# of Bedrooms Per Unit	# of Baths Per Unit	Square Feet Per Unit	# of Units Per Bedroom Type	% of Area Median Income	Monthly Gross Rent for Set-Aside	Less Utility allowance (For HC Developments	Net Rent for Set-Aside Units	Monthly Market Rent+

* NOTE: For any Development anticipating the use of tax credits, gross rents include the rent plus the allowance for resident-paid utilities for set-aside units. These rents may not exceed the allowable rents for the chosen set-aside as shown on the applicable rent charts included in the Tax Credit Application Package. Rents will be capped based on set-aside chosen.
+ NOTE: Answer for market rate units only.

H. Minimum Set-Aside Required for Tax Exempt Bond Financing. CHOOSE ONLY ONE:

☐ 20% of units at 50% of area median income

☐ 40% of units at 60% of area median income

I. Public Policy Issues:

1. The Applicant agrees to abide by the set-asides described in this application for _____ years with a minimum of 50 years.

2. Describe in detail all resident programs and activities that will be provided by the Applicant. Each program selected by the Applicant will be made a part of the Land Use Restriction Agreement, and must be described behind tab labeled "Exhibit II-_____." Developments that include a mix of elderly and non elderly units must provide all resident programs provided for both elderly and non-elderly Developments. The resident programs encouraged to be provided are:

a. **All Applicants** are encouraged to provide the following Resident programs but must provide a minimum of five (5) programs. The Authority reserves the right to negotiate resident services to be provided based on the characteristics/needs of a particular Development:

☐ **Health Care – (Strongly Encouraged) –** Regularly scheduled visits by health care professionals such as nurses, doctors, or other licensed care providers. At a minimum, the following services must be provided at no cost to the resident: health screening, flu shots, vision and hearing tests. Regularly scheduled is defined as not less often than once each quarter. On-site space must be provided.

☐ **Resident Activities – (Strongly Encouraged) –** Regularly scheduled, specified activities, planned, arranged, managed, and paid for by the Applicant or its management agent as an integral part of the management plan. The Applicant must develop and execute a comprehensive plan of varied activities such as holiday or special occasion parties, community picnics or cookouts, newsletters, children's special functions, etc., to bring the resident together, foster a sense of community, and encourage community pride.

☐ **On Site Voter Registration – (Strongly Encouraged) –** The Applicant or its Management Agent shall work with the County Supervisor of Elections to arrange on-site voter registration. The

registration shall be at least quarterly, and shall be during weekend and other traditionally non-work times.

☐ **Financial Counseling – (Strongly Encouraged) –** If provided, this service must be provided by the Applicant or its Management Agent at no cost to the resident. Financial counseling must include the following components; must be regularly scheduled, not less often than once each quarter; must be free of charge to the residents; must include tax preparation assistance by qualified professionals; must include educational workshops on such topics as "Learning to Budget", "Handling Personal Finances", or "Comparison Shopping for the Consumer".

☐ **Computer Training –** This training is made in conjunction with the requirement that the Applicant commit one computer for every 50 units, with software and internet access. The Applicant must provide quarterly, on-site training classes, on basic computer skills such as word processing and spreadsheets to the residents.

☐ **English as a Second Language –** Applicant shall make available, at no cost to the resident, a literacy tutor(s) to provide weekly English lessons to residents in private space on-site.

☐ **Swimming Lessons –** The Applicant or its Management Agent shall provide on-site swimming lessons for children or adults, at no cost to the resident, at least three times each year.

☐ **Life Safety Training –** The Applicant or its Management Agent shall provide on-site courses such as fire safety, first aid (including CPR), etc. at least twice each year, at no cost to the resident.

☐ **Health and Nutrition Classes –** The Applicant or its Management Agent shall provide on-site classes, at no cost to the resident, at least 8 hours per year.

☐ **Day Care –** either:

- ☐ Day care facility for children or adults on-site, or
- ☐ A discount of at least 20% at a day care facility for children or adults within 3 miles of the Development.

☐ **Case Management/Residential Stabilization/Services –** This service must be provided by a qualified social worker at no cost to the resident. This program requires that the following services be made available on-site no less often than once a week: crisis intervention, individual

and family needs assessment, problem solving and planning, appropriate information and referral to community resources and services based on need, mo9nitoring of ongoing ability to retain self-sufficiency, and advocacy to assist clients in securing needed resources.

b. **Applicants in connection with Elderly Developments** are encouraged to provide the following Resident programs but must provide a minimum of two (2) programs. . The Authority reserves the right to negotiate resident services to be provided based on the characteristics/needs of a particular Development:

☐ **Resident Assurance Check-In Program – (Strongly Encouraged) –** Applicant must provide and use an established system for checking in with each resident on a predetermined basis not less than once per day. Residents may opt out of this program with a written certification that they chose not to participate.

☐ **Daily Activities – (Strongly Encouraged) –** Applicant or its Management Agent must provide supervised, structured activities at least five days per week. Activities must be on-site and at no charge to the residents.

☐ **Meals –** Applicant must pay for daily, at least one meal per day, delivery and cost of meals to the residents or provide for the daily preparation and serving of meals in a designated common on-site facility. Programs such as "Meals on Wheels" will not qualify for points because Applicant is not providing the service.

☐ Applicant will provide for delivery and cost of daily meals (at least one meal per day) to be served in a designated common facility located on-site; or

☐ Applicant will arrange for daily meals, at least one meal per day, to be delivered to the residents at no cost to the residents.

☐ **Private Transportation for the Development –** The Applicant or its Management Agent, at no cost to the resident, must provide a qualified driver and have a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities. A nearby bus stop or access to programs such as "Dial a Ride" will not be acceptable for purposes of this commitment.

☐ **Assistance with Light Housekeeping, Shopping and/or Laundry –** Applicant must provide weekly assistance with at least two of the following: (1) light housekeeping, and/or (2) grocery shopping, and/or (3) laundry, at a rate which is at least 25% lower than market.

☐ **Manager On-Call 24 Hours Per Day –** Applicant must provide a manager and/or security guard on the Development's premise at all times who is available and accessible to the residents 24 hours per day, seven days per week.

c. Applicants in connection with Non-Elderly Developments are encouraged to provide the following Resident programs but must provide a minimum of three (3) programs which will be approved by the Authority and Financial Advisor (Authority reserves the right to negotiate resident services to be provided based on the characteristics/needs of a particular Development):

☐ **Homeownership Opportunity Program – (Strongly Encouraged) –** If offered, Applicant must provide a homeownership opportunity program available to all residents in compliance with their current lease. The program must set aside 5% of the resident's gross rent toward a downpayment for that resident when the resident moves from the Development into homeownership. The resident may be suspended from the program during the period of a lease if the resident violates any provision of the lease. Upon renewal of the lease, the resident must be reinstated into the program for the period of that renewal, with suspension permitted under the same terms as discussed above. The homeownership opportunity program must also include financial counseling for all residents, with emphasis on credit counseling and other items necessary for successful purchase of, and maintenance of a home.

☐ **First Time Homebuyer Seminars – (Strongly Encouraged) –** Applicant must arrange for and provide at no cost to the resident, in conjunction with local realtors or lending institutions, semiannual on-site seminars for residents interested in becoming homeowners.

☐ **Welfare to Work or Self-Sufficiency Programs – (Strongly Encouraged) –** Applicant must participate in welfare to work or self-sufficiency programs by implementing marketing strategies that actively seek residents who are participating in or who have successfully completed the training provided by these types of programs.

☐ **After School Program for Children –** Applicant or its Management Agent must provide daily, supervised, structured, age-appropriate activities for children during the after-school hours. Activities must be on-site and at no charge to the residents.

☐ **Literacy Training –** Applicant must make available, at no cost to the resident, a literacy tutor(s) to provide weekly literacy lessons to residents in private space on-site.

☐ **Job Training –** Applicant must provide, at no cost to the resident, regularly scheduled classes in typing, computer literacy, secretarial skills or other useful job skills. Regularly scheduled means not less often than once each quarter.

3. Describe in detail all design and other physical amenities that provide enhanced quality of life, energy efficiency, increased security, handicapped accessibility, or other features. Each feature selected by the Applicant will be made a part of the Land Use Restriction Agreement, and must be described behind tab labeled "Exhibit II-_____." Developments that include a mix of elderly and non-elderly units must provide design features for both elderly and non-elderly units must provide design features for both elderly and non-elderly Developments. The design and amenity features to be provided are:

   a. In addition to meeting all building code, Fair Housing Act, and Americans with Disabilities Act Requirements, the following items are required:

      - Air conditioning (window units are not allowed), in all units;
      - Dishwasher, in all new construction units;
      - Garbage Disposal, in all new construction units;
      - Cable TV Hook-Up, in all units;
      - At least two full bathrooms in all 3 bedroom or larger new construction units;
      - At least 1 and 1/2 bathrooms (one full bath and one with at least a toilet and sink) in all new construction 2 bedroom units;
      - Minimum square footage requirements for all new construction units of 700 square feet (one bedroom), 900 square feet (two bedroom), 1150 square feet (three bedroom), and 1300 square feet (four bedroom or greater);
      - Full sized appliances in all units;
      - Bathtub in at least one bathroom in new construction non-elderly units.

   b. For New Construction Units, the Applicant may select items from the following list. The selected items must total 25 points:

☐ Window Treatments (mini-blinds, curtains, vertical blinds) inside each unit- identify treatment (3 points)

☐ 30 Year Expected Life Roofing on all Buildings (5 points)

☐ Gated community with "carded" entry or security guard, or if mid-or-high-rise, "carded" secure entry to building (4 points)

☐ Exterior Finish -stucco or cementious siding (3 points – check choice)

☐ Ceramic tile Bathroom Floors (2 points)

- ☐ Microwave Oven (3 points)
- ☐ Marble Window Sills (3 points)
- ☐ Fire Sprinklers in All Units (5 points)
- ☐ Steel entry door frames (2 points)
- ☐ Termite prevention/detection system (2 points)
- ☐ Built-in computer desks (2 points)
- ☐ Exterior lighting (3 points)
- ☐ Double compartment kitchen sink (1 point)
- ☐ Laundry Hook-ups and space for washer/dryer inside each unit (3 points)

c. For Rehabilitation of Existing Development, the Applicant may select items form the following list. The selected items must total 25 points:

- ☐ Laundry Hook-ups and space for washer/dryer inside each unit (3 Points)
- ☐ Window Treatments (mini-blinds, curtains, vertical blinds) inside each unit –identify treatment: (3 points)
- ☐ 30-Year Expected Life Roofing on all Buildings (4 points)
- ☐ Gated community with "carded" entry or security guard, or if mid-or-high rise, "carded" secure entry to building (3 points)
- ☐ Ceramic Tile Bathroom Floors (2 points)
- ☐ Microwave Oven (3 points) Marble
- ☐ Window Sills (3 points)
- ☐ Fire Sprinklers in All Units (4 points)
- ☐ Dishwasher inside each unit (3 points)
- ☐ Garbage disposals inside each unit (3 points)
- ☐ Steel entry door frames (2 points)
- ☐ Termite prevention/detection system (2 points)
- ☐ Built in computer desks (2 points)

☐ Exterior lighting (3 points)

☐ Double compartment kitchen sink (1 point)

d. For Elderly Developments or Developments with elderly units, the Applicant may select from the following list. The selected items must be on-site and total 16 points (2 points each):

☐ Emergency call service in all elderly units

☐ Hairdresser Shop or Barber Shop on site

☐ Laundry facilities available on every floor

☐ All bathrooms in elderly units handicapped accessible with grab-bars per ANSI Requirements

☐ Public transportation within 150 feet of property (or elderly building if mixed family-elderly)

☐ Exercise room with appropriate equipment

☐ Community center or clubhouse

☐ Swimming pool

☐ Covered picnic area with at least three permanent picnic tables and a permanent outdoor grill

☐ Outside recreation facility (such as shuffleboard court, putting green, tennis court). Identify facility: _____

☐ Library consisting of a minimum of 100 books and 5 magazine subscriptions

e. For Non-Elderly Developments, or Developments with non-elderly units, the Applicant may select from the following list. The selected items must be on-site and total 16 points (2 points each):

☐ Exercise room with appropriate equipment

☐ Community center or clubhouse

☐ Swimming pool

☐ Playground/tot lot (must be sized in proportion to Development's size and expected resident population with age-appropriate equipment

☐ Car care area (for car cleaning/washing)

☐ Childcare facility located within three miles of the property

☐ Public transportation located within one-half mile of the property

☐ Library/study room consisting of a minimum of 100 books and 5 magazine subscriptions

☐ Two or more parking spaces per unit

☐ Outside recreation area for older children (such as basketball court, tennis court, volleyball court, etc.). Identify facility: _____

f. Energy Conservation Features for all units in the Development (Maximum available points for this category is 9 points):

(1) Heating – Applicant may select only one of the following three items:

☐ Heat pump with a minimum HSPF of 8.2 instead of electric resistance (1 point)

☐ Heat pump with a minimum HSPF of 8.5 instead of electric resistance (2 points)

☐ Gas hydronic combo unit HVAC (2 points)

(2) Cooling – Applicant may select only one of the following three items:

☐ Air conditioning with a minimum SEER rating of 14 (1 point)

☐ Air conditioning with a minimum SEER rating of 15 (2 points)

☐ Air conditioning with a SEER rating of 16 or better (3 points)

(3) Water Heating – Applicant may select only one of the following three items:

☐ Gas water heater with energy factor of .61 or better (1 point)

☐ Electric water heater with energy factor of .93 or better (1 point)

☐ Tankless gas water heater (2 points)

(4) Insulation – Wall insulation ratings are determined by the insulation material only, not the wall assembly materials. For mixed-

type construction, the Applicant may only select the insulation option for the construction type that comprises 51 percent or more of the proposed Development.

(a) Frame built construction (Applicant may select only one of the following two items):

☐ Wall insulation of a minimum of R-13 (1 point)

☐ Wall insulation of R-15 or better (2 points)

(b) Masonry/concrete block construction (Applicant may select only one of the following two items):

☐ Wall insulation of a minimum of R-7 (1 point)

☐ Wall insulation of R-10 or better (2 points)

In addition, Applicant may select only one of the following two items:

☐ Attic insulation of R-30 or better (1 point)

☐ Insulation of R-19 with radiant barrier on top floor only (1 point)

(5) Windows (excluding windows on doors and sidelights) – Applicant may select only one of the following five items:

☐ Solar screens on all west and east facing windows (1 point)

☐ Double-pane glass on all windows (2 points)

☐ All windows double-pane with minimum solar heat gain coefficient of ≤ .50 and minimum of .75 U Value (2 points)

☐ All windows single-pane with minimum solar heat gain coefficient of .58 or better (2 points)

☐ All windows single-pane with shading coefficient of .67 or better (2 points)

(6) Energy Star Appliances:

☐ Energy Star certified refrigerator and dishwasher in each unit (1 point)

(7) Other:

☐ Ceiling fans in all bedrooms and living area in each unit (2 points)

J. Development Buildings.

1. Give number of buildings with dwelling units: _____

2. Total number of buildings in Development: _____

3. Describe ALL non-residential buildings, including size (square feet) of each, including specific size of clubhouse: _____

_____

4. Total square feet in Development (all buildings):_____

K. Development Design. Check the one design that best describes this Development:

☐ Garden Apartments ☐ High Rise ☐ Mid-Rise with elevator

☐ Townhouses ☐ Quadraplexes ☐ Other: _____

L. Development Size. Identify acreage or lot size of entire Development: _____

_____

(NOTE: If Development is a phased Development, include only the acreage for this phase.)

M. Development Location.

1. If applicable, give name of incorporated municipality: _____

2. Name, title and address of chief elected official of jurisdiction that must issue permits:

_____

_____

_____

Telephone: _____ Facsimile: _____

3. County Commission District and name of Commissioner for this Development's location: District _____ Commissioner _____

III. DEVELOPMENT FINANCING AND PROPOSED STRUCTURE

A. Proposed Finance Summary

	Check, if Applicable	Amount	% of Development Cost	$ Per Unit
Tax-exempt Bonds*	☐			
Tax-exempt Bonds**	☐			
Taxable Bonds	☐			
Conventional	☐			
SAIL (Previous Cycle)	☐			
SAIL (Anticipated Funds – 2003 Cycle)	☐			
HOME (State Funds)***	☐			
HOME (Local Funds)***	☐			
CDBG***	☐			
SHIP***	☐			
HC Equity (4% credits)	☐			
Other (Explain below:	☐			
Total				

Other:

_____

_____

_____

*Subject to state bond cap pursuant to Section 42(h)(4)(B). IRS, as amended.
** Not subject to the state bond cap pursuant to Section 42(h)(4)(B), IRC, as amended.
*** Explain below whether the funds have been committed, or are being sought in a future funding cycle.

Explanation of SAIL, HOME, CDBG and/or SHIP funding:

_____

_____

_____

_____

_____

_____

If SAIL, HOME, CDBG and/or SHIP funding is shown as already committed, attach a letter from the appropriate governmental entity detailing the commitment, including the dollar amount, source of funding, conditions of funding (including income and/or rent restrictions), whether the funding is a loan or a grant, and if a loan, the interest rate, loan term, amortization, and payback schedule. Attach the letter(s) as "Exhibit III-_____."

B. If SAIL, HOME, CDBG and/or SHIP funding is shown and is not firmly committed, attach an explanation of how the Development will be completed without those funds. Attach the explanation as "Exhibit III-_____ ."

Does the Applicant firmly commit to complete the bond financing if those funds are not received? Yes _____ No_____

C. If SAIL or HOME funding from Florida Housing is not shown, does the Applicant intend to apply for such funding? If so, how much: $_____. What will be the anticipated use of the SAIL or HOME funds if received?_____

_____

_____

D. Tax Credits. If the Development receives Bond financing, will HC be used?
No _____ Yes _____

1. If yes, HC Requested Amount $_____

2. If yes, name of Syndicator: _____

A preliminary commitment letter is included as "Exhibit III-_____". The letter must include a description of how the syndication funding will be paid out during construction and following completion. At least 50% of the amount needed to

complete construction must be paid at bond closing. A firm commitment letter must be provided during the Credit Underwriting.

E. Rental Assistance. Is Development-based rental assistance anticipated for this Development?

No_____ Yes_____; if yes, check all that apply:

☐ Moderate Rehab ☐ RD 515

☐ Section 8 ☐ Other

Number of units receiving assistance: _____

Number of years remaining on rental assistance contract:_____

F. Credit Enhancement

Letter of Credit: _____

Term: _____ Rating: _____

☐ Third Party Guarantor: _____

Term: _____ Rating: _____

☐ Private Placement/Name of Placement Agent: _____

Term: _____ Rating: _____

☐ Florida Affordable Housing Guarantee Program (Separate application must be made.) Date application made: _____

☐ FHA-Insured loan

Name of Lender:_____ Term: _____ Rating: _____

☐ FannieMae

Name of DUS Lender: _____ Term: _____

Name of Interim Construction LOC Bank: _____ Rating:_____

☐ Surety bond

Name: _____ Term: _____ Rating:_____

☐ Other

Name: _____ Term: _____ Rating:_____

A copy of the Commitment or Letter of Interest for the above checked credit enhancer(s) and/or placement agent, including a contact person's name, address and telephone number; credit underwriting standards; and an outline of proposed terms, must be attached as "Exhibit III-_____."

G. 50% Bond Test: For purposes of meeting the 50% bond test to receive automatic HC, tax-exempt bonds represent _____%. Attach a detailed 50% test calculation as Exhibit III-_____.

H. Proposed Structure. The outline of the proposed structure must include, at a minimum, the following: whether a combination of tax-exempt and taxable bond financing expected, whether a fixed or floating interest rate is expected, mortgage term, amortization schedule, interest terms, description of the credit enhancement or placement structure, and additional financing or equity sources. Material changes in the proposed structure after submittal of the application may result in delay of consideration by the Authority or loss of priority. A description of the proposed financing structure is attached as "Exhibit III-_____."

I. Economic Feasibility of the Development. A description of the Development feasibility structure must be attached as "Exhibit III-_____" and include, at a minimum, the following:

1. 15-year Pro forma cash flow.
2. Maximum interest rate at which the Development will work
3. Detailed sources and uses, including a breakout for each line item on a per unit cost basis.

IV. ABILITY TO PROCEED

Each Application shall be reviewed for feasibility and ability of the Applicant to proceed with construction of the Development.

A. Site Control

Site Control must be demonstrated by the APPLICANT. At a minimum, a Contract for Purchase and Sale must be held by the Applicant for the proposed site. The contract may not expire before December 31st of application year and the remedy for default on the part of the seller must include or be specific performance, and the buyer MUST be the Applicant. Site is controlled by:

_____ Contract for Purchase & Sale, and Title Insurance Commitment showing marketable title in the name of the Seller

_____ Recorded Deed, and Title Insurance Policy Showing marketable title in the name of the Applicant

_____ Long-Term Lease: If site control is demonstrated by long-term lease, a copy of the executed lease must be provided. The lease may be contingent only upon the receipt of Bond Financing. Also, a Title Insurance Commitment showing marketable title in the name of the lessee must be included.

IMPORTANT: If site control is not held by the Applicant, a fully executed, enforceable contract for purchase and sale or assignment of contract must be provided which obligates the seller or assignor to transfer the site to the Applicant contingent ONLY upon the award of Bond Financing. If site control is evidenced by contract for purchase and sale, the Authority may give preference to those contracts that evidence ability to extend through December 31st of application year. Evidence of Site Control can be found directly behind tab labeled "Exhibit IV-_____."

B. Zoning and Land Development Regulations

1. a. Is the site appropriately zoned for the proposed Development:
No _____ Yes _____
b. Indicate zoning designation(s): _____
c. Current zoning permits _____ units per acre, or _____ for the site (PUD)
d. total Number of Units in Development: _____

Note: at a minimum, the current, applicable Future Land Use Map Designation and associated Local Government Comprehensive Plan Future Land Use Element provisions must permit the proposed Development.

2. New Construction Zoning and Land Development Regulation Development Requirements.

a. Applicant must provide a letter from the appropriate local government official that the Development is consistent with zoning and land development regulations, which verifies that the site is appropriately zoned and consistent with local land use regulations

regarding density and intended use. To meet minimum requirements, attach a letter from the appropriate local government official verifying that the current, applicable Future Land Use Map Designation and associated Local Government Comprehensive Plan Future Land Use Element provisions permit the proposed Development. The local government verification letter can be found directly behind tab labeled "Exhibit IV-_____"; OR

b. Applicant must provide copies of building permits for vertical construction for all buildings in a multi-building Development or a letter stating that except for payment of fees, permits would be issued. A copy of the permits or letter can be found directly being tab labeled "Exhibit IV-_____".

3. Rehabilitation Zoning and Land Development Regulation Development Requirements:

a. Applicant must provide a letter from the appropriate local government official that the Development is consistent with zoning and land development regulations, which verifies that the site is appropriately zoned and consistent with local land use regulations regarding density and intended use. To meet minimum requirements, attach a letter from the appropriate local government official verifying that the current, applicable Future Land Use Map Designation and associated Local Government Comprehensive Plan Future Land Use Element provisions permit the proposed Development. The local government verification letter can be found directly behind tab labeled "Exhibit IV-_____."; OR

b. Applicant must provide copies of rehabilitation/building permits or a letter stating that except for payment of fees, permits would be issued. A copy of the permits or letter can be found directly behind tab labeled "Exhibit IV-_____."; OR

c. Applicant must provide a letter from the appropriate local government official that verifies that permits are not required for the Development. A copy of the letter can be found directly behind tab labeled "Exhibit IV-_____."

C. Site Plan

1. New Construction: Has the preliminary or conceptual site plan been approved by the appropriate local government authority?

Yes _____ No_____

If yes, a copy of the approved site plan is attached as "Exhibit IV-_____."

If no, local approval is expected on and, if available, a copy of the preliminary or conceptual site plan and description of status in the local government review process is attached as "Exhibit IV-_____."

2. Rehabilitation: Was site plan approval required by local governmental authorities at the time this Development was originally placed in service?

Yes_____ No_____

If yes, a copy of the approved site plan must be attached as "Exhibit IV-_____."

If no, a copy of an "as-built" survey of the Development must be attached as "Exhibit IV-_____."

D. Other Permits

1. Does the Development require permits from the appropriate water management district?

No____ Yes ____ If yes, attach evidence that the permitting process has been initiated or a description of status in the permitting process as "Exhibit IV- _____" and give the estimated date for issuance: _____

2. Does the Development require permits from the U.S. Army, Corps of Engineers?

No _____ Yes _____ If yes, attach evidence that the permitting process has been initiated or a description status in the permitting process as "Exhibit IV-_____" and give the estimated date for issuance: _____.

E. Environmental Safety:

1. A Phase I Environmental Report must be provided ("Exhibit IV-_____").

2. Does the Phase I Report recommend that a Phase II Report be completed? If so, attach the Phase II Report ("Exhibit IV-_____").

3. Does either the Phase I or Phase II Report recommend any remedial action? If yes, attach a remedial action plan, which includes timing and costs (which must be reflected in the detailed sources and uses). If applicable, the plan is attached as "Exhibit IV-_____".

F. Concurrency. Attach a letter or letters from the local government or provider verifying availability of infrastructure and capacity for the proposed Development. Letters must be Development-specific and dated within 3 months of the date of the Application.

Electricity	Exhibit IV- _____
Water	Exhibit IV- _____
Sewer capacity, Package Treatment, or Septic Tank	Exhibit IV- _____
Roads	Exhibit IV- _____

G. Experience of the Development Team

The past performance record of the Development team (which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney, and Accountant) will be carefully reviewed.

1. Experience of Developer

Name: _____

Principal(s): _____

_____

a. Fill out the attached chart.

b. Has the Developer, or any of the principals of the Developer been associated with any development that has gone into default or given "troubled development" status? Yes_____ No____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

c. Has the Developer or any principal of the Developer been associated with any Development that has been found in non-compliance with program requirements; i.e. an incurred 8823?

Yes_____ No____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

2. Experience of General Partner.

Name: _____

If entity, name of principal(s): _____

_____

a. Fill out the attached chart.

b. Has the General Partner, or any of the principals of the General Partner been associated with any Development that has gone into default or given "troubled development" status?

Yes ____ No _____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

c. Has the General Partner or any principal of the General Partner been associated with any Development that has been found in non-compliance with program requirements;?
Yes _____ No _____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

3. Experience of Management Agent.

Name: _____

Principal(s): _____

_____

a. Fill out the attached chart.

b. Has the General Partner, or any of the principals of the General Partner been associated with any Development that has gone into default or given "troubled development" status?

Yes ____ No _____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

c. Has the Management Agent or any principal of the Management Agent been associated with any Development that has been found in non-compliance with program requirements?

Yes _____ No _____

If "Yes", attach a detailed explanation of the situation(s) and resolution as "Exhibit IV-_____."

4. Experience of General Contractor. Name: _____

a. Fill out the attached chart.

5. Experience of Architect. Name: _____

a. Fill out the appropriate attached chart.

6. Experience of Engineer. Firm Name: _____

a. Fill out the appropriate attached chart.

7. Experience of Attorney. Name: _____

a. Fill out the attached chart.

8. Experience of Accountant. Name: _____

a. Fill out the attached chart.

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EXPERIENCE OF DEVELOPER

Name: _____
Address: _____
Phone Number: _____ Contact: _____ Email: _____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Sources of Financing/Gov't. Programs (Bonds/9% HC/SAIL/HOME/ SHIP/Conventional, etc.

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF GENERAL PARTNER

Name: _____
Address: _____
Phone Number: _____ Contact: _____ Email: _____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Sources of Financing/Gov't. Programs (Bonds/9% HC/SAIL/HOME/ SHIP/Conventional, etc.

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF MANAGEMENT AGENT

Name: _____
Address: _____
Phone Number: _____ Contact: _____ Email: _____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Sources of Financing/Gov't. Programs (Bonds/9% HC/SAIL/HOME/ SHIP/Conventional, etc.

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF GENERAL CONTRACTOR

Company Name: _____
Address: _____
License Number: _____ Expiration Date: _____
Contact Name: _____ Phone Number: _____ Email: _____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Year Completed

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF ARCHITECT

Company Name: _____
Address: _____
License Number: _____ Expiration Date: _____
Contact Name: _____ Phone Number: _____ Email: _____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Year Completed

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF GENERAL ENGINEER

Company Name:_____
Address:_____
License Number:_____ Expiration Date:_____
Contact Name:_____ Phone Number:_____ Email:_____

Development Name	Location (City, State)	# of Units	New Construc. Or Rehab	Design Type	Year Completed

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF ATTORNEY

Name of Firm: _____

Name of Attorney(s): _____

Address of Attorney: _____

Phone Number: _____ Email: _____

Development Name	Location (City, State)	Role (Bond, Real Estate, Other)	Sources of Financing/Gov't. Programs (Bonds/9% HC/SAIL/HOME/ SHIP/Conventional, etc.	If Bonds, Name of Issuer	Development Name

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

EXPERIENCE OF ACCOUNTANT

Name of Firm: _____

Name of Accountant: _____

Address of Accountant: _____

Phone Number: _____ Email: _____

Development Name	Location (City, State)	Sources of Financing/Gov't. Programs (Bonds/9% HC/SAIL/HOME/ SHIP/Conventional, etc.	If Bonds, Name of Issuer

ATTACH ADDITIONAL SHEETS IF NECESSARY

If utilized, the additional sheets are attached as "Exhibit IV-_____."

V. DEVELOPMENT SUMMARY AND TIMELINE

A. Provide a short narrative description of the Development, including all amenities, unit features and scope of work to be performed. MAJOR Development AMENITIES WILL BE INCLUDED IN THE LAND USE RESTRICTION AGREEMENT AND/OR THE LOW INCOME HOUSING AGREEMENT, IF APPLICABLE. Also attach as Exhibit V-_____ a timeline for the completion of the Development which includes all key dates, including anticipated timing of permits and credit underwriting, bond closing date, completion of construction, rent up, and stabilization.

B. TO BE CONSIDERED COMPLETE, the Application must include a map showing the Development's location, and the location, age, number of units and current occupancy of competing bond and HC Developments within a five mile radius (info on age, number of units and occupancy can be shown on chart attached to the map). The map should also include any bond or HC Developments within the same radius that are under construction or in credit underwriting either at the ECHFA or FHFC. Additionally, the map should show the Development's proximity to community services, medical facilities, schools, shopping, major business and employment centers, and availability of public transportation. This may be found directly behind tab labeled "Exhibit V-_____.

VI. FORM OF EXPENSE AND INDEMNITY AGREEMENT

Attach as Exhibit VI-1 the "Form of Expense and Indemnity agreement found as Exhibit A within the "Application Procedures and Program Guidelines" handbook. An ORIGINAL SIGNATURE must be included on the form contained within the original application. Photocopies of the executed form may be utilized within the 12 copies of the application.

VII. REHABILITATION APPLICANTS ONLY SECTION

Attach as Exhibit VII-1, a detailed description of the rehabilitation activities and the status and plans for existing residents. At a minimum, the attachment should describe (i) a detail of all rehabilitation, including the rehabilitation cost per unit and the cost for each item, (ii) the current rents at the Development compared to the proposed rents, (iii) the plans for the existing residents, both during and after rehabilitation, (iv) the income levels of the current residents, and whether the current residents will qualify as residents after rehabilitation, (v) a copy of any third party physical needs assessment, or explanation for why the document is not available.

VIII. HOPE VI APPLICANTS ONLY SECTION

Attach as Exhibit VIII-1, a detailed description of the HOPE VI plan, funding, residents, and timing. At a minimum, the attachment should describe (i) the status and timing of the HOPE VI plan, and its approval by HUD, (ii) whether the lease of the property to the Applicant has been approved by HUD, (iii) the current status of the site, including whether demolition has occurred or when it will occur, (iv) a description of the existing facility that will or has been demolished, including the number of units, residents, and their incomes, (v) a plan for preference for and marketing of the new units to the existing residents, (vi) demolition budget, and source, (vii) status and timing of HOPE VI grant, (viii) copies and status of any draft HOPE VI documents, including any agreements between the Public Housing Authority and HUD or the Applicant/Developer.

(Remainder of Page Intentionally Left Blank)

IX. CERTIFICATION AND TOTAL BOND REQUEST (Original Signatures Required)

Tax Exempt Bond Amount Requested: $_____

Taxable Bond Amount Requested: $_____

TOTAL BOND AMOUNT REQUESTED: $_____

The undersigned Applicant certifies that the information in this Application is true, correct and authentic.

THE APPLICANT FURTHER ACKNOWLEDGES HAVING READ ALL APPLICABLE AUTHORITY RULES GOVERNING THE PROGRAM, ACKNOWLEDGES HAVING READ THE INSTRUCTIONS FOR COMPLETING THIS APPLICATION AND AGREES TO PAY ALL FEES AS OUTLINED ABOVE IN CONNECTION WITH THIS FINANCING.

THE APPLICANT UNDERSTANDS AND AGREES TO ABIDE BY THE PROVISIONS OF THE APPLICABLE FLORIDA STATUTES AND AUTHORITY PROGRAM POLICIES, RULES AND GUIDELINES.

THE UNDERSIGNED REPRESENTS AND WARRANTS THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND ACCURATE. THE PERSON EXECUTING THIS DOCUMENT REPRESENTS THAT HE OR SHE HAS THE AUTHORITY TO BIND THE APPLICANT AND ALL INDIVIDUALS AND ENTITIES NAMED HEREIN TO THIS WARRANTY OF TRUTHFULNESS AND COMPLETENESS OF THE APPLICATION.

THE APPLICANT ACKNOWLEDGES THAT THE AUTHORITY'S INVITATION TO SUBMIT AN APPLICATION DOES NOT CONSTITUTE A COMMITMENT TO FINANCE THE PROPOSED DEVELOPMENT. BEFORE THE AUTHORITY CAN APPROVE THE PROPOSED DEVELOPMENT FOR FINANCING, IT MUST RECEIVE STATE BOND ALLOCATION AND APPLICANTS MUST SUCCESSFULLY COMPLETE CREDIT UNDERWRITING AND OBTAIN ALL NECESSARY APROVALS FROM THE BOARD OF DIRECTORS, ISSUER'S COUNSEL, BOND COUNSEL, THE CREDIT UNDERWRITER, APPLICABLE COUNY COMMISSION AND STAFF.

_____	_____
Applicant Date	Signature of Witness
_____	_____
Name and Title (typed or printed)	Name (typed or printed)

NOTE: ORGINAL APPLICATION MUST CONTAIN AN ORIGINAL SIGNATURE PENNED IN BLUE INK, OR THE APPLICATION WILL BE REJECTED AUTOMATICALLY

ORDINANCE NO. 80-39

AN ORDINANCE CREATING THE LEON COUNTY HOUSING FINANCE AUTHORITY; DEFINING ITS POWERS AND DUTIES; MAKING LEGISLATIVE FINDINGS WITH RESPECT TO THE NEED FOR A HOUSING FINANCE AUTHORITY IN LEON COUNTY; ESTABLISHING GUIDELINES FOR MORTGAGE LOANS; AUTHORIZING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY; LIMITING THE LIABILITY OF THE COUNTY FOR THE PAYMENT OF SUCH BONDS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

Section 1. That within this County the Board of County Commissioners of Leon County, Florida, hereby finds and declares that there is a shortage of housing, a shortage of rentals which many persons can afford and a shortage of capital for investment in such housing in Leon County. This shortage of housing is a threat to the health, safety, morals, and welfare of the residents of the County, deprives the County of an adequate tax base and causes the County to take excessive expenditures for crime prevention and control of public health, welfare and safety.

Section 2. That the Board of County Commissioners further finds and declares that such shortage cannot be relieved except through the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing.

Section 3. That the Congress of the United States has, by the enactment of amendments to the Internal Revenue Code of 1954, found and determined that housing may be financed by means of obligations issued by any state or local governmental unit, the interest on which obligations is exempt from federal income taxation, and has thereby provided a method to aid state and local governmental units to provide assistance to meet the need for housing.

Section 4. That the provisions of this Ordinance are found and declared to be necessary in the public interest.

Section 5. That the Board of County Commissioners of

Leon County hereby declares there to be a need for a housing finance authority in Leon County.

Section 6. That there is hereby created under the Florida Housing Finance Authority Law (Chapter 159, Part IV, Florida Statutes, 1979) the Housing Finance Authority of Leon County, to function in Leon County, Florida.

Section 7. That the Housing Finance Authority of Leon County, Florida, hereby created may transact business and perform duties and exercise all the powers authorized and empowered by the Florida Housing Finance Authority Law subject to the limitations imposed herein.

Section 8. Any bonds to be issued and sold by the Housing Finance Authority on the negotiated basis authorized in Section 159.613(2), Florida Statutes, 1979, shall first be approved by resolution of the Board of County Commissioners both as to the dcouments and the method of sale by the Housing Finance Authority.

Section 9. Any rules or regulations to be promulgated by the Housing Finance Authority setting forth standards or criteria for determining "eligible persons" in the program shall be submitted to and approved by the Board of County Commissioners prior to implementation.

Section 10. Contracts by the Housing Finance Authority shall first be approved by resolution of the Board of County Commissioners.

Section 11. The exercise of any of the powers hereby authorized or conferred is subject to the power of the Board of County Commissioners to approve the budget of the Housing Finance Authority.

Section 12. The Board of County Commissioners may, at its sole discretion, and at any time, alter or change the structure, organizations, programs or activities of the Housing Finance Authority, including the power to terminate the Housing Finance Authority, subject to any limitation on the impairment of contracts entered into by the Housing Finance Authority and subject to the limitations or requirements of Chapter 159, Part IV, Florida Statutes, 1979.

Section 13. The Authority shall be composed of five (5) members, one(1) of whom shall be designated chairperson. Not less than three (3) of the members shall be knowledgeable in one of the following fields: labor, finance or commerce. The terms of the members shall be four (4) years each, except that the terms of the initial members shall be as follows: two (2) members shall serve a term of one (1) year; one (1) member shall serve a term of two (2) years; one (1) member shall serve a term of three (3) years, and one (1) member shall serve a term of four (4) years. A member shall hold office until his successor has been appointed and has qualified. Each vacancy shall be filled for the remainder of the unexpired term. A certificate of the appointment or reappointment of any member shall be filed with the Clerk of the Circuit Court, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A member shall receive no compensation for his services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 14. The powers of the Authority granted by the Act, subject to the limitations contained herein, shall be vested in the members of the Authority in office from time to time. Three (3) members shall constitute a quorum, and action may be taken by the Authority upon a vote of a majority of the members present. The Authority may employ such agents and employees as it deems necessary. The Authority may delegate to an agent or employee such powers or duties as it may deem proper and may employ its own legal counsel.

Section 15. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 17. This ordinance shall take effect according to law.

BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA

(SEAL)

BY: Gayle Nelson
Gayle Nelson, Vice-Chairman

ATTEST:
Robert D. McCa...
Clerk

Commissioner Nelson moved, duly seconded by Commissioner Crews and carried unanimously, to approve the following Resolution of Need:

RESOLUTION NO. _____

RESOLUTION DECLARING THE NEED FOR A HOUSING FINANCE AUTHORITY TO FUNCTION TO ALLEVIATE A SHORTAGE OF HOUSING AND CAPITAL FOR INVESTMENT IN HOUSING IN LEON COUNTY.

WHEREAS, Chapter 159, Part IV, Florida Statutes, known and cited as the "Florida Housing Finance Authority Law", authorizes each and every county in Florida to create by ordinance a separate public body corporate and politic to be known as the "Housing Finance Authority" of the county for which it was created; and

WHEREAS, this Statute authorizes the creation by counties of Housing Finance Authorities empowered to provide housing to "eligible persons" defined as:

> "...persons or families, irrespective of race, creed, national origin, or sex, determined by the housing finance authority by rule to be of moderate, middle, or lesser income requiring such assistance as is made available pursuant to this act on account of insufficient personal or family income and taking into consideration such facts as:
>
> (a) The amount of the total income of such persons and families available for housing needs.
>
> (b) The size of the family.
>
> (c) The cost and condition of available housing facilities.
>
> (d) The ability of such persons and families to compete successfully in the normal, private housing market and to pay the amounts for which private enterprise is providing sanitary, decent, and safe housing."

and

WHEREAS, this statute states that a housing finance authority shall not:

> "...transact any business or exercise any powers under this act until the governing body of the county for which such housing finance authority is created passes a resolution declaring the need for a housing finance authority to function to alleviate a shortage of housing and capital for investment in housing in its area of operation."

and

WHEREAS, this Board of County Commissioners recognizes the pressing need for housing for eligible persons in Leon County and wishes to create a Leon County Housing Finance Authority to exercise all the powers set out in Chapter 159, Part IV, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. It hereby recognizes and declares the need for a housing finance authority to transact business and exercise all powers under the Act in Leon County to alleviate a shortgage of housing and capital for investment in housing.

SECTION 2. This resolution shall take effect immediately upon adoption.

ADOPTED this 10th day of June, 1980.

BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA

(SEAL)

By Gayle Nelson
Gayle Nelson, Vice-Chairman

ATTEST:

Clerk

STATE OF FLORIDA, COUNTY OF LEON

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution of Bcc. Commission filed in my office on the 10th day of June A.D. 1980 and recorded in Official Rec. Minutes Book 49 at pages 223-227

WITNESS my hand and official seal this 4th day of November A.D. 1985

PAUL F. HARTSFIELD, Clerk Circuit Court
By Sandra C. O'Neal D.C.

A Certified Copy
Attest:
Bob Inzer
Clerk of Circuit Court
Leon County, Florida
By Sandra C. O'Neal
D.C.

9.10

Board of County Commissioners
Leon County, Florida

Policy No. 08-3

Title:	Leon County Conduit Financing Policy
Date Adopted:	November 25, 2008
Effective Date:	November 25, 2008
Reference:	N/A
Policy Superseded:	None

It shall be the Policy of the Board of County Commissioners of Leon County, Florida, that a policy entitled "Leon County Conduit Financing Policy" is hereby adopted, to wit:

Purpose:

Leon County desires to provide appropriate access for non-governmental entities to tax exempt financing through conduit issuances.

Leon County acknowledges that, although each individual issue must be self-supporting and will not at anytime require the direct financial support of the County, the issues will utilize the County's authority and reputation for the issuance and that debt issues that do not ultimately perform to market expectations could negatively impact the County's future capacity to issue debt and the overall reputation of the County.

Leon County further directs that all Authorities seeking to request Tax Equity and Financial Responsibility Act (TEFRA) hearings from the County shall have policies adopted equal to this County policy.

CONDUIT FINANCING POLICY

1) **Definitions.** All terms in capitalized form that are defined in this Section shall have the same meanings as are ascribed to those terms herein, unless a different or additional meaning is given to those terms specifically. Unless the context shall otherwise indicate, words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons. The following terms shall have the meaning indicated below unless the context clearly requires otherwise:

   a) "*Credit Enhanced*" means a bond issue with a third party repayment guarantee such as a bank letter of credit, Federal program or insurance policy from a credit enhancer such as a bank or insurance company with credit ratings in the three highest categories, meaning at least A3 from Moodys, or A- from either FitchRatings or Standard and Poors, which repayment guarantee structure is binding for at least one year from date of issuance and results in the bonds being issued with the long-term credit ratings and the highest short-term rating, if applicable, of the credit enhancer.

   b) "*Credit Rating*" means a professional assessment of creditworthiness from either FitchRatings, Moodys, or Standard and Poors as nationally recognized credit rating agencies, or such other firm as may reasonably attain a similar role in the future.

   c) "*Financial Advisor*" or "FA" means a properly licensed firm retained by either the Issuer or Guarantor Applicant with a fiduciary responsibility to their client under the rules and procedures of the National Association of Securities Dealers, the Municipal Securities Rulemaking Board, Securities and Exchange Commission, and the Florida Statutes. The FA is expected to advise their client on structuring the debt, marketing the debt, and the investment or disposition of debt proceeds. Any FA retained by the Guarantor Applicant shall be acceptable to the Issuer.

   d) "*Guarantor Applicant*" means the entity that makes application to the County for the debt, sponsors the project, and provides the repayment funds. Notwithstanding the use of a conduit issuer and any credit enhancement, the Guarantor Applicant is the entity whose credit is reviewed by the investors or credit enhancers as the underlying source of repayment funds.

   e) "*Investment Grade Credit Rating*" means a Credit Rating of BBB- or higher from FitchRatings, Baa3 or higher from Moodys, and BBB- or higher from Standard and Poors, and such other similar minimum rating level from another similar nationally recognized Credit Rating firm as may reasonably attain a similar role in the future.

   f) "*Issuer*" means an Authority or Leon County as conduit issuer of the debt.

   g) "*Sophisticated Investor*" means a "qualified institutional buyer" as that term is defined under Rule 144A of the Securities and Exchange Commission or an "accredited investor" as that term is defined in Regulation D of the Securities and Exchange Commission.

2) Bond Issuance and TEFRA approval.

a) Debt issues for more than $10,000,000 undertaken for Guarantor Applicants with Credit Ratings below Investment Grade Credit Ratings must use the services of a Financial Advisor mutually acceptable to the Guarantor Applicant and the County.

b) The Authority or Guarantor Applicant will cause an Official Statement and related offering documents to be produced in connection with all public sales of debt.

c) To the extent possible, public hearings should be held in the Leon County Commission and televised to facilitate the most open process possible.

d) Blanket (statewide) TEFRA hearings will not fulfill a local TEFRA hearing requirement. TEFRA approvals for projects involving multiple facilities over a period of time should be specific in identifying the names and locations of the multiple facilities and local TEFRA approvals should be obtained in all jurisdictions where appropriate.

e) Standards for County TEFRA approval request:

i) The Authority or Guarantor Applicant will provide a detailed project description and a distribution list of the participants. The project description should include a description of the plan to obtain all necessary TEFRA approvals.

ii) TEFRA requests will include any related financials, feasibility studies, and required pro-forma statements that were part of the Guarantor Applicant's application to the Authority. For Credit Enhanced debt issues, the Guarantor Applicant's financials do not need to accompany the TEFRA request.

iii) The Authority or Guarantor Applicant will provide minutes of legally noticed hearings regarding the debt issue, along with copies of required legal notices (minutes should include the outcome of any votes that take place, hearing dates, and legal notice publication dates).

iv) The Authority or Guarantor Applicant will provide a description of the sale method, the proposed debt structure, and the minimum debt denominations. When an FA participates in the debt issue, the FA will provide the recommendation about sales method, debt structure, and minimum denominations.

v) The Authority or Guarantor Applicant will provide a credit discussion regarding such things as repayment sources, credit enhancements, ratings, insurance, and debt service reserve levels. When an FA participates in the debt issue, the FA will provide the credit description.

vi) The Authority or Guarantor Applicant will provide copies of resolutions; being certain those resolutions contain legal disclosure confirming that no County funds are pledged when that is the case.

vii) The Authority or Guarantor Applicant will provide notice of any waiver granted pursuant to Section 4 c).

3) Pooled Finance.

a) The Authority or Guarantor Applicant will avoid blind-pools justified by demand surveys where funds are issued and invested until used to fund projects. Instead, the Authority or Guarantor Applicant will focus on individual issues for individual projects or focus on draw-down structures that issue debt proceeds from investors only as projects require funding.

4) Categorization of debt.

a) For purposes of determining requirements for the Authority or Guarantor Applicant, there are three categories which provide threshold standards:

i) **Rated and/or enhanced debt:** Bonds with credit enhancement and a rating in one of the three highest rating categories. Held by the borrower or a credit enhancer, or an affiliate of either, bonds with a rating in one of the three highest rating categories from a nationally recognized rating service (currently at least A3 from Moodys or A- from FitchRatings or Standard and Poors). These bonds do not have any additional restrictions required.

ii) **System debt:** This is debt being issued to support an existing or on-going concern of at least five years. Revenues must be pledged from the entire enterprise, not from the specific project. The debt must be issued as a sole placement and is not divisible. The financial pro-forma should demonstrate coverage of at least 1.10 of maximum debt service.

iii) **Other Financings:** This is debt being issued that does not meet the definition of either i) or ii), as previously stated. If either privately or publicly placed, these financings must meet the following criteria: (i) a feasibility study (market analysis, management structure, financial plans, etc) with financial projections showing at least 1.10X coverage of maximum annual debt service, and (ii) explanation of supplemental financial support from parent corporations, provision for reasonable and prudent reserves. If publicly placed, the financing must also meet the following criteria:

(a) shall be sold and subsequently transferred only to a Sophisticated Investor or Investors

(b) receive an investment credit grade rating

(c) shall comply with the conditions set forth in paragraph i – iii) or iv - vi), as determined prior to the issuance of the bonds:

(i) The bonds shall be sold in minimum denominations of $100,000; and

(ii) The bonds shall be sold only to Sophisticated Investors who have executed and delivered an "investor's letter", in form and substance satisfactory to the County including, among other things, (A) stating that the purchase of the bonds will be solely for its own account, (B) stating that such Sophisticated Investor can bear the economic risk of its investment in the bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks of purchasing the bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the bonds based on its own independent investigation regarding the bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the bonds, and (E) acknowledging that the County, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor's purchase of the bonds; and

(iii) The bonds shall bear a legend restricting subsequent transfers to other Sophisticated Investors who have executed and delivered an "investor's letter" complying with the preceding paragraph (ii).

Or,

(iv) The bonds shall be sold in minimum denominations of $250,000; and

(v) The bonds shall be sold initially only to Sophisticated Investors who have executed and delivered an "investor's letter", in form and substance satisfactory to the County including, among other things, (A) stating that the purchase of the bonds will be solely for its own account, (B) such Sophisticated Investor can bear the economic risk of its investment in the bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks of purchasing the bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the bonds based on its own independent investigation regarding the bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the bonds, and (E) acknowledging that the County, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor's purchase of the bonds; and

(vi) The bonds shall bear a legend restricting subsequent transfers to investors who by their purchase of the bonds represent that they (A) are purchasing the bonds solely for their own account, (B) can bear the economic risk of their investment in the bonds, (C) have such knowledge and experience in financial business matters that they are capable of evaluating the merits and risks of purchasing the bonds, and (D) have made the decision to purchase the bonds based on their own independent investigation regarding the bonds and have received the information they consider necessary to make an informed decision to invest in the bonds.

(d) Each indenture related to bonds that are subject to the restrictions, as set forth previously, shall provide that the trustee and the paying agent shall not authenticate or register a bond unless the conditions of this policy have been satisfied.

(e) Guarantor Applicants can petition the County for a waiver to issue in smaller denominations than required within this Section. The Guarantor Applicant must demonstrate a compelling public purpose for smaller denominations. The demonstration of a compelling public purpose may require a formal presentation at the discretion of the County. Any waiver granted by the Authority may only be granted prior to submission of TEFRA materials to the County pursuant to Section 2 e).

5) Investment of Proceeds.

a) The FA will recommend the investment structure for debt proceeds and bid the investment of proceeds. In the event an FA is not required for a debt amount under $10,000,000 or for a Guarantor Applicant with Investment Grade Credit Ratings, a financial officer of the Guarantor Applicant should submit a signed plan for disposition, investment and safekeeping of the proceeds as a part of the application process which will then be included in the TEFRA request packet for the County. Prior to disbursement of proceeds of debt issued by the County, a trustee bank or financial institution approved by the County shall hold such proceeds.

6) Continuing Disclosure and Market Transparency.

a) The Authority or the Guarantor Applicant will arrange to use a recognized agent as an information repository and dissemination agent for 15(c) 2-12 disclosure, to the extent applicable. Guarantor Applicants with Investment Grade Credit Ratings can choose to undertake any disclosure responsibilities under 15(c) 2-12 through a proprietary process.

b) The Authority or the Guarantor Applicant will ensure that copies of all closing transcripts are forwarded to the Leon County Clerk, the County Attorney, and the County Administrator.

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7) Criteria, Application and Fees.

a) Criteria for financing

i) Community need: The primary criterion for financing any project will be the degree to which the community needs the proposed capital improvement. The issuer will require the presentation of all pertinent data and information, both objective and subjective, with respect to community needs before approving any project. In order to provide community need, a project shall make a significant contribution to the economic growth of Leon County; shall provide or preserve gainful employment; shall protect the environment; or shall serve a public purpose by advancing the economic prosperity, the public health, or the general welfare of the State and its people.

ii) Financial feasibility: The County, as its discretion; shall have the authority to require a financial feasibility study to be completed by an independent financial feasibility consultant of recognized competence at the applicant's expense.

b) Fees

i) A $15,000 application fee is required at the time of application. The application fee is non-refundable in the event the bond issue does not close for any reason.

ii) A financing fee is required to be paid from the proceeds of the bonds at closing of the bond issue in an amount equal to (1%) of the principal amount of the bonds actually issued, or $5,000 whichever is greater.

iii) The applicant shall pay to Leon County, an amount equal to all out-of pocket costs other than normal office expenditures for telephone charges, photocopying and the like incurred by the County in processing the application and issuing the bonds. The applicant shall reimburse the County for time expended by attorneys employed by the Office of the County Attorney in direct support of the bond issue. The applicant shall pay these expenses within ten (10) days after receipt of written invoice or demand for payment. These expenses may be deferred and collected from the proceeds of sale upon approval of the Board, provided the same shall not reduce the applicant's liability to pay the expenses in the event that no closing occurs.

iv) All fees and expenses of all such consultants required by the applicant (including but not limited to financial advisor, bond counsel, engineers, etc.) shall be the sole responsibility of the applicant.

c) Application: The following is applicable to those entities seeking direct conduit financing through the County. The County Administrator and Finance Advisory Committee are hereby authorized to request any additional information deemed necessary to properly evaluate the request.

i) Three original applications shall be submitted.

ii) The applicant shall execute an Expense and Indemnity Agreement in the form included as Attachment #1.

iii) Application questionnaire in the form included as Attachment #2.

d) County Review

i) Upon receipt of an application, the County's Finance Advisory Committee or designee shall determine whether an application is complete. No further processing of an incomplete application shall be done until the application is determined to be complete.

ii) The County's Financial Advisor will prepare its written report to the County with respect to the issue.

iii) A preliminary meeting will be scheduled of the County's Finance Advisory Committee.

(1) The committee may decide whether the applicant may make a presentation.

(2) The committee may recommend the project for further consideration by the Board of County Commissioners, contingent upon the applicant fulfilling all statutory requirements, the requirements of these Financing Guidelines, and any other requirements the County may deem appropriate depending on the circumstances; or

(3) The committee may reject the application; or

(4) The committee may request additional information.

(5) The committee shall submit its finding and recommendations to the Board for its consideration.

8) Authorities: It is the County's intent for all Authorities seeking a TEFRA of the County that the Authority adopt the same guidelines.

Attachment #1: Expense and Indemnity Agreement

(Leon County, FL)

Proposed Bond Issue for:

Ladies and Gentlemen:

The undersigned corporation (The "Corporation") has requested you to consider its application to have you issue the bonds referred to above (the "Bonds') for the benefit of the Corporation and as an inducement to such consideration, hereby agrees with you as follows:

Section 1. Payment of Expenses:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to pay and be liable for, and to hold you harmless against the payment of any and all expenses relating to the Bond issue, including without limitation the frees and disbursements of your financial advisor, special counsel and bond counsel, your administrative charges and out-of pocket expenses, recording charges, expense of printing offering circulars, official statements, and the Bonds, legal advertising and expenses of registering the Bonds with the securities commission of any state.

Section 2. Indemnity:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to indemnify you, and each of your members, officers, agents, attorneys, advisors and employees against any and all claims and liability of whatsoever nature arising out of or relating directly or indirectly to the Bond issue, whether caused by you or the Corporation or otherwise, including, without limitation, claims based upon actual or alleged misrepresentation, fraud or other tortuous conduct, breach of contractual relationships, or violation of law or administrative rule, whether predicted upon federal or state statutes, common law, principles of equity or otherwise, excepting only claims based upon willful misfeasance or nonfeasance. In furtherance of the foregoing, the corporation agrees to pay any and all attorneys' fees and court costs incurred in the defense of any of the persons herein above indemnified shall be entitled to retain counsel acceptable to you or them to defend any such claim, but that neither you nor any such person will enter into any settlement of the same without the prior written approval of the Corporation.

Section 3. Survival of Agreement:

This Agreement shall survive the closing of the Bond issue and shall not merge into or be superseded by any other agreement other than by a written amendment hereto specifically denominated as such and executed by you and the Corporation.

If the forgoing is acceptable to you, please indicate your acceptance in the space provided below, whereupon the Agreement shall become a binding contract between us.

Dated: _____

NAME OF CORPORATION: _____

By:_____

Its: _____

Accepted and agreed to as of the date above written:

(LEON COUNTY, FLORIDA)

LEON COUNTY, FLORIDA

BY: _____
Bryan Desloge, 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

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

Attachment #2: Leon County Application for Financing

(Please refer to pages 12-15)

Leon County Application for Financing

(Submit three original fully executed application forms with all required attachments and ten copies of the Application form with attachments and the application fee to the County at 301 S. Monroe St., Ste. 502)

A. Applicant

Corporation Name: _____

State of Incorporation: _____

Business Physical & Mailing Address: _____

_____

Telephone: _____ Fax: _____

Contact Person: _____

Applicant's Agent (if any) Name: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Applicant's Legal Counsel: _____

Contact Person: _____

Telephone: _____ Fax: _____

Management of Project (if other than Applicant): _____

Applicant shall attach copies of items 1-6 below:

- Names and Business Address of Officers and Directors
- Articles of Incorporation
- By-Laws: If Applicant is a non-profit corporation, evidence that the Applicant is an Organization covered under Section 501(c) (3) of the Internal Revenue Code for prior three years.
- Audited Financial Statements of the Applicant for the proceeding three years.
- Annual Report (if regularly issued)
- If Applicant is a public company under the securities and Exchange Act of 1934, a copy of form 10-K for the last three years.

B. Project

Brief Description: (Include number and type of Jobs): _____

Location: _____

Real Property to be acquired, if any (attach legal description, if available): _____

Description of equipment or other personal property to be acquired (attach list, if applicable):

_____

If the project is a health care project for which a Certificate of Need is required, has Certificate of Need been obtained?

No: _____ Yes: _____ Date: _____
(If yes, attach copy and give CON number: If no, give date of applications)

If no Certificate of Need is necessary, explain why: _____

_____

_____

Estimated total cost of project: $ _____

Projects	Amount
Land Acquisition	
Design and Construction	
Acquisition of existing structures	
Equipment Purchase	
Other (Explain)	
Estimated Total Cost of Project	

Has any feasibility study been performed? No: _____ Yes: _____
(If yes, attach copy)

Timetable: Attach as detailed a timetable as is available for the project.

C. Financing

Note: If the applicant has not yet obtained this date, leave this part blank, and the County will assist in structuring the transaction and selecting underwriters, feasibility consultants, and other professionals.

Associated Expenditures	Project Cost
Amount of Bond or Note Issue	
Total Project Cost	
Cost of Issuance	
Monies Available from Other Sources (attach explanation)	
Sources of Debt Service Payments	
Additional Security of Guaranties	
Credit Enhancement Provider (Letter of Credit, Bond Issuance, Surety Bond, etc.)	
Final Maturity	
Total	

Are the proposed bonds to be junior in status to any other obligations of Applicant? No: ____ Yes: _____
(If yes, explain) _____

_____

Underwriter's name: _____

Business Physical & Mailing Address: _____

Telephone: _____Fax: _____

Contact Person: _____

Underwriter's Counsel: _____

Business Physical & Mailing Address: _____

Telephone: _____Fax: _____

Contact Person: _____

C. Financing Cont'd

Feasibility Consultants: _____

Business Physical & Mailing Address: _____

Telephone: _____Fax: _____

Contact Person: _____

If any, list other Consultants, Contractors, and/or Agents: _____

_____

_____

_____

D. Refunding Issues:

If the proposed bond issue is for purposes of refunding previous debt, attach an official statement and all other "refunding documents," and a summary of the debt to be refunded.

E. Date of Application:

Applicant is required to submit an executed "Expenses and Indemnity Agreement" as required by the Guidelines.

For the Applicant: _____

Its: _____
(Corporate Seal)

Leon County
Board of County Commissioners

Notes for Agenda Item #9

Leon County
Board of County Commissioners

Cover Sheet for Agenda #9

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Veterans Emergency Assistance Program Guidelines

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice M. Wilson, Director, Office of Human Services and Community Partnerships
Lead Staff/ Project Team:	Jan Carey, Veteran Services Director

Fiscal Impact:

This item has been budgeted and adequate funding is available. The Board has allocated $25,000 from the Veteran Service Military Personnel Grant Program to be dedicated to the County's Veterans Emergency Assistance Program (VEAP). Currently, there is $100,000 budgeted in the Military Personnel Grant Program, which historically has had a remaining balance of $36,000 - $78,000 for the past three fiscal years.

Staff Recommendation:

Option #1: Approve the proposed guidelines for the Veterans Emergency Assistance Program (Attachment #1).

Option #2: Approve the Memorandum of Agreement with Florida Veterans Foundation, and authorize the County Administrator to execute (Attachment #2).

Report and Discussion

Background:

Situations arise where, due to a family crisis, loss of employment, deployment, or some other emergency, an individual or family can find that they are temporarily unable to pay for necessities, such as shelter and utilities. On October 23, 2012, the Board approved the use of $25,000 from the Veteran Services Military Personnel Grant Program to provide financial assistance for veterans that find themselves in emergency situations. Currently, this financial assistance is administered within the Human Services and Community Partnerships' Direct Emergency Assistance Program (DEAP). DEAP provides temporary emergency assistance for rent and utilities for eligible participants. By providing this temporary assistance during emergencies, the program helps to keep an individual or family from going without a vital resource. With the development of the Veterans Emergency Assistance Program (VEAP) guidelines, tailored for veterans' needs, veterans and their families will be kept from homelessness and potential safety hazards that may arise when a home is without electricity. The intent of the program guidelines is to provide temporary emergency assistance, not ongoing public assistance. Furthermore, in an effort to ensure sustainability, VEAP requires that applicants have a documented plan for how they will continue to pay the ongoing basic necessity expenditures after assistance has been received.

Approval of the new VEAP Guidelines is essential to the following FY 2012 and FY 2013 Strategic Initiative that the Board approved at the January 29, 2013:

> "*Consider policy to allocate a portion of Direct Emergency Assistance funds to veterans.*"

This particular Strategic Initiative aligns with the Board's Strategic Priority - Economy,

> "*Focus resources to assist local veterans, especially those returning from tours of duty, in employment and job training opportunities through the efforts of County government and local partners. (EC5)*

Analysis:

Currently, staff has been utilizing the County's Direct Emergency Assistance Program (DEAP) program guidelines to administer the approved funds. However, due to issues surrounding veterans' needs, staff determined that VEAP guidelines should be created to allow more flexibility in addressing the veterans' needs. Further, staff has developed a monthy VEAP report (Attachment #3). In the short time that staff has been administering the emergency assistance funds, it is apparent that veterans often have other issues that are not directly related to housing needs. Proposed revisions in the VEAP Guidelines are as follows:

1. Increase the cap on rental assistance to $500, which would ensure more applications are reviewed and more veterans are assisted in time of need.
2. Increase the cap on utility assistance to $300; 60% of the requests for assistance with utilities exceeded the $200 cap.

3. Add three days of "temporary shelter" assistance, not to exceed $200, to the guidelines. Occasionally, veterans need medical attention from a Veterans Administration (VA) facility that is not located in Tallahassee. For health and safety reasons, these veterans require temporary shelter while awaiting availability of in-house treatment programs.
4. Add funds for bus tickets, not to exceed $100, for transportation to VA medical facilities.
5. Add purchasing of birth certificates, not to exceed $50. Many of the homeless veterans are not able to obtain a Florida Identification Card because they do not have the appropriate documentation.
6. Provide authority to the Director of Veteran Services to approve funding for special need circumstances up to $200, on a case-by-case basis.

Leon County Veteran Services proposes a partnership with the Florida Veterans Foundation (FVF) through a Memorandum of Agreement (MOA). The Florida Veterans Foundation is a non-profit organization that serves, supports, and advocates for Florida veterans to improve their well-being.

In 2008, the Florida Legislature established the Florida Veterans Foundation as a Direct Support Organization to the Florida Department of Veterans Affairs (FDVA). The most important function provided by the FVF in support of the FDVA is emergency financial aid provided to veterans and veteran's families. In researching local agencies, Florida Veterans Foundation is currently the only organization in the Leon County area providing direct emergency funding exclusively to veterans. FVF will assist a veteran who has a valid and documented emergency. FVF assists with rent, utilities, rental/utility deposits, temporary shelter, food vouchers, gas, and assistance with securing a birth certificate and/or State of Florida identification card.

The MOA will allocate VEAP funding to FVF semi-annually, and authorize them to make funding decisions based on the established VEAP guidelines, with no additional costs to the County. The terms of the MOA would ensure that funding is being utilized in accordance with County guidelines and distributed to Leon County veterans who meet the established criteria. This process is similar to how the County DEAP funds are currently allocated to Capital Area Community Action Agency for distribution. Under the current process, if a veteran needs more assistance then a single agency can provide, they have to fill out an application for each agency and go through multiple approval processes. By using the leverage obtained by partnering with FVF, Leon County is able to increase the amount of assistance that can be provided to the veterans of the community. There would be one application that would be completed by a VA caseworker or Leon County veteran service counselor and forwarded to FVF. The MOA will help to reduce barriers in assisting applicants, and will make for a more streamlined and efficient process that will resolve the situation in a more timely manner.

Options:

1. Approve the proposed guidelines for the Veterans Emergency Assistance Program.
2. Approve the Memorandum of Agreement with Florida Veterans Foundation, and authorize the County Administrator to execute.
3. Do not approve the proposed guidelines for the Veterans Emergency Assistance Program.
4. Do not approve the Memorandum of Agreement with Florida Veterans Foundation.
5. Board direction.

Recommendation:
Options #1 and #2.

Attachments:

1. Proposed Veterans Emergency Assistance Program (VEAP) Guidelines
2. Memorandum of Agreement with Florida Veterans Foundation
3. Veterans Emergency Assistance Program (VEAP) Agency Monthly Report

Leon County
Office of Human Services and Community Partnerships
Veterans Emergency Assistance Program (VEAP)
Guidelines

The Veterans Emergency Assistance Program (VEAP) is funded by the Leon County Board of County Commissioners to provide financial assistance to veterans including rental/mortgage, utilities, temporary shelter, transportation for medical treatment, birth certificates, and special need circumstances. VEAP is designed to help veterans who are in need of assistance during an emergency situation and have the ability to sustain payments for future expenditures. The veteran and his/her household must be "in need" of the assistance payment. Specifically, the veteran and his/her household is "in need" when the household's net income is less than the household's Basic Necessity Expenditures (as established below) for the most recent 30-day period. If the household's net income exceeds the household's Basic Necessity Expenditures, then the veteran and his/her household is ineligible. Applicant must have good likelihood of future independence. The applicant must demonstrate that the situation will be improved by next payment date.

Maximum Payment Amounts

Maximum payment amounts have been established to ensure that funds may be used to assist an optimal number of veterans, while still providing payment levels that will adequately assist clients with their particular need. The maximum payments are as follows:

Shelter (Rent/Mortgage) Up to $500

Not to exceed the total monthly rental or mortgage payment.

Utilities/Fuel Up to $300.00

Not to exceed the total utility/fuel costs for the 30-day period for which assistance is being provided.

Temporary Shelter Up to $200.00

Not to exceed the total fees charged by the establishment providing shelter for a period up to 3 days.

Transportation Up to $100.00

Not to exceed the one-way transportation cost to the VA medical center providing treatment.

Birth Certificate Up to $50.00

Not to exceed the fee charged by the State issuing the birth certificate.

Eligibility Criteria

The following criteria are used to determine eligibility for VEAP. Applicants must meet all eligibility criteria in order qualify for VEAP assistance.

A. **Residency**: The applicant must be a Leon County resident or intending to live in Leon County.

B. **Veteran:** A Veteran is defined as a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

C. **Identification**

Proper identification will be required for all applicants. Proper identification includes, but is not limited to, the following:

1. Driver's License
2. Florida Identification
3. Social Security Card
4. Birth Certificate
5. Military Identification
6. DD214/HINQ (Certificate of Release or Discharge from Active Duty)

D. **Basic Necessity Expenditures** are defined as follows. These expenditures are the only expenditures considered when determining eligibility:

Shelter: The household's actual shelter obligation (rent/mortgage) for the current month will be considered a Basic Necessity Expenditure. The amounts listed below are the maximum amounts to be included, based on household size:

Efficiency:	$ 596.00
1 Bedroom:	$ 756.00
2 Bedrooms:	$ 933.00
3 Bedrooms:	$1,245.00
4 Bedrooms:	$1,281.00

Limits are based on the HUD Fair Market Rent Documentation System for Leon County. Units larger than four bedrooms are calculated by adding 15% to the four bedroom fair market rate for each additional room.

Utility/Fuel: The household's actual utility/fuel/heating costs for the month will be considered as a Basic Necessity Expenditure. Only the actual charges for the month, including wood payment, will be considered.

Food: The household's food cost for the current month will be considered a Basic Necessity Expenditure. The following is based on the number of family members in the household.

1-$200.00	3-$526.00	5-$793.00
2-$367.00	4-$668.00	6-$952.00

Adapted from the USDA Supplemental Nutrition Assistance Program (SNAP) Guidelines. Add $150.00 for each additional person in household.

Child Care: The household's child care costs for the current month will be considered a Basic Necessity Expenditure only if the adult is working. No cost will be deducted if the household contains another non-working adult. Child care must be verified prior to being considered and only the amount that is actually paid will be considered. A current childcare contract or receipt for payment should be provided for consideration.

Transportation to and from work: Transportation costs for purposes of employment are considered a Basic Necessity Expenditure. The household will receive a credit of $50.00 per working household member.

Telephone: The household will receive a credit of $50.00 for telephone services, which is considered a Basic Necessity Expenditure.

E. <u>Emergency Expenditures</u>

Expenditures made as a result of the applicant experiencing an emergency, such as a fire, flood, theft, or a medical emergency will be considered as a Basic Necessity Expenditure. Verification is required in the form of receipts for service/goods rendered such as hospital bills or medication purchased. Determination of whether the expenditure will be considered a Basic Necessity Expenditure will be determined on a case-by-case basis, and only with documentation.

F. <u>Income Types Considered</u>

Income is any cash, check or payment received by or made on behalf of a household. Any income received or anticipated to be received in the current month will be considered.

Earned income: any income (cash, check, etc.) received in return for work done or service rendered by any member of the household, excluding employed children 16 years or older who are still students. Earned income includes, but is not limited to:

1) Wages
2) Commissions
3) Farm Earnings
4) Self Employment
5) Retirement Income

Non-earned income: any other cash check or payment received. Non-earned income includes, but is not limited to:

1) Food Stamps
2) Temporary Assistance for Needy Families (TANF)
3) Social Security

4) Supplemental Security Income (SSI)
5) Veteran's Administration Benefits
6) Unemployment Compensation
7) Vocational Rehabilitation Benefits

Contributions: Contributions are considered income if received on a regular basis. This includes regular contributions received from all sources.

1) Child Support or Alimony
2) Payment for rent and/or room and board
3) Non-governmental payments such as retirement pensions.

Income Calculation

The household's income will be calculated by totaling all income received during the previous 30 days.

Income is defined as follows:

Earned income: The individual's gross earnings for the pay period minus the Social Security tax, Medicaid and Federal Income Tax actually deducted from the earnings. These are allowable deductions.

Self Employment: The business' gross income minus actual business expenditures. Only valid business expenditures will be deducted. No personal expenditures will be considered.

Other Income: The full amount of the cash, check, or payment received will be considered the net income.

Income Calculation Exceptions: Income received less often than monthly will be considered for the period of time it is intended to cover.

Example: School grants received once a semester will be divided by the number of months in the semester.

Students: Applicants and spouses who are attending an institution of higher education are ineligible. Institutions include, but are not limited to, Florida A&M University, Florida State University, Tallahassee Community College, Lively Vocational Technical School.

Exception: *If either the applicant or spouse is working at least 30 hours a week, the household may be eligible. Student status is also extended to those who are in-between terms.*

G. Employability:

- An applicant will be ineligible if either the applicant or any adult member of the household, who is physically able to work, is voluntarily unemployed or underemployed and does not meet one of the following criteria. Under-employed is defined as working less than 25 hours a week at minimum wage.

Note: ***A teenager not enrolled in high school is considered an adult.***

- Unemployed or underemployed individuals must provide verification that they are actively seeking employment. The household member must identify places where he or she has sought employment within the last 30 days. Exceptions:
    1. An individual who is 62 years old or older.
    2. An individual who is physically unable to work.
    3. An individual who is needed in the home to care for an invalid adult or child (*verification from a physician required.*)
    4. An individual who is employed but is currently not working or working fewer hours due to inclement weather.
    5. An individual who has applied for or is receiving unemployment compensation.
    6. An individual (*one adult per household*) who is needed in the home to care for an infant under 90 days old.

H. Verification

The applicant must provide documentation of any information required by the caseworker to determine eligibility. Verification of the information is the responsibility of the applicant, but some assistance may be provided by the agency. Failure of the applicant to provide the requested information will result in ineligibility for assistance.

I. Sustainability

The applicant must provide proof that the household will be able to sustain payments for the expenditure in subsequent months. If the caseworker determines that the applicant is unable to pay the following month's rent or utilities because of income limitations, assistance may not be provided.

J. Other Reasons for Ineligibility

- Caseworker is unable to determine the applicant's eligibility
- Applicant does not provide requested information or documentation.
- Information or documentation provided is inaccurate or incomplete.
- Caseworker is unable to verify information with third parties, as warranted.
- The applicant has received assistance through VEAP within the last 12 months.
- The assistance to be provided by VEAP is not adequate to resolve the emergency situation.
- The applicant has received assistance three (3) times during the lifetime of the program.

LEON COUNTY VETERANS EMERGENCY ASSISTANCE PROGRAM (VEAP)

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA), entered into this _____ day of _____, 2013, by and between Leon County, Florida, hereinafter referred to as the "County" and _____ hereinafter referred to as the "Agency".

WHEREAS , the County has determined that it is in the best interest of the veterans of Leon County, Florida that the County allocate funds to assist veterans with basic necessity expenditures during emergencies for purposes of health and safety, and prevent homelessness.

WHEREAS, the County desires to expand its partnership with the Florida Veterans Foundation to include administration of Veterans Emergency Assistance Program (VEAP).

WHEREAS, the County desires to engage the Agency to partner with the County in providing the services as described in the Scope of Work.

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

A. GENERAL CONDITIONS

1. Agreement and Term
   The County hereby agrees to engage the Agency and the Agency hereby agrees to perform all the necessary services hereafter set forth in the Scope of Services and in accordance with VEAP Guidelines for a term of April 1, 2013 to September 30, 2013.

2. Scope of Services
   In assuming its responsibilities hereunder, the Agency shall do, perform, and carry out in a satisfactory manner, the provisions of the Scope of Work and in accordance with the and terms of this Agreement.

   a. The services are to be provided in a manner which meets the emergency needs of eligible applicants, while adhering to the intent of the program to provide temporary emergency assistance with basic necessity expenditures, not on-going or regular support.

   b. The Agency should assist all applicants, eligible or ineligible for VEAP assistance, with social services as appropriate, and within the Agency's current purview, including financial counseling, alternative resources, and referrals to appropriate

agencies for employment counseling, energy audits, and other related services to assist with long term sustainability.

3. Personnel and Subcontracting
   a. The Agency represents that it has and will maintain adequate staffing to carry out the Scope of Work under this agreement. Such employees shall not be employees of Leon County or have any contractual relationship with the County.
   b. All services required hereunder will be performed by the Agency and all personnel engaged in performance of work or services shall be fully qualified and properly authorized under appropriate state and local laws to perform such services.
   c. None of the work or services to be performed under this agreement shall be subcontracted without prior written approval from the County.

4. Budget and Funding
   a. Semi-Annually, the County will advance the Agency one half of its funding which has been allocated for emergency assistance by the 15th of the month for that period.

   b. By the 15th of each month, the Agency will submit a report of VEAP Expenditures to the County for the previous month, documenting details of assistance provided (Attachment 3).

   c. The County will inspect all reports and conduct scheduled audits to ensure program and fiscal compliance and provide written notice of any findings and proposed corrective action within 30 days.

   d. Future distributions to the Agency will be contingent upon compliance and status of previously disbursed funds to the Agency.

   e. Upon termination of this agreement, the Agency shall remit all unexpended funds to the County within ten (10) business days following the effective date of such termination.

   f. Funding for services shall end September 30, 2013. The Agency shall return any unexpended funds to the County by October 10, 2013.

5. Reporting
    a. Upon execution of the Agreement, the Agency will provide in writing, the Agency staff member who will be responsible for the submission of all Agency reports to the County for the administration of this agreement.

    b. All reports must be submitted electronically by the 15th of each month to Jan Carey at Careyj@leoncountyfl.gov. All other related correspondence may be submitted to:

        Jan Carey
        Attn: VEAP
        918 Railroad Avenue
        Tallahassee, FL 32310

6. Termination of Agreement for Cause
   If the Agency fails to fulfill, in a timely and proper manner, any of its obligations under this Agreement, of if the Agency violates any of the covenants, agreements, or stipulations of this Agreement, the County shall have the right to terminate this Agreement by giving written notice of such termination to the Agency, specifying the reasons for termination and the effective date thereof, at least five (5) days prior to the effective date of such termination. Not withstanding such termination, the Agency shall not be relived of the liability to the County for any damages sustained by the County by virtue of any breach of the agreement by the Agency.

7. Termination of Contract
   The County reserves the right to terminate this Agreement with the Agency at any time and for any reason with or without cause.

8. Audits
   The County reserves the right to perform an audit of the Agency's records with prior notice. The audit shall encompass an examination of all financial transactions, applications, eligibility documentation, accounts, and reports to evaluate program and fiscal compliance with the terms of the Agreement.

9. Use of County Funds
    a. Funds received by the Agency pursuant to this Agreement shall only be used for those purposes outlined in the Agreement.
    b. Funds shall be deemed misused when the Agency does not fully comply with the use of funds in accordance with the Agreement. The Agency will repay to the County all misused funds.

10. Assignment
    The Agency shall not assign, transfer, or otherwise convey any interest in this Agreement without the prior written consent of the County.

B. ASSURANCES

1. Non-Discrimination
   The Agency warrants and agrees not to discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religion, age, sex, orientation, national origin, disability, political affiliation or belief, nor shall it discriminate or permit discrimination against any person in any manner prohibited by the laws of Leon County, the State of Florida, or the United States.

2. Interest of the Agency
   The Agency covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which conflicts in any manner or degree with the performance of services required to be performed under this Agreement. The Agency further covenants that it will not employ any individual or utilize any volunteer whose interest conflicts in any manner or degree with the performance of services required to be performed under this Agreement.

3. Records
   The Agency shall use an accounting system that meets generally accepted accounting principles. The Agency shall maintain such property, personnel, financial and other books, records, documents and other evidence sufficient to reflect accurately the amount, receipt, and disposition by the Agency of all funds received. The Agency shall preserve and make its records available until the expiration of three (3) years from the date of the final settlement, and for such longer period, if any, as is required by applicable statute or lawful requirement.

C. NOTICES.

All notices provided hereunder shall be in writing sent by United States certified mail, postage prepaid, return receipt requested, overnight courier or by hand delivery. All notices required under this agreement shall be given to the parties at the addresses below or at such other place as the parties may designate in writing.

Notice to Florida Veterans Foundation:

John Haynes
Chairman/CEO
Florida Veterans Foundation, Inc.
The Capitol, Room 2105-D
400 South Monroe
Tallahassee, FL 32399

Notice to the COUNTY:

Candice M. Wilson, Director
Leon County Office of Human Services and
Community Partnerships
918 Railroad Avenue
Tallahassee, FL 32310

SCOPE OF WORK

1. The Agency will provide services to veterans who are in need of assistance with rental/mortgage, utilities, temporary shelter, transportation for medical treatment, birth certificates, and special need circumstances. Assistance will include responding to inquiries for assistance; receiving and processing assistance applications; providing customer with application status updates; and, for approved applications, and allocation of funds.

2. The Agency must make determinations for eligibility for assistance based on the Veteran Emergency Assistance Program (VEAP) Guidelines.

3. The Agency will provide assistance to veterans of Leon County only.

4. The Agency will verify and document all information required to make eligibility determinations before any disbursement is made.

5. The Agency will confirm and document the circumstance of the emergency situation.

6. The Agency will not provide assistance if the payment does not resolve the emergency situation.

7. The Agency will document and verify the veteran's plan for sustainability after assistance has been awarded.

8. The Agency will not provide assistance to any veteran or its household who has received assistance during the last twelve (12) months or a total of three (3) times during the life of the program. MAXIMUM OF THREE TIMES TOTAL FOR **ALL** SERVICES.

9. The Agency will submit VEAP Expenditure Reports by the 15th of each month.

10. The Agency will maintain a record of all VEAP assistance provided for tracking, auditing, and responding to inquiries regarding assistance status.

11. Agency will have appropriate supervisory and auditing protocols in place to ensure program compliance.

WHERETO, the parties have set their hands and seals effective the date whereon the last party executives this Agreement.

LEON COUNTY, FLORIDA

BY: _____
Vincent S. Long
County Administrator

ATTEST:

Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

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

AGENCY NAME

BY: _____
Agency Rep/Title

Date: _____

Witness: _____

Leon County Veterans Emergency Assistance Program

Agency Monthly Report

Name of Client:

Address:

Phone #:

Reason for Request:

Amount of Request:

Amount of County Monies Used:

Date Approved:

Name & Address Check Paid To:

Date Disapproved:

Reason for Disapproval:

Has Applicant Received VEAP assistance before?

Number of times of VEAP assistance:

Leon County
Board of County Commissioners

Notes for Agenda Item #10

Leon County
Board of County Commissioners

Cover Sheet for Agenda #10

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of Quit Claim Deeds for Two Parcels of Right-of-Way from the City of Tallahassee to Leon County; Adoption of Resolution Authorizing the Conveyance of the Two Parcels; and, Execution of County Deed in Favor of the Florida Department of Transportation in Connection with the Capital Circle Southeast Widening Project

---

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director of Public Works & Community Development Kathy Burke, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Jim Pilcher, PSM, Chief of Survey and ROW

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendations:

Option #1: Ratify the Quit Claim Deeds conveying two parcels of right-of-way to Leon County (Attachment #1); adopt a Resolution authorizing the conveyance of the parcels to the Florida Department of Transportation (Attachment #2); and, execute a County Deed in favor of the Florida Department of Transportation (Attachment #3).

Report and Discussion

Background:
At the September 18, 2012 meeting, the Board ratified deeds for right-of-way from the City to the County that had been previously recorded, accepted deeds for right-of-way from Blueprint to County, and adopted a resolution authorizing conveyance of County right-of-way to the Florida Department of Transportation (FDOT); all in connection with the State Road No. 261 a/k/a Capital Circle Southeast (CCSE) Widening Project.

Board policy requires that the Board accept any conveyance of property, or property interest, prior to recording. Pursuant to Section 125.38, *Florida Statutes*, the Board is authorized to convey County-owned property to a municipality, and the conditions of the conveyance shall be set out in a resolution. The Board's Acquisition Policy No. 03-01 defers to *Florida Statutes* for these transactions.

Analysis:
The CCSE Widening Project consisted of two separate projects or phases. The northern phase acquisition, undertaken by the City, was from Centerview Drive north to Connie Drive. The southern phase acquisition, undertaken by Blueprint, was from just south of Tram Road north to Centerview Drive (Attachment #4). The deeds, approved at the September 18, 2012 meeting, were acquired for intersection improvements where a County road intersected with CCSE. Construction of both phases was handled by Blueprint.

The Quit Claim deeds are for acquisition of two parcels (#110 and #111) of right-of-way for Capital Circle Southeast proper. They were inadvertently prepared and recorded with the deeds approved at the September 18th meeting, but they were not part of the September 18th agendum. Staff has been in contact with FDOT to verify the conveyances will be accepted.

Alternatively, the County could file a dissent and disclaimer and the City could then convey to FDOT. Public Works and County Attorney's Office staff discussed the different methods and concluded that, for title purposes, County acceptance and conveyance would be preferable. The County Attorney's Office has reviewed the deeds for form and legal sufficiency.

Options:

1. Ratify the Quit Claim Deeds conveying two parcels of right-of-way to Leon County; adopt a Resolution authorizing the conveyance of the parcels to the Florida Department of Transportation; and, execute a County Deed in favor of the Florida Department of Transportation.
2. Do not ratify the Quit Claim Deeds
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Quit Claim Deeds
2. Resolution Authorizing Conveyance
3. County Deed to FDOT
4. Location Map

VSL/TP/KB/JP/la

This Instrument Prepared By:
Gwen Rasmussen
City Attorney's Office
300 South Adams, Box A-5
Tallahassee, FL 32301

20120074356
THIS DOCUMENT HAS BEEN
RECORDED IN THE PUBLIC RECORDS
OF
LEON COUNTY FL
BK: 4433 PG:962, Page1 of 4
10/23/2012 at 02:26 PM,

BOB INZER, CLERK OF COURTS

QUIT CLAIM DEED

Parcel 110

THIS QUIT CLAIM DEED is made this 27th day of September 2012, between the **CITY OF TALLAHASSEE**, a Florida municipal corporation, whose mailing address is 300 South Adams Street, Tallahassee, Florida 32301 (hereinafter "Grantor"), and **LEON COUNTY, FLORIDA,** a charter county and a political subdivision of the State of Florida, whose mailing address is 301 South Monroe Street, Tallahassee, Florida 32301 (hereinafter "Grantee"):

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00), and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Leon, State of Florida, to-wit:

**See Composite Exhibit "A" attached hereto
and by reference made a part hereof.**

TO HAVE AND TO HOLD THE SAME together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title,

interest, lien, equity and claim whatsoever of the said Grantor, in law or in equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused these present to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Treasurer Clerk, the date first written above.

Signed, sealed and delivered in the presence of:

Witness Signature

Beverly Howie
Print Witness Name

Helen Jackson
Witness Signature

Helen Jackson
Print Witness Name

CITY OF TALLAHASSEE

JOHN R. MARKS, III
MAYOR

ATTEST:

James O. Cooke, IV
City Treasurer - Clerk

STATE OF FLORIDA
COUNTY OF LEON

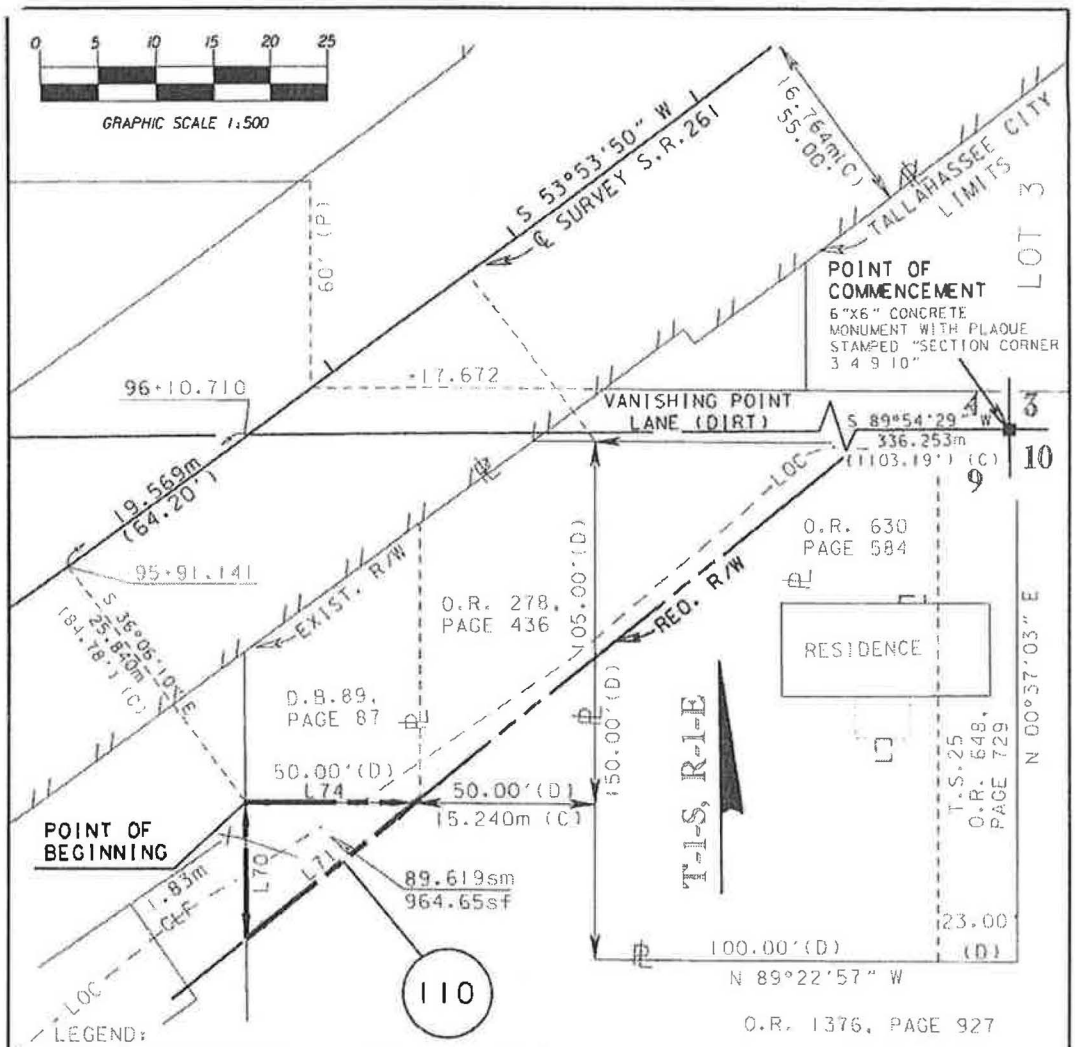
The foregoing instrument was acknowledge, before me this 27th day of September 2012, by John R. Marks, III, well known to me to be the Mayor, of the City of Tallahassee, a Florida municipal corporation, on behalf of and under the authority duly vested in him by said municipal corporation.

Mary Helen Jackson
NOTARY PUBLIC

MARY HELEN JACKSON
MY COMMISSION # EE 025080
EXPIRES: October 12, 2014
Bonded Thru Notary Public Underwriters

Approved as to Form:

Ann J. Wild, Assistant City Attorney



O.R. BOOK 3696
PAGE 1841
(ORDER OF TAKING)

LEGEND:
(C) = CALCULATED
℄ = CENTERLINE
m = METERS
N/A = NOT APPLICABLE
NO. = NUMBER
O.R. = OFFICIAL RECORD BOOK
P. = PAGE
(P) = PLAT
℄ = PROPERTY LINE
REQ = REQUIRED
T.S. = TITLE SEARCH
R/W = RIGHT OF WAY
SM = SQUARE METERS
SF = SQUARE FEET
D.B. = DEED BOOK
(D) = DEED DISTANCE
LOC = LIMITS OF CONSTRUCTION

LINE TABLE		
LINE	BEARING	DISTANCE (C)
L70	N 00°10'16" E	12.057m (39.56')
L71	S 51°23'50" W	19.068m (62.56')
L74	S 89°22'57" E	14.866m (48.77')

Paul N. Williamson
Florida Registered Land Surveyor
Certificate No. 3208

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

NOTES:
1. ALL BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, NORTH FLORIDA ZONE, LAMBERT PROJECTION, NORTH AMERICAN DATUM 1983(1990).
2. THIS SKETCH IS BASED UPON A RIGHT OF WAY CONTROL SURVEY FOR CAPITAL CIRCLE SOUTHEAST COMPLETED BY DIVERSIFIED DESIGN AND DRAFTING AND TIED TO CENTERLINE OF SURVEY SHOWN ON SAID MAPS.
3. THIS IS A METRIC UNIT PROJECT.
4. CURRENT RECORDING INFORMATION FOR ACQUIRED PARCELS IS SHOWN IN ITALIC TEXT (UPDATED 11-23-09)

CITY OF TALLAHASSEE
RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 — LEON COUNTY

	BY	DATE	APPROVED BY	DATE
PRELIM	JWF	10-16-02		
FINAL	JWF	02-06-03		
CHECKED	PNW	02-06-03		

MAPS PREPARED BY ALLEN NOBLES & ASSOCIATES 2720 PABLO AVENUE TALLAHASSEE, FL. 32308 (850) 385-1436
FIELD BOOK NO.'S EFB. 20020153, 20016180, 20016181
W.P.I. NO. N/A
SCALE: 1:500 METRIC
F.P. NO. N/A SECTION N/A
SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261(U.S.319) PARCEL 110

COMPOSITE EXHIBIT "A"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
CAPITAL CIRCLE S.E.
PARCEL 110

A part of that property recorded in Official Records Book 1376, Page 927 of the Public Records of Leon County, Florida being more particularly described as follows:

Commence at the Northeast corner of Section 9, Township 1 South, Range 1 East, Leon County, Florida and run thence South 89 degrees 54 minutes 29 seconds West along the Northerly boundary of said section a distance of 336.253 meters (1103.19 feet) to the intersection of the North boundary of said section line with the centerline of survey for State Road No. 261 at Station 96+10.710; thence run South 53 degrees 53 minutes 50 seconds West along said centerline of survey a distance of 19.569 meters (64.20 feet) to station 95+91.141; thence leaving said centerline run South 36 degrees 06 minutes 10 seconds East a distance of 25.840 meters (84.78 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING run South 89 degrees 22 minutes 57 seconds East a distance of 14.866 meters (48.77 feet); thence run South 51 degrees 23 minutes 50 seconds West a distance of 19.068 meters (62.56 feet), thence North 00 degrees 10 minutes 16 seconds East a distance of 12.057 meters (39.56 feet) to the POINT OF BEGINNING, containing 89.619 square meters (964.65 square feet) more or less.

This Instrument Prepared By:
Gwen Rasmussen
Office of City Attorney
300 South Adams, Box A-5
Tallahassee, FL 32301

20120074357
THIS DOCUMENT HAS BEEN
RECORDED IN THE PUBLIC RECORDS
OF
LEON COUNTY FL
BK: 4433 PG:966, Page1 of 4
10/23/2012 at 02:26 PM,

BOB INZER, CLERK OF COURTS

QUIT CLAIM DEED

Parcel 111

THIS QUIT CLAIM DEED is made this 27th day of September 2012, between the **CITY OF TALLAHASSEE**, a Florida municipal corporation, whose mailing address is 300 South Adams Street, Tallahassee, Florida 32301 (hereinafter "Grantor"), and **LEON COUNTY, FLORIDA,** a charter county and a political subdivision of the State of Florida, whose mailing address is 301 South Monroe Street, Tallahassee, Florida 32301 (hereinafter "Grantee"):

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00), and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Leon, State of Florida, to-wit:

**See Composite Exhibit "A" attached hereto
and by reference made a part hereof.**

TO HAVE AND TO HOLD THE SAME together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title,

interest, lien, equity and claim whatsoever of the said Grantor, in law or in equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused these present to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Treasurer Clerk, the date first written above.

Signed, sealed and delivered in the presence of:

Witness Signature

Beverly Howie
Print Witness Name

Helen Jackson
Witness Signature

Helen Jackson
Print Witness Name

CITY OF TALLAHASSEE

JOHN R. MARKS, III
MAYOR

ATTEST:

JAMES O. COOKE, IV
City Treasurer - Clerk

STATE OF FLORIDA
COUNTY OF LEON

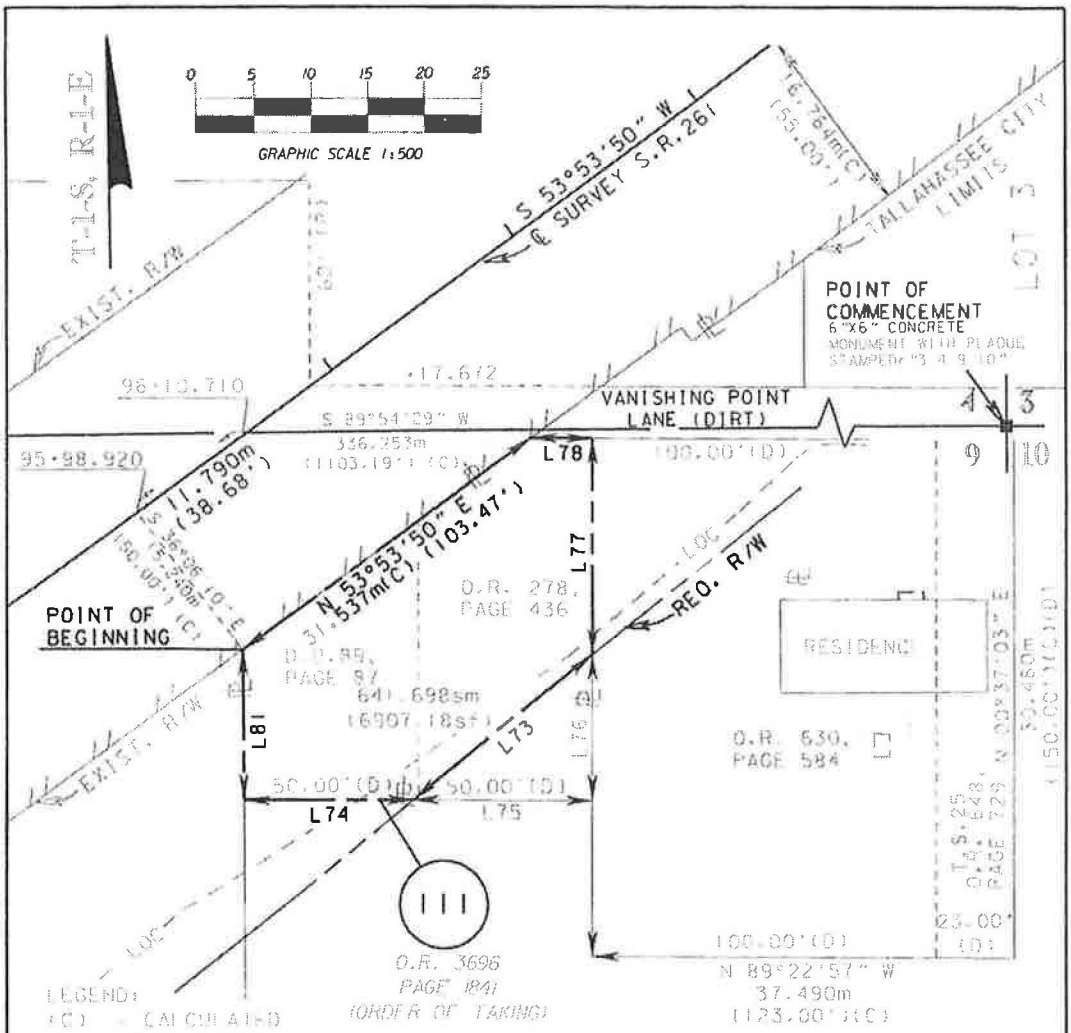
The foregoing instrument was acknowledge, before me this 27th day of September 2012, by John R. Marks, III, well known to me to be the Mayor of the City of Tallahassee, a Florida municipal corporation, on behalf of and under the authority duly vested in him by said municipal corporation.

Mary Helen Jackson
NOTARY PUBLIC

MARY HELEN JACKSON
MY COMMISSION # EE 025080
EXPIRES: October 12, 2014
Bonded Thru Notary Public Underwriters

Approved as to Form:

Ann J. Wild, Assistant City Attorney



LEGEND:
(C) - CALCULATED
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m - METERS
N/A - NOT APPLICABLE
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O.R. - OFFICIAL RECORD BOOK
P. - PAGE
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R/W - RIGHT OF WAY
SM - SQUARE METERS
SF - SQUARE FEET
D.B. - DEED BOOK
LOC - LIMITS OF CONSTRUCTION

NOTES:
1. ALL BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, NORTH FLORIDA ZONE, LAMBERT PROJECTION, NORTH AMERICAN DATUM 1983(1990).
2. THIS SKETCH IS BASED UPON A RIGHT OF WAY CONTROL SURVEY FOR CAPITAL CIRCLE SOUTHEAST COMPLETED BY DIVERSIFIED DESIGN AND DRAFTING AND TIED TO CENTERLINE OF SURVEY SHOWN ON SAID MAPS.
3. THIS IS A METRIC UNIT PROJECT.
4. CURRENT RECORDING INFORMATION FOR ACQUIRED PARCELS IS SHOWN IN ITALIC TEXT (UPDATED 11-23-09)

LINE TABLE

LINE	BEARING	DISTANCE (C)
L81	N 00°10'16" E	13.149m (43.14')
L73	S 51°23'50" W	20.250m (66.43')
L74	N 89°22'57" W	14.866m (48.77')
L75	N 89°22'57" W	15.240m (50.00')
L76	S 00°37'03" W	12.804m (42.01')
L77	S 00°37'03" W	19.200m (62.99')
L78	S 89°22'57" E	5.378m (17.64')

Paul N. Williamson
Florida Registered Land Surveyor
Certificate No. 3208

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CITY OF TALLAHASSEE
RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 — LEON COUNTY

	BY	DATE	APPROVED BY	DATE
PRELIM	JWF	10-16-02		
FINAL	JWF	02-06-03		
CHECKED	PNW	02-06-03		

MAPS PREPARED BY: MILES HOBLES & ASSOCIATES, 2320 PARKER AVENUE, TALLAHASSEE, FL 32310, (850) 385-0333

FIELD BOOK NO.'S: ECR, 2004055, 2004180, 2004181

W.P.I. NO. N/A

SCALE: 1:500 METRIC

F.P. No. N/A SECTION N/A

SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261(U.S.319) PARCEL III

COMPOSITE EXHIBIT "A"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
CAPITAL CIRCLE S.E.
PARCEL 111

A part of that property recorded in Deed Book 89, Page 87 and Official Records Book 278, Page 436 of the Public Records of Leon County, Florida being more particularly described as follows:

Commence at the Northeast corner of Section 9, Township 1 South, Range 1 East, Leon County, Florida and run thence South 89 degrees 54 minutes 29 seconds West along the Northerly boundary of said section a distance of 336.253 meters (1103.19 feet) to the intersection of the North boundary of said section line with the centerline of survey for State Road No. 261 at Station 96+10.710; thence run South 53 degrees 53 minutes 50 seconds West along said centerline of survey a distance of 11.790 meters (38.68 feet) to station 95+98.920; thence leaving said centerline run South 36 degrees 06 minutes 10 seconds East a distance of 15.240 meters (50.00 feet) to the POINT OF BEGINNING said point being on the Southeasterly right of way of said State Road No. 261. From said POINT OF BEGINNING run North 53 degrees 53 minutes 50 seconds East along said right of way a distance of 31.537 meters (103.47 feet); thence leaving said right of way run South 89 degrees 22 minutes 57 seconds East a distance of 5.378 meters (17.64 feet); thence South 00 degrees 37 minutes 03 seconds West a distance of 19.200 meters (62.99 feet); thence South 51 degrees 23 minutes 50 seconds West a distance of 20.250 meters (66.43 feet); thence North 89 degrees 22 minutes 57 seconds West a distance of 14.866 meters (48.77 feet); thence North 00 degrees 10 minutes 16 seconds East a distance of 13.149 meters (43.14 feet) to the POINT OF BEGINNING, containing 641.698 square meters (6907.18 square feet) more or less.

RESOLUTION: 13-___

RESOLUTION OF INTENT, PURSUANT TO FLA. STAT. §125.38, TO CONVEY COUNTY-OWNED RIGHT-OF-WAY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

WHEREAS, on October 23, 2012, without the County's knowledge or consent, two parcels of right-of-way identified as Parcel 110 and 111 (the "Parcels") were inadvertently conveyed from the City of Tallahassee to Leon County by virtue of the Quit Claim Deeds recorded at Official Record Book 4433, Pages 962 and 966, of the Public Records of Leon County, Florida; and

WHEREAS, the Parcels were supposed to have been conveyed to the Florida Department of Transportation in connection with improvements to State Road No. 261; and

WHEREAS, Blueprint 2000, an Inter-Governmental Agency, has constructed said improvements to State Road No. 261 as a Design/Build project; and

WHEREAS, the maintenance of said improvements as a part of State Road No. 261 will become the responsibility of the Florida Department of Transportation (FDOT) it is necessary that the Parcels be acquired by FDOT; and

WHEREAS, said Parcels are not needed for County purposes; and

WHEREAS, the FDOT has made application to Leon County to execute and deliver to the FDOT the attached deed, in favor of the FDOT, conveying all rights, title and interest that said County has in and to said lands required for transportation purposes, and said request having been duly considered.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida (the "Board"), assembled in regular session this 12th day of March, 2013, as follows:

1. That Leon County, Florida, by action of the Board has ratified the aforesaid Quit Claim deeds recorded at Official Record Book 4433, Pages 962 and 966.

2. That the application of the FDOT for the deeds is for transportation purposes which are in the public or community interest and for public welfare and the lands needed for transportation purposes are not needed for county purposes; that the deeds in favor of the FDOT conveying all right, title and interest of Leon County in and to said lands should be drawn and executed by this Board of County Commissioners. Consideration shall be $0.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at Tallahassee, Florida.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 12th day of March, 2013.

LEON COUNTY, FLORIDA

BY:_____
Nicholas Maddox, 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

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

f:\jimp\blueprint 2000\ccse\letters, memos, resolutions, etc\ccse fdot 125-38 resolution for 110 & 111.doc

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

COUNTY DEED PURSUANT TO *FLA. STAT.* •125.411

THIS DEED, made this ____ day of _____, 2013, by **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, whose post office address is 301 South Monroe Street, Room, Tallahassee, Florida 32301, **party of the first part**, and **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose post office address is 1074 Highway 90 East, P.O. Box 607, Chipley, Florida 32428, **party of the second part**,

WITNESSETH that the said party of the first part, for and in consideration of the sum of $10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the party of the second part, Its successors and assigns forever, the following described land lying and being in Leon County, Florida:

See Legal Descriptions attached hereto
and made a part hereof as Exhibits "A" and "B"

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:

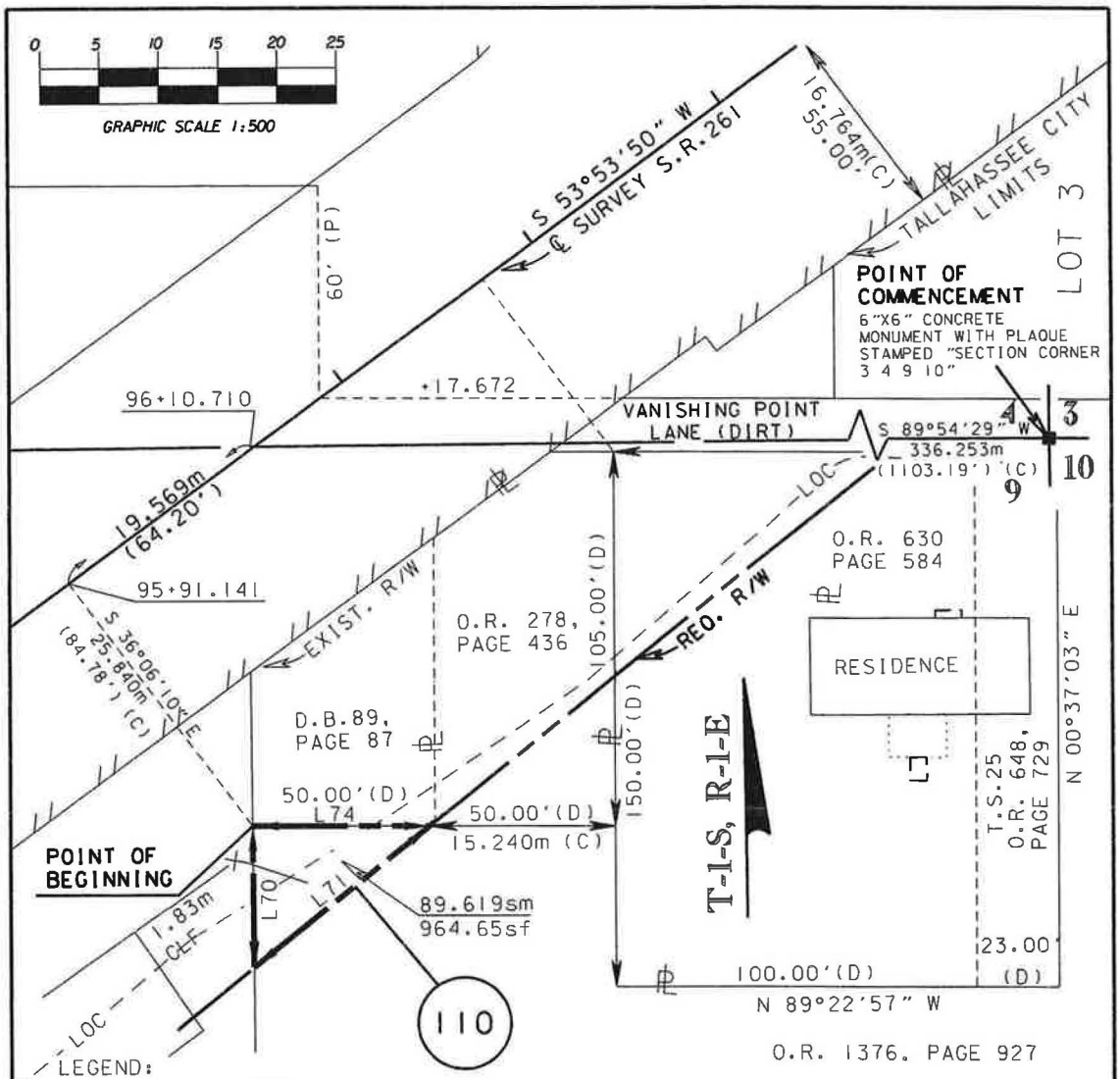
By:_____
Bob Inzer,
Clerk of Circuit Court
Leon County, Florida

APPROVED AS TO FORM:
Leon County Attorney's Office

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

F:\JIMP\Blueprint 2000\CCSE\Deeds, Legals, Maps, etc\County Deed Chapter 125 to FDOT 110 & 111.doc

EXHIBIT "A"



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L71	S 51°23'50" W	19.068m (62.56')
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Paul N. Williamson
Florida Registered Land Surveyor
Certificate No. 3208

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

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4. CURRENT RECORDING INFORMATION FOR ACQUIRED PARCELS IS SHOWN IN ITALIC TEXT (UPDATED 11-23-09)

CITY OF TALLAHASSEE
RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 **LEON COUNTY**

	BY	DATE	APPROVED BY	DATE
PRELIM	JWF	10-16-02		
FINAL	JWF	02-06-03		
CHECKED	PNW	02-06-03		

MAPS PREPARED BY
ALLEN NOBLES & ASSOCIATES
2720 PABLO AVENUE
TALLAHASSEE, FL. 32308 (850) 385-1179

FIELD BOOK NO.'S
EFB. 20040153, 20016180, 20016181

W.P.I. NO. N/A

SCALE: 1:500 METRIC

F.P. No. N/A SECTION N/A

SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261 (U.S.319) PARCEL 110

EXHIBIT "A"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
CAPITAL CIRCLE S.E.
PARCEL 110

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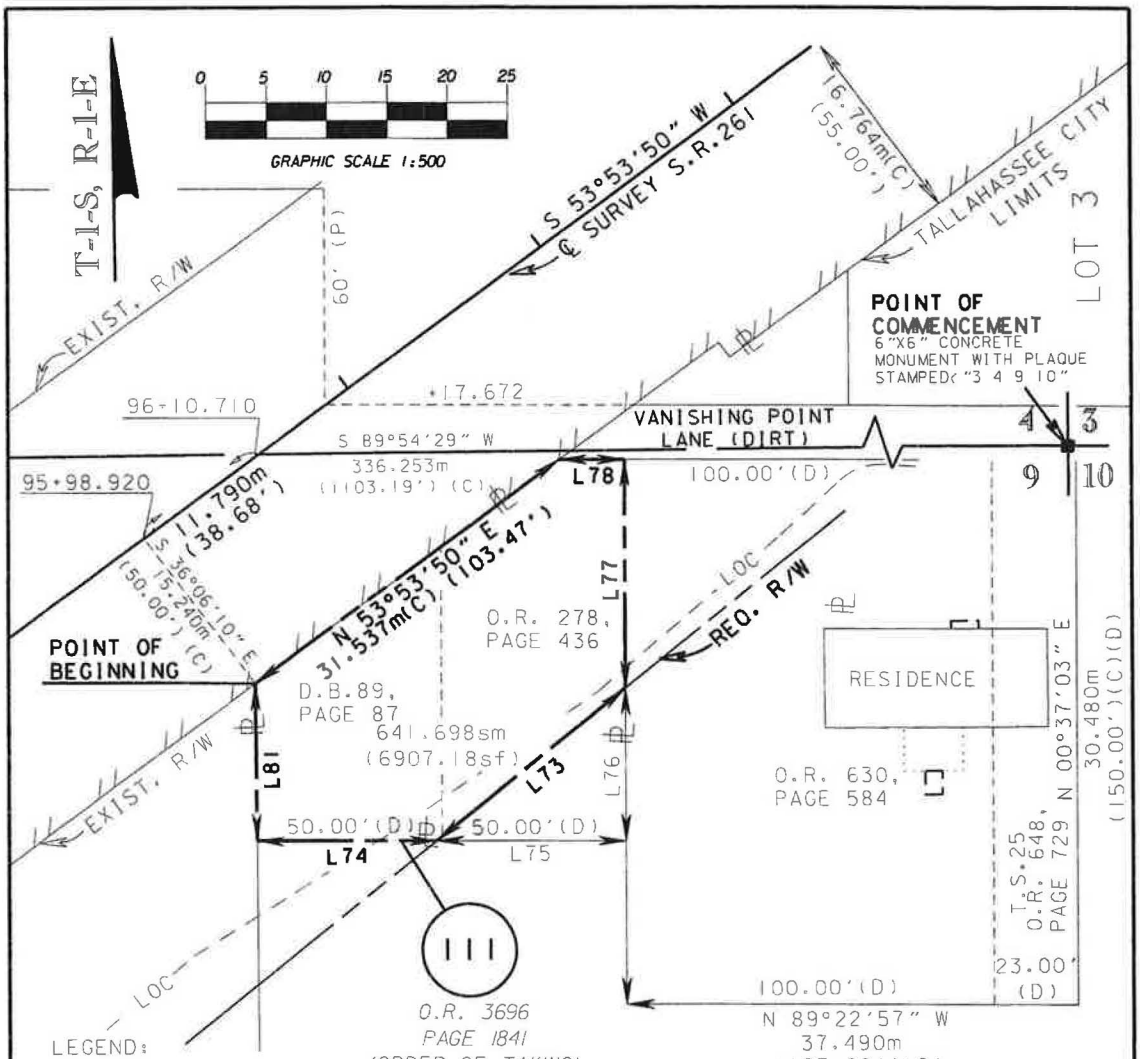

O.R. 1376, PAGE 927

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Paul N. Williamson
Florida Registered Land Surveyor
Certificate No. 3208

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CITY OF TALLAHASSEE
RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 **LEON COUNTY**

	BY	DATE	APPROVED BY	DATE
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FIELD BOOK NO.'S
EFB. 20040153, 20016180, 20016181

W.P.I. NO. N/A

SCALE: 1:500 METRIC

F.P. No. N/A SECTION N/A

SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261(U.S.319) PARCEL 111

EXHIBIT "B"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
CAPITAL CIRCLE S.E.
PARCEL 111

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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

COUNTY DEED PURSUANT TO *FLA. STAT.* •125.411

THIS DEED, made this ____ day of _____, 2013, by **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, whose post office address is 301 South Monroe Street, Room, Tallahassee, Florida 32301, **party of the first part**, and **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose post office address is 1074 Highway 90 East, P.O. Box 607, Chipley, Florida 32428, **party of the second part**,

WITNESSETH that the said party of the first part, for and in consideration of the sum of $10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the party of the second part, Its successors and assigns forever, the following described land lying and being in Leon County, Florida:

See Legal Descriptions attached hereto
and made a part hereof as Exhibits "A" and "B"

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:

By:_____
Bob Inzer,
Clerk of Circuit Court
Leon County, Florida

APPROVED AS TO FORM:
Leon County Attorney's Office

By:_____
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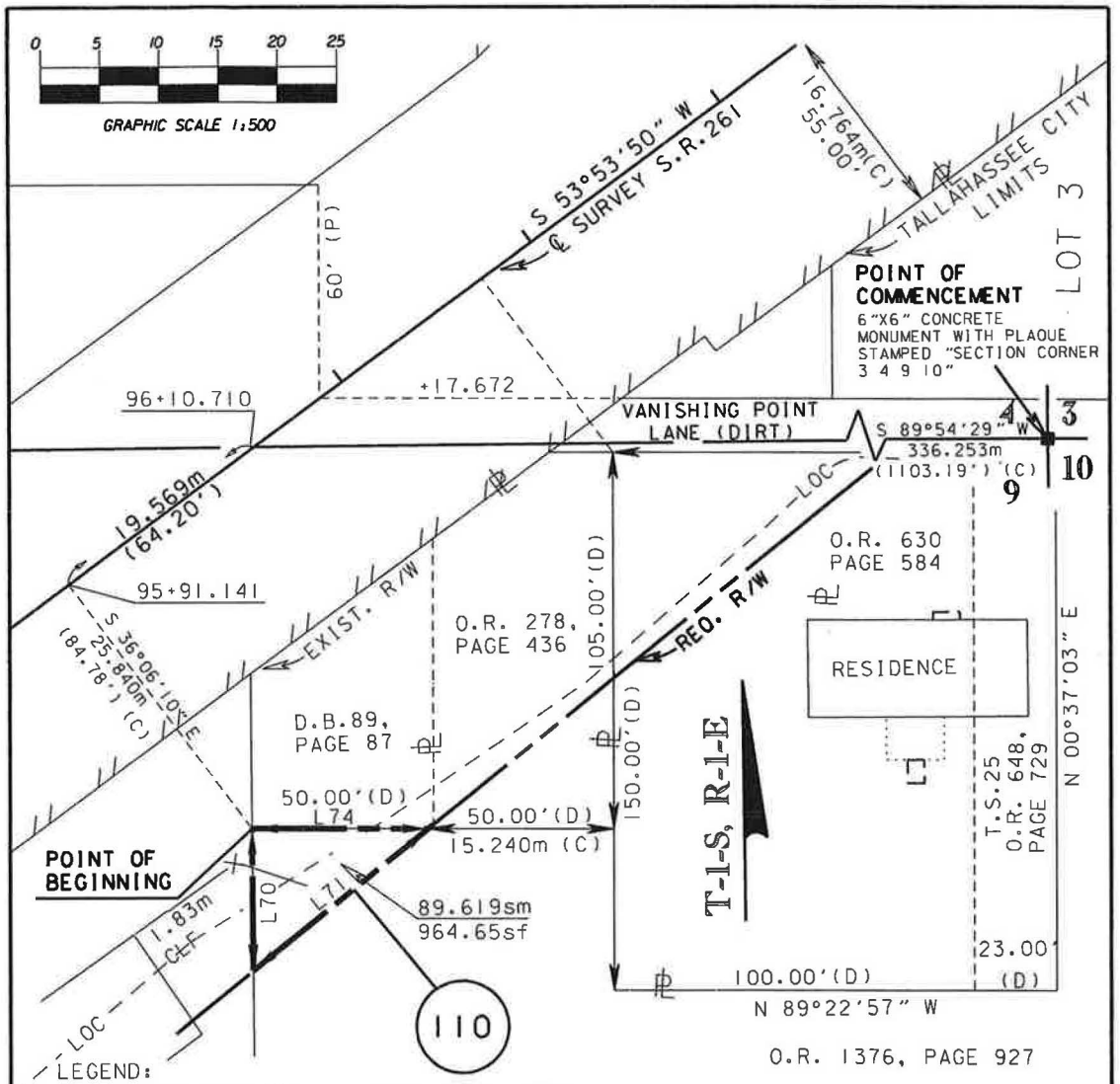

O.R. BOOK 3696
PAGE 1841
(ORDER OF TAKING)

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RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 **LEON COUNTY**

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FIELD BOOK NO.'S
EFB. 20040153, 20016180, 20016181

W.P.I. NO. N/A

SCALE: 1:500 METRIC

F.P. No. N/A SECTION N/A

SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261(U.S.319) PARCEL 110

EXHIBIT "A"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
CAPITAL CIRCLE S.E.
PARCEL 110

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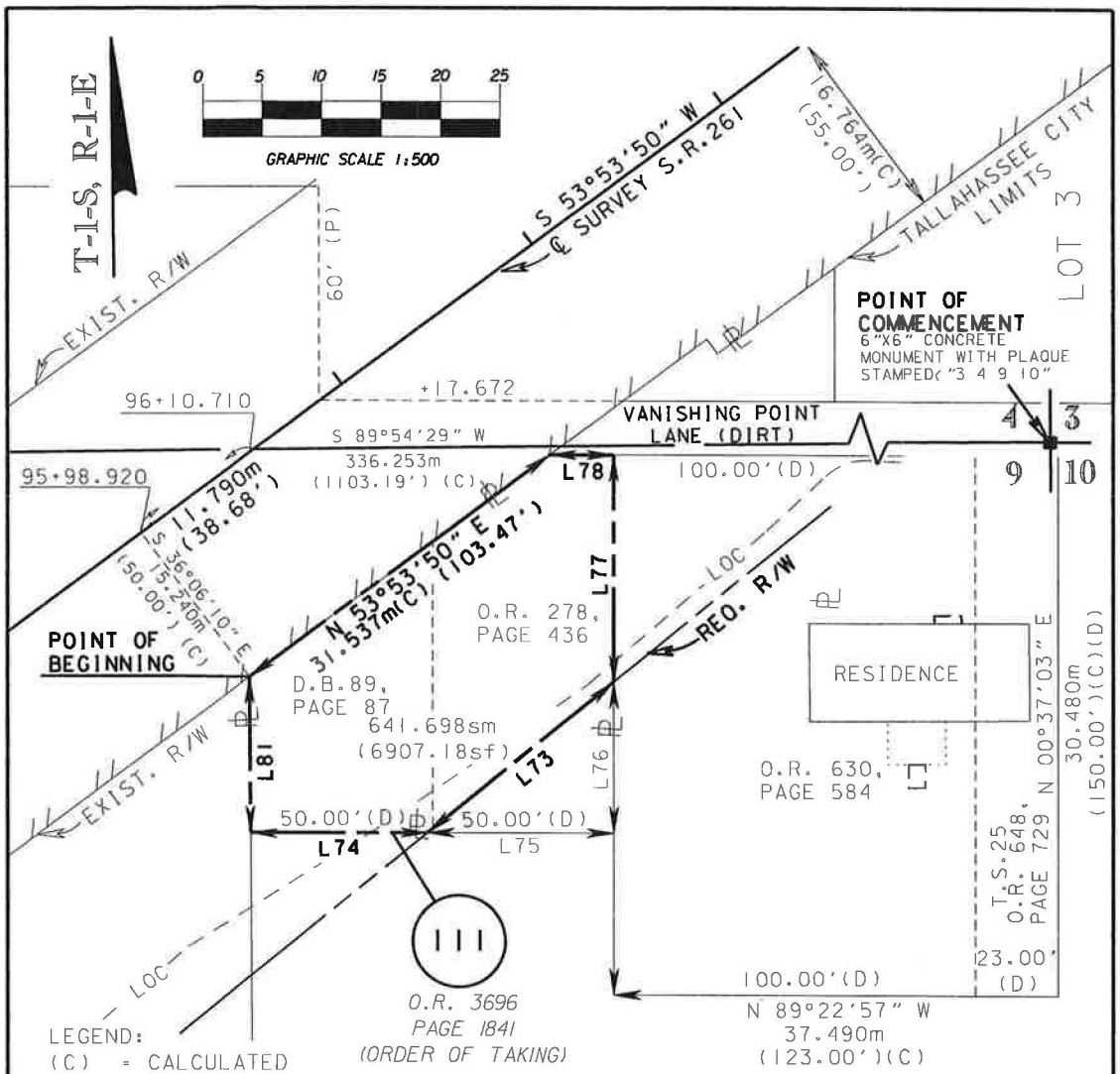

O.R. 1376, PAGE 927

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Florida Registered Land Surveyor
Certificate No. 3208

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CITY OF TALLAHASSEE
RIGHT OF WAY MAPPING

RIGHT OF WAY PARCEL SKETCH

STATE ROAD NO. 261 **LEON COUNTY**

	BY	DATE	APPROVED BY	DATE
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FIELD BOOK NO.'S
EFB. 20040153, 20016180, 20016181

W.P.I. NO. N/A

SCALE: 1:500 METRIC

F.P. No. N/A SECTION N/A

SHEET 1 OF 2

CAPITAL CIRCLE SE S.R.261(U.S.319) PARCEL 111

EXHIBIT "B"

ANA project No. 3968-002
February 12, 2003
Sheet 2 of 2

STATE ROAD NO. 261
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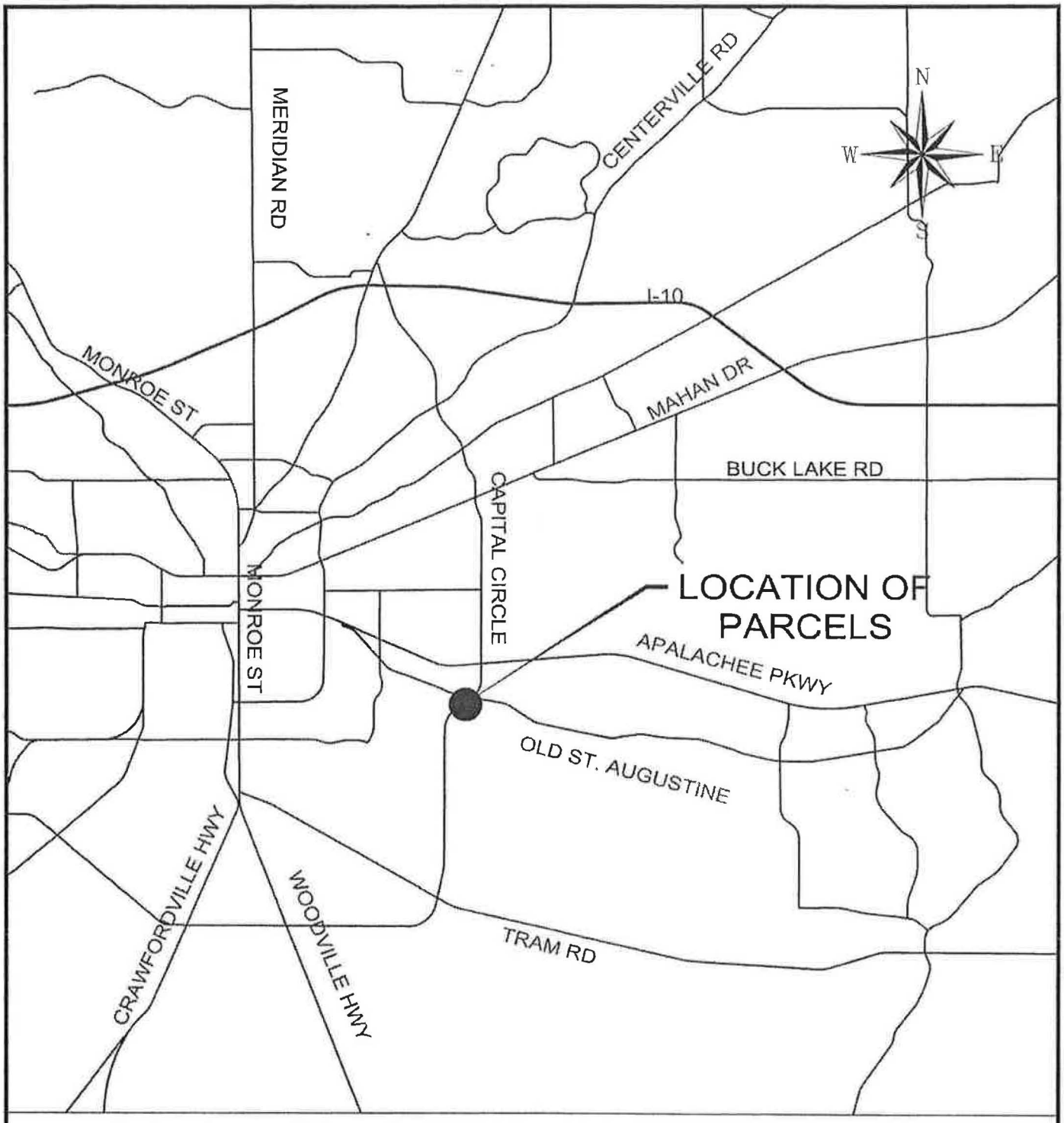
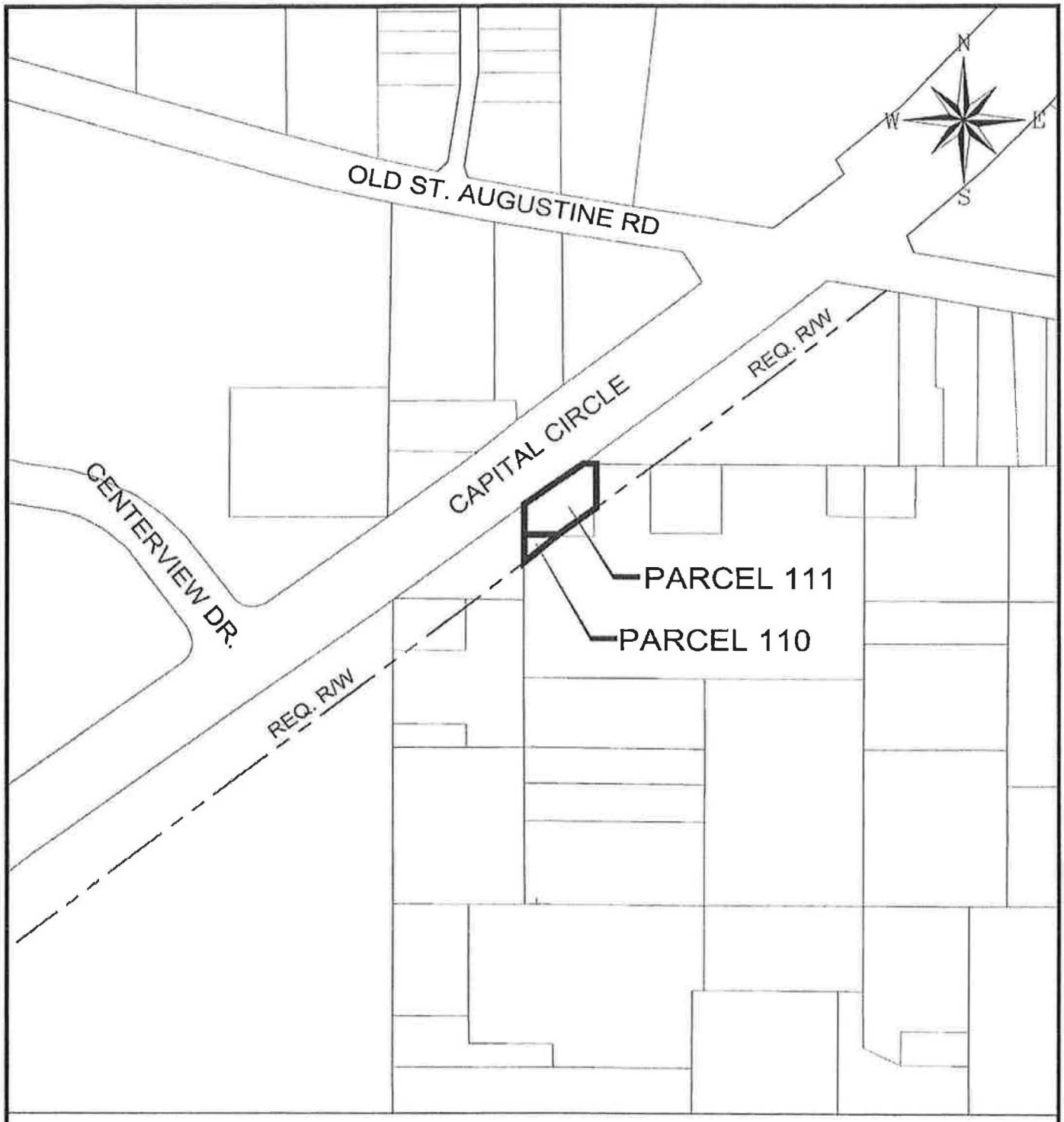


PARCEL LOCATION MAP

NOT TO SCALE

File: C:\Civil 3D Projects\LocationMap-UNIVERSAL.dwg	TAB: Parcel 110-111	Date: 02/04/2013	DRAWN BY: GPB	REVISION:



PARCEL LOCATION MAP

NOT TO SCALE

File: C:\Civil 3D Projects\LocationMap-UNIVERSAL.dwg	TAB: Parcel10-111(2)	Date: 21/04/2013	DRAWN BY: GPB	REVISION:

Leon County
Board of County Commissioners

Notes for Agenda Item #11

Leon County
Board of County Commissioners

Cover Sheet for Agenda #11

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Resolution in Support of the Revitalization of Historic Mahan Crape Myrtles on US 90 from I-10 Eastbound to Jefferson County

---

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director of Public Works & Community Development
Lead Staff/ Project Team:	Roshaunda Bradley, Assistant to the Public Works & Community Development Director

Fiscal Impact:

This item has no fiscal impact to the County. The revitalization of the historic crape myrtles will be completed and maintained with Florida Department of Transportation (FDOT) resources.

Staff Recommendation:

Option #1: Approve the Resolution in support of the revitalization of historic Mahan crape myrtles on US 90 from I-10, eastbound to Jefferson County (Attachment #1).

Report and Discussion

Background:
State Road 10 (US 90) from Tallahassee, at 1-10 to the Madison County Line, is the site of extensive historic roadside plantings, including many crape myrtles, dating back to the 1930's donation from Fred A. Mahan, owner of the Monticello Nursery Company. Many of these historic trees are in need of renovation, including structural and deadwood pruning, removal of invasive exotic plants, fertilization, mulching, and reduction of the invasion of Spanish moss. In January 2013, the Florida Department of Transportation (FDOT) conducted an arboricultural evaluation of right-of-ways trees, including the historic crape myrtles on US 90 (Attachment #2), and has proposed a maintenance/renovation plan.

This item seeks Board's approval of a resolution of support for FDOT's crape myrtle maintenance program on US 90 from I-10 eastbound to the Jefferson County line. FDOT has been in contact with Jefferson County officials who voted unanimously, at its February 21, 2013 meeting, in support of FDOT's efforts (Attachment #3).

Analysis:
The following includes some of the maintenance identified in FDOT's evaluation for Leon County:

- I-10 Interchange @ US 90: Twenty large crape myrtles require extensive pruning and removal of invasive trees and vines. Care should be taken to remove all vegetation from around the base of the tree, paint all invasive stumps carefully with stump treatment herbicide making sure not to apply any to living tissue of the tree. A mulch ring should then be formed, approximately 6 feet in diameter, and fertilizer applied and worked into the top three inches of soil.

  Each tree should be evaluated for pruning, according to its condition; large trees with an abundance of canes should be shaped to the canes, leaving the most dominant and strongest ones. Smaller trees with less vigor should be pruned less harshly. Interior canes should be cut as close to the ground as possible. Inward growing, crossing, or rubbing branches should be removed; as well as, all water suckers and weak interior branching exhibiting decline from lack of light.

  Seven crape myrtles have been overtaken by large canopy oaks (and one Sweet Gum) and should be removed in deference to the larger tree.

- I-10 Interchange to Town Limits of Monticello: From the I-10 Interchange to the town limits of Monticello, there are approximately 1,750 crape myrtles in all manner of size and condition. A great many are in need of extensive restoration, some are in much better shape and will require little pruning work. All could use a good fertilization and creation of a mulch ring for trunk protection. Some of the trees have been overtaken by exotic invasive plants and will require liberation from the competition.

It is important to note, the Board invested an additional $1.2 million in landscaping for US 90 (Capital Circle NE to I-10), associated with the Mahan Drive widening project. The County will begin maintaining the right-of-way and median landscaping in 2014. The County's investment, together with the maintenance plan proposed by FDOT for I-10 to the Jefferson County line, increases the visibility of landscaping in Leon County and is consistent with the Comprehensive Plan and goals of many individuals, businesses, and community-based organizations in the County.

Options:

1. Approve the Resolution in support of the revitalization of historic Mahan crape myrtles on US 90 from I-10, eastbound to Jefferson County.
2. Do not approve the Resolution in support of the revitalization of historic Mahan crape myrtles on US 90 from I-10 Eastbound to Jefferson County.
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Resolution in Support of FDOT's Revitalization of Historic Mahan Crape Myrtles
2. FDOT SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
3. FDOT/Jefferson County Correspondence

VSL/AR/TP/RB

RESOLUTION: 13-_____

REVITALIZATION OF HISTORIC MAHAN CRAPE MYRTLES PROGRAM

WHEREAS, the natural beauty of landscaping in Leon County can be enjoyed by everyone; can attract guests, and benefit commerce, environmental health, and public well-being; and

WHEREAS, enjoyment of landscaping is an occasion for all County and community leaders to unite for the benefit of everyone; and

WHEREAS, Leon County was selected as the site of the State Capitol because of its natural beauty; and

WHEREAS, increasing the visibility of landscaping in Leon County is consistent with the vision of the Comprehensive Plan, and goals of many individuals, businesses, and community-based organizations; and

WHEREAS, SR 10 from Tallahassee at 1-10 to the Jefferson County Line is the site of extensive historic roadside plantings; and

WHEREAS, the roadside plantings include many Crape Myrtles dating back to the 1930s donation from Fred A. Mahan, owner of the Monticello Nursery Company; and

WHEREAS, many of these historic trees are in need of renovation, including structural and deadwood pruning, removal of invasive exotic plants, fertilization, mulching, and reduction of the invasion of Spanish Moss; and

WHEREAS, Leon County's state and county roadways are ideal candidates to establish project corridors for management of landscaping;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that Leon County is in support of the Florida Department of Transportation (FDOT) implementing their roadside maintenance program to revitalize and enhance the landscaping of the Historic Mahan Crape Myrtles from I-10 eastbound to Jefferson County.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 20_____.

LEON COUNTY, FLORIDA

BY:_____
Nicholas Maddox, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Bob Inzer, Clerk of the Circuit Court

BY:_____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

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

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

SR 10 from Tallahassee at I-10 to the Madison County Line is the site of extensive historic roadside plantings including many Crape Myrtles dating back to the 1930's donation from Fred A. Mahan, owner of the Monticello Nursery Company. Many of these historic trees are in need of renovation, including structural and deadwood pruning, removal of invasive exotic plants, fertilization, mulching, and reduction of the invasion of Spanish Moss. The following illustrations identify much of the work to be done:

I-10 Interchange @ US 90

Twenty large Crape Myrtles require extensive pruning and removal of invasive trees and vines:

Care should be taken to remove all vegetation from around the base of the tree, paint all invasive stumps carefully with stump treatment herbicide making sure not to apply any to living tissue of the tree. A mulch ring should then be formed approximately 6 feet in diameter and fertilizer applied and worked into the top three inches of soil.

Each tree should be evaluated for pruning according to its condition; large trees with an abundance of canes should be shaped to reduce the canes, leaving the most dominant and strongest ones. Smaller trees with less vigor should be pruned less harshly. Interior canes should be cut as close to the ground as possible. Inward growing, crossing, or rubbing branches should be removed, as well as all water

suckers and weak interior branches exhibiting decline from lack of light. No raising of the canopy or "topping" will be necessary. All pruning cuts should be made to retain the branch collar and be cut in a perpendicular cross section. Heavy limbs should be cut in sequential fashion to avoid splitting and damage to the branch collar. All dead wood should be removed with good pruning cuts.

Seven Crape Myrtles have been overtaken by large canopy oaks (and one Sweet Gum) and should be removed in deference to the larger tree:

I-10 Interchange to Town Limits of Monticello, Florida

From the I-10 Interchange to the town limits of Monticello there are approximately 1,750 Crape Myrtles in all manner of size and condition. A great many are in need of extensive restoration, some are in much better shape and will require little pruning work. All could use a good fertilization and creation of a mulch ring for trunk protection. A restoration plan should be made on site for each tree, evaluating its particular condition and needs; the pruning instructions above apply.

It will be important to have experienced personnel involved with the evaluation and pruning of each tree. The variation in size and condition of these trees will preclude a "one size fits all" approach.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Some of these trees have been overtaken by exotic invasive plants and will require liberation from the competition. Once again, care should be taken to apply herbicide to the invasive and avoid damage to the subject trees.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Some trees have been so completely overrun that renovation may be impractical. If after removing all of the deadwood, there is little left to regenerate growth and proper form, a field decision should be made in these cases to remove the tree

This one is probably a goner…..

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

This one, on the other hand, may be worth trying to save.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Several trees have become overrun with Spanish Moss, to the point of harm to the tree. This should be carefully removed, by hand or with pole pruners.

From the town limits of Monticello to the Madison County Line (Aucilla River)

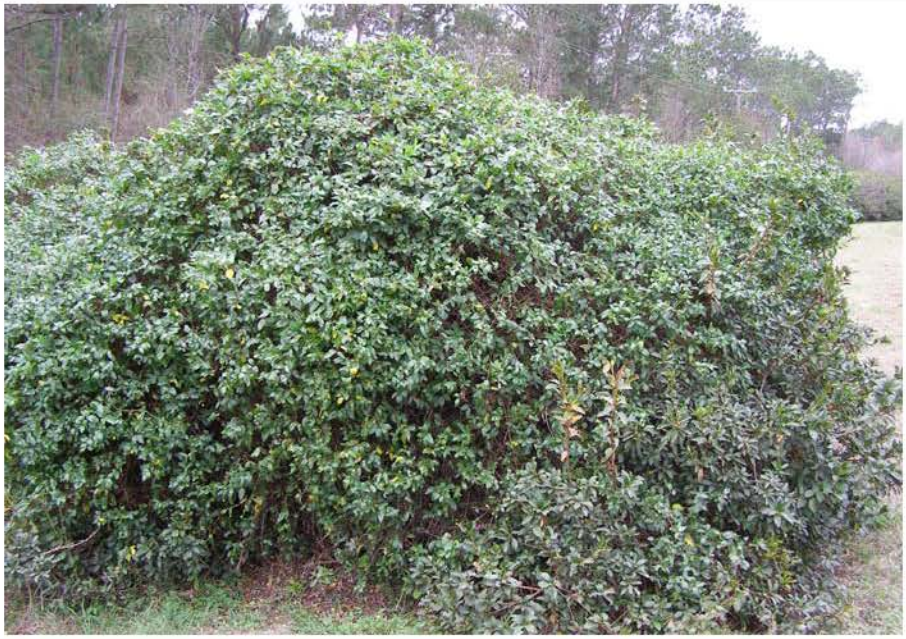
On both sides of the right of way along US90 from the eastern town limit of Monticello to the Aucilla River are approximately 350 evergreen shrubs. The predominant species is Burford Holly, a Chinese Holly with dense evergreen foliage and red berries. Other species include; Formosa Azalea, Waxleaf Ligustrum, Silverthorn Eleagnus, and Banana Shrub (*Michelia figo*). These plants are of varying size and condition as well, but are for the most part in fairly good shape. Structural pruning will not be required; the work would be removal of invasive plants and vines, removal of damaged and dead shrubs and some fertilization.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Several of the Hollies are showing signs of nutrient deficiency. They are acid loving plants and require high levels of iron. If there is insufficient iron or the pH of the soil is too high for iron to be released to the plant, a chlorotic condition results and the plant declines and dies. Those shrubs exhibiting this characteristic yellowing of the leaves need a iron rich fertilizer specially formulated for iron loving plants; “Ironite” in granular form is a good choice.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Several of the shrubs have been overrun with exotic invasive plants. Again, care should be taken to remove these invasives at the ground level and treat the stumps so they will not return in the next growing season. The first photo shows Japanese Honeysuckle overtaking an Azalea, the second shows Hollies overrun with Trumpet Vine, and the third shows a Chinaberry Tree overtaking a Holly.



SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

Silverthorn Eleagnus, though a common and popular horticultural shrub in the past, has become an invasive nuisance and as such is listed by the Florida Exotic Pest Plant Council and a Category II Invasive. It should be removed from all public lands to prevent its spread into natural areas and degrade the quality of our ecosystems.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

A few of the shrubs have been severely damaged; a field decision should be made to remove the shrub if it is unlikely that a natural form can be restored.

SR 10 (US 90) Arboricultural Evaluation of Right of Way Trees
Including Historic Mahan Crape Myrtles
1-30-2013

In conclusion, these historic roadside plantings are in need of considerable care from arboricultural and horticultural specialists. The task will require considerable effort to restore these trees and shrubs to the condition envisioned. The window for effective pruning and fertilization is approaching; February through April is generally the best time for this work. Follow-up inspection should be done at least every two years in January and regular maintenance placed on the work schedule for the February-April window.

Tony Park

From: "Corbin, Gabriella" <Gabriella.Corbin@dot.state.fl.us>
To: "ParkT@leoncountyfl.gov" <ParkT@leoncountyfl.gov>
Date: 2/25/2013 9:25 AM
Subject: Roadside Wildflower Agenda Item (& background attachments)

FYI

Muchas Gracias

Gabriella Molina-Corbin, P.E.
Florida Department of Transportation
Midway Operations Engineer
Midway Operations Center
Gabriella.Corbin@dot.state.fl.us
Office: (850)9221944
Cell: (850)5193027

From: Betsy Barfield [mailto:bbarfield@jeffersoncountyfl.gov]
Sent: Friday, February 22, 2013 5:22 PM
To: Corbin, Gabriella; Thomas, Mark
Cc: Parrish Barwick; Barfield, Tommy; Parfitt, Jenniffer
Subject: Re: Roadside Wildflower Agenda Item (& background attachments)

Hello Gabby -

Thank you so much for meeting with me yesterday. I enjoyed talking with you and Mark Thomas about the crepe myrtles on US 90 in Jefferson and Leon Counties.

I especially appreciate your quick and professional solution to the issues we are having with the maintenance of the crepe myrtles. I was so pleased to learn that the Florida Department of Transportation is ready and willing to step in with a renovation/maintenance plan for the crepe myrtles along US 90 in Jefferson and Leon Counties. The outline that you and Mark presented to us was outstanding.

At the Jefferson County Board of County Commission (BOCC) meeting 2/21/13, the BOCC unanimously voted to support your efforts for the renovation/maintenance program on US 90. In fact, the BOCC agreed to allow me to be the point person in our County to help educate the public of the plans.

By way of this email, I am asking our county coordinator, Parrish Barwick, to send an official letter of support from the Jefferson County Board of County Commissioners to you at FDOT. You should be receiving that letter in the next week or so.

Mark, you asked for a point person in the County. Parrish will be your contact in Jefferson County for the project. His cell number is 850.591.5432. His email address is above. Below is my contact information.

Gabby - Once you have talked with Tony Park, I am ready to collaborate with FDOT in

updating/educating the public on your future plans.

Again, I am very impressed with how you and your team are handling this issue...professionally, expediently and enthusiastically!

Thank you and have a great weekend.

b

Betsy Barfield
Jefferson County Commissioner
District 4
387 de Sercey Lane
Monticello, FL 32344
850 933 4055 Cell
850 997 5740 Fax
bbarfield@jeffersoncountyfl.gov
www.jeffersoncountyfl.gov

On Feb 22, 2013, at 10:49 AM, Corbin, Gabriella wrote:

Good Morning Commissioner Barfield,

It was very nice meeting you yesterday. You asked if we had a resolution from another County that will aid you in drafting the resolution for the maintenance of the Crepe Myrtles in Jefferson County. I think there was a resolution adopted by Wakulla County dealing with their Wildflower Program and their partnership with the Department. I have searched and could not find the actual resolution but I am sending you what I have hoping it would be useful to you.

Tony Park, Director of Leon County Public Works & Community Development, is out of the office today but I will speak with him on Monday to discuss the Crepe Myrtles in Leon County. I send him an electronic copy of the brochure we presented to you yesterday for his review.

Please let me know if you need additional information

Muchas Gracias

Gabriella Molina-Corbin, P.E.
Florida Department of Transportation
Midway Operations Engineer
Midway Operations Center
Gabriella.Corbin@dot.state.fl.us
Office: (850)9221944
Cell: (850)5193027

<ArtzAgendaRequest_Nov5,2012_ RoadsideWildflowers.doc><July 21, 2009 Agenda Request. Artz-WildflowerPilotProject.doc><ArtzAgendaRequest_March 21,2011_ Wildflower Project Update.doc><CTST Ltr.pdf><Big-Bend-Scenic-Byway-map.pdf>

Leon County
Board of County Commissioners

Notes for Agenda Item #12

Leon County
Board of County Commissioners

Cover Sheet for Agenda #12

March 12, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Plat of Fallschase Center Subdivision for Recording in the Public Records.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director of Public Works & Community Development Kathy Burke, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Jim Pilcher, P.S.M., Chief of Survey and Right-of-Way

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1. Approve the plat of Fallschase Center subdivision for recording in the Public Records (Attachment #1), contingent upon staff's final review and approval.

Report and Discussion

Background:

Fallschase Center, a private commercial subdivision, was approved with conditions by the Development Review Committee (DRC) as a type "B" site and development plan on February 27, 2013 (Attachment #2). Fallschase Center is a re-plat of Lots 4 and 6 of Fallschase Commercial subdivision, recorded in Plat Book 20, Pages 95-104 of the Public Records.

The development being platted consists of 32.11 acres, containing seven commercial lots.

Analysis:

Fallschase Center is located on the south side of Buck Lake Road and Mahan Drive (U.S. Hwy 90) at the Mahan Drive/Buck Lake Road intersection (Attachment #3).

The developer is requesting the Board's approval, contingent upon staff's final review and approval, due to the limited schedule of Board meetings and tight scheduling of real estate closings. The plat has been circulated for review to the appropriate departments and agencies. The plat presented herein is a conditional final plat, in that it is substantially complete and staff does not anticipate any changes other than possible minor corrections to the text.

Staff recommends the Board accept the plat and approve recording upon completion of staff's review and confirmation of approval from the reviewing departments and agencies. Should there be a need for any substantive changes to the plat, staff will resubmit it to the Board at a future regularly scheduled meeting for ratification.

Since the development is a private subdivision, does not contain any roadways, and all infrastructure is complete, no performance or maintenance agreements/surety devices are required.

Options:

1. Approve the plat of Fallschase Center subdivision for recording in the Public Records (Attachment #1), contingent upon staff's final review and approval.
2. Do not approve the plat of Fallschase Center subdivision.
3. Board direction.

Recommendation:

Option #1.

Attachments:
1. Re-Plat of Fallschase Center
2. DRC Letter
3. Location Map

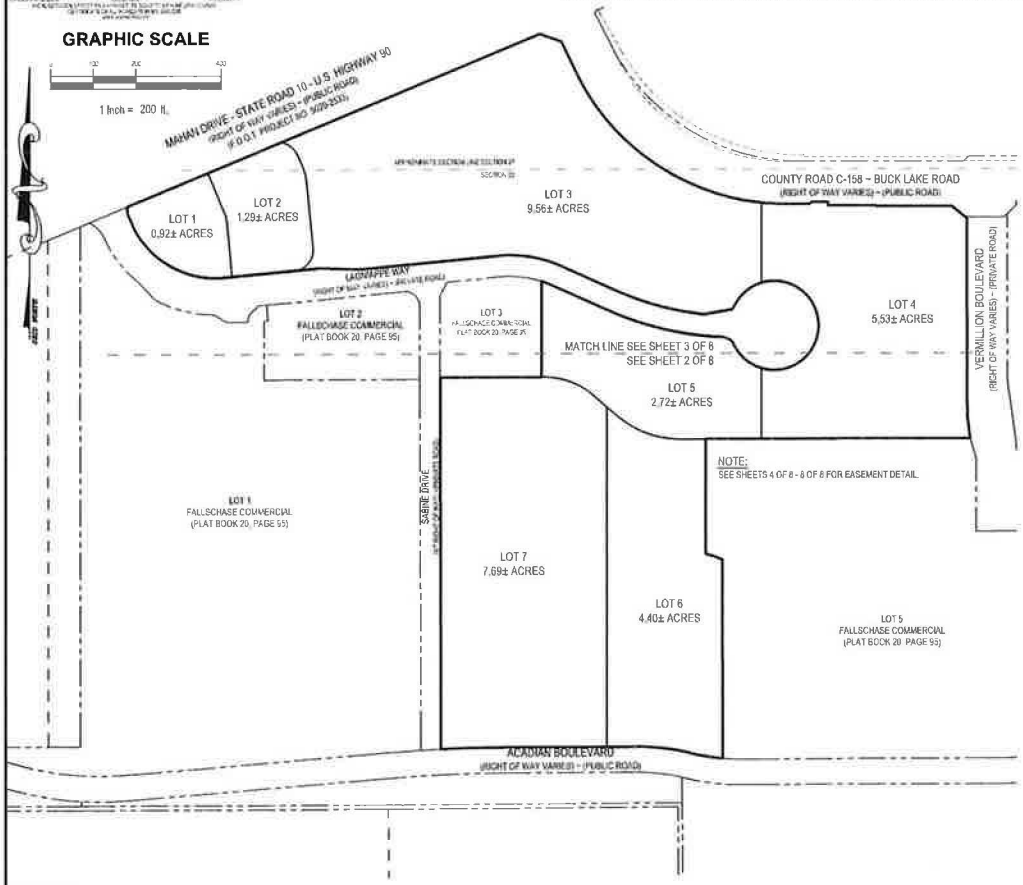
VSL/TP/KB/JP/la

MooreBass CONSULTING

FALLSCHASE CENTER

A SUBDIVISION LYING IN SECTIONS 22 & 27; TOWNSHIP 1 NORTH; RANGE 1 EAST; LEON COUNTY, FLORIDA
AND A REPLAT OF LOTS 4 AND 6, FALLSCHASE COMMERCIAL, PLAT BOOK 20, PAGES 95-104

PLAT BOOK _____, PAGE _____



NOTE:
SEE SHEETS 4 OF 8 - 8 OF 8 FOR EASEMENT DETAIL

STANDARD ABBREVIATIONS:

PLS	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
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ROW	R/W - RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T=	TOWNSHIP
W	WEST

GENERAL NOTES:
1. DATE OF BOUNDARY SURVEY OCTOBER 29 2012.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES, FLORIDA NORTH ZONE, NAD 83 DATUM
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.
4. TITLE OPINION LETTER FROM _____ DATED _____ 2067 AND BEARING #_____
5. ALL PERMANENT CONTROL POINTS AND PERMANENT CONTROL MONUMENTS ARE MARKED AS SHOWN UNLESS OTHERWISE NOTED ON PLAT.
6. LOTS SHALL NOT BE DIVIDED OR SUBDIVIDED WITHOUT COMPLYING WITH THE PLATTING PROCESS PURSUANT TO CHAPTER 177, FLORIDA STATUTES AND THE LEON COUNTY SUBDIVISION REGULATIONS
7. THE CONSTRUCTION OF PERMANENT STRUCTURES, EXCLUDING DRIVEWAYS, IS PROHIBITED WITHIN DRAINAGE AND UTILITY EASEMENTS
8. FIXED IMPROVEMENTS ON THIS PROPERTY HAVE NOT BEEN LOCATED.
9. SECTION 177.091 (28) ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FEDERAL PUBLIC SERVICE COMMISSION.

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SYMBOL LEGEND:
- FOUND IRON ROD AS LABELED
- FOUND 4X4 CONCRETE MONUMENT (PRM) (#7245) (UNLESS LABELED OTHERWISE)
- SET PRM (PERMANENT REFERENCE MONUMENT): 4"x4" CONCRETE MONUMENT (#7245) (UNLESS LABELLED OTHERWISE)
- SET PCP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- SET ½" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:
- PRM — ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 4"x4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE
- PCP — ALL PERMANENT CONTROL POINTS ARE MARKED WITH A NAIL HAVING A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE
- ALL INTERIOR CORNERS ARE MARKED WITH A 1/2" IRON ROD HAVING A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE

DEDICATION:
STATE OF FLORIDA
COUNTY OF LEON

KNOW ALL MEN BY THESE PRESENT THAT, COLUMBUS PACIFIC PROPERTIES, OWNER IN FEE SIMPLE OF THE LANDS SHOWN HEREON PLATTED AS FALLSCHASE CENTER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF SECTIONS 22 AND 27, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
LOTS 4 AND 6 OF FALLSCHASE COMMERCIAL, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 95 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA

HAVE CAUSED SAID LANDS TO BE DIVIDED AND SUBDIVIDED AS SHOWN RESERVING, HOWEVER, THE REVERSION OR REVERSIONS THEREOF SHOULD THE SAME BE RENOUNCED, DISCLAIMED, ABANDONED OR THE USE THEREOF DISCONTINUED OR PRESCRIBED BY LAW BY APPROPRIATE OFFICIAL ACTION OF THE PROPER OFFICIALS HAVING CHARGE OR JURISDICTION THEREOF.

THIS _____ DAY OF _____ 2013.

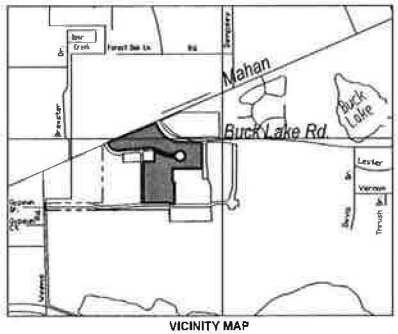
OWNER _____ WITNESS _____ WITNESS _____

ACKNOWLEDGMENT
STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME THIS DAY, PERSONALLY APPEARED _____ AND HAS ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN STATED, THIS _____ DAY OF _____ 2013. THEY ARE PERSONALLY KNOWN TO ME OR HAVE PRODUCED _____ AS IDENTIFICATION AND DID (DID NOT) TAKE AN OATH.

NOTARY PUBLIC, STATE OF FLORIDA

MY COMMISSION EXPIRES



VICINITY MAP
NOT TO SCALE

SITE PLAN REVIEW APPROVAL:
THIS PLAT CONFORMS TO THE SITE PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THIS _____ DAY OF _____ 2013 A.D.

COMMUNITY DEVELOPMENT DEPARTMENT

PLAT REVIEW APPROVAL:
PLAT REVIEWED FOR COMPLIANCE WITH CHAPTER 177 OF THE FLORIDA STATUTES
THIS _____ DAY OF _____ 2013 A.D.

JAMES C. PILCHER
PROFESSIONAL SURVEYOR FLORIDA CERTIFICATE #6059

COUNTY COMMISSION:
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THIS ____ DAY OF _____ 2013.

CHAIRMAN

COUNTY ATTORNEY

COUNTY ENGINEER

CLERK OF THE CIRCUIT COURT:
ACCEPTED FOR THE FILES AND RECORDED THIS _____ DAY OF _____, 2013, IN PLAT BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

BY_____
CLERK OF THE CIRCUIT COURT, LEON COUNTY, FLORIDA (SEAL)

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOTH CHAPTER 177, PART 1 PLATTING OF THE FLORIDA STATUTES AND WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 61G17-6).

LARRY D. DAVIS
REGISTERED FLORIDA SURVEYOR NO. 5254
MOORE BASS CONSULTING 805 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32303 LICENSED BUSINESS NO.7245

SHEET
1 OF 8

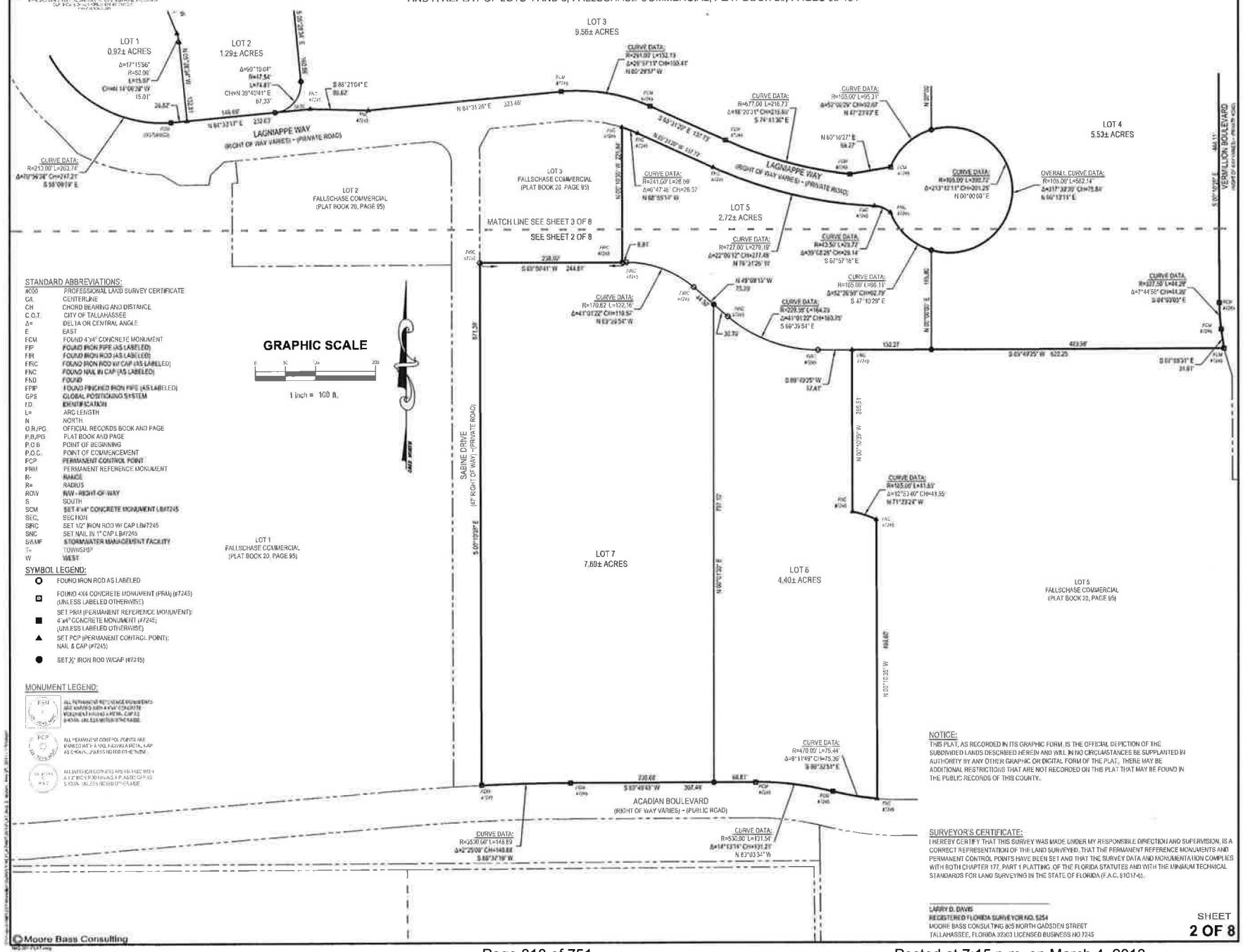
© Moore Bass Consulting

PLAT BOOK _____,PAGE _____

MooreBass CONSULTING

FALLSCHASE CENTER

A SUBDIVISION LYING IN SECTIONS 22 & 27; TOWNSHIP 1 NORTH; RANGE 1 EAST; LEON COUNTY, FLORIDA
AND A REPLAT OF LOTS 4 AND 6, FALLSCHASE COMMERCIAL, PLAT BOOK 20, PAGES 95-104



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MONUMENT LEGEND:

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PCP — ALL PERMANENT CONTROL POINTS ARE MARKED WITH A NAIL FOUND A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.

ALL INTERIOR CORNERS ARE MARKED WITH A 1/2" INCH ROD WITH AS A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE.

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LARRY D. DAVIS
REGISTERED FLORIDA SURVEYOR NO. 5254
MOORE BASS CONSULTING 805 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32303 LICENSED BUSINESS NO 7245

SHEET
2 OF 8

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FALLSCHASE CENTER

A SUBDIVISION LYING IN SECTIONS 22 & 27; TOWNSHIP 1 NORTH; RANGE 1 EAST; LEON COUNTY, FLORIDA
AND A REPLAT OF LOTS 4 AND 6, FALLSCHASE COMMERCIAL, PLAT BOOK 20, PAGES 95-104

PLAT BOOK _____, PAGE _____

STANDARD ABBREVIATIONS:

#0000	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
O.R./P.G.	OFFICIAL RECORDS BOOK AND PAGE
P.B./PG.	PLAT BOOK AND PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
R-	RANGE
R=	RADIUS
ROW	R/W - RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T-	TOWNSHIP
W	WEST

SYMBOL LEGEND:

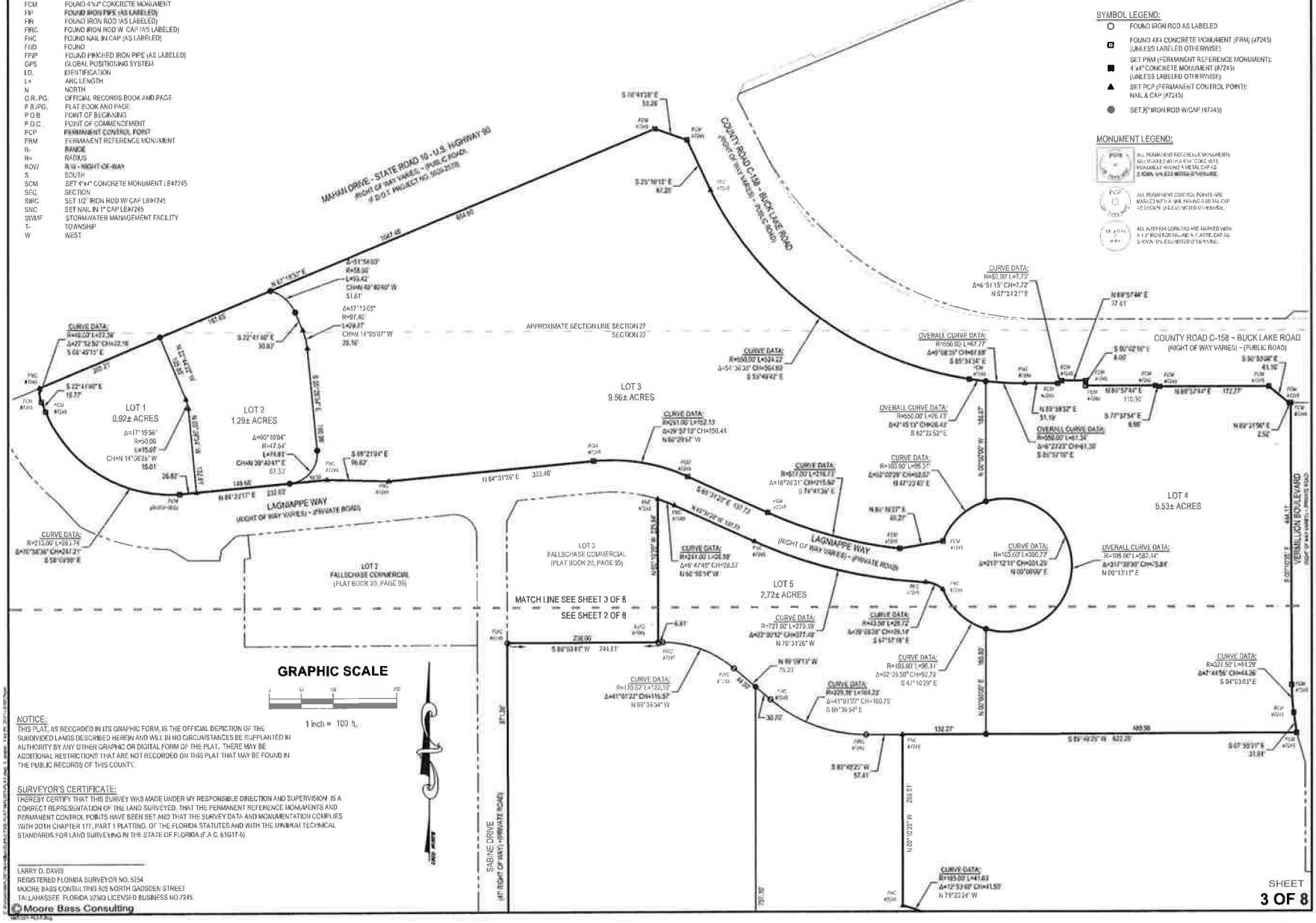
- FOUND IRON ROD AS LABELED
- FOUND 4X4 CONCRETE MONUMENT (FRM) (#7245) (UNLESS LABELED OTHERWISE)
- SET PRM (PERMANENT REFERENCE MONUMENT): 4"x4" CONCRETE MONUMENT (#7245) (UNLESS LABELED OTHERWISE)
- SET PCP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- SET 5/8" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

ALL PERMANENT REFERENCE MONUMENTS ARE 4"x4" CONCRETE MONUMENTS HAVING A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE.

ALL PERMANENT CONTROL POINTS ARE NAILS WITH A NAIL AND A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE.

ALL INTERIOR CORNERS ARE MARKED WITH A 1/2" IRON ROD W/ CAP AS SHOWN UNLESS NOTED OTHERWISE.



NOTICE:
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SURVEYOR'S CERTIFICATE:
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LARRY D. DAVIS
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SHEET
3 OF 8

PLAT BOOK _____,PAGE _____

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FALLSCHASE CENTER

A SUBDIVISION LYING IN SECTIONS 22 & 27; TOWNSHIP 1 NORTH; RANGE 1 EAST; LEON COUNTY, FLORIDA
AND A REPLAT OF LOTS 4 AND 6, FALLSCHASE COMMERCIAL, PLAT BOOK 20, PAGES 95-104

MATCH LINE SEE SHEET 5 OF 8

SEE SHEET 4 OF 8

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TALLAHASSEE, FLORIDA 32303 LICENSED BUSINESS NO.7245

STANDARD ABBREVIATIONS:

4002	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
O.R./PG	OFFICIAL RECORDS BOOK AND PAGE
P.B./PG	PLAT BOOK AND PAGE
P.O.B.	POINT OF BEGINNING
P.O.C	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
R-	RANGE
R=	RADIUS
ROW	R/W - RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T-	TOWNSHIP
W	WEST

SYMBOL LEGEND:

- FOUND IRON ROD AS LABELED
- FOUND 4X4 CONCRETE MONUMENT (PRM) (#7245) (UNLESS LABELED OTHERWISE)
- SET PRM (PERMANENT REFERENCE MONUMENT) 4"x4" CONCRETE MONUMENT (#7245) (UNLESS LABELED OTHERWISE)
- SET PCP (PERMANENT CONTROL POINT), NAIL & CAP (#7245)
- SET 1/2" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

GRAPHIC SCALE
1 inch = 40 ft.

LOT 7
7.99± ACRES

LOT 6
4.10± ACRES

ACADIAN BOULEVARD

DEATIL 'A'
SCALE 1"=20'

LOT 4B
4.10± ACRES

FALLSCHASE COMMERCIAL
(PLAT BOOK 20, PAGE 95)

ACADIAN BOULEVARD

DEATIL 'B'
SCALE 1"=20'

LOT 6
4.10± ACRES

SABINE DRIVE
(AT RIGHT OF WAY) - (PRIVATE ROAD)

UTILITY EASEMENT
O.R. BOOK 3920, PAGE 235

DRAINAGE EASEMENT #4
PLAT BOOK 20, PAGE 95

SABINE DRIVE
PROPOSED NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS INGRESS AND EGRESS

20' C.O.T. UTILITY EASEMENT
PLAT BOOK 20, PAGE 95

SEE DETAIL 'A'
THIS SHEET

SEE DETAIL 'B'
THIS SHEET

ACADIAN BOULEVARD
(RIGHT OF WAY VARIES) - (PUBLIC ROAD)

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SHEET
4 OF 8

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PLAT BOOK _____,PAGE _____

FALLSCHASE CENTER

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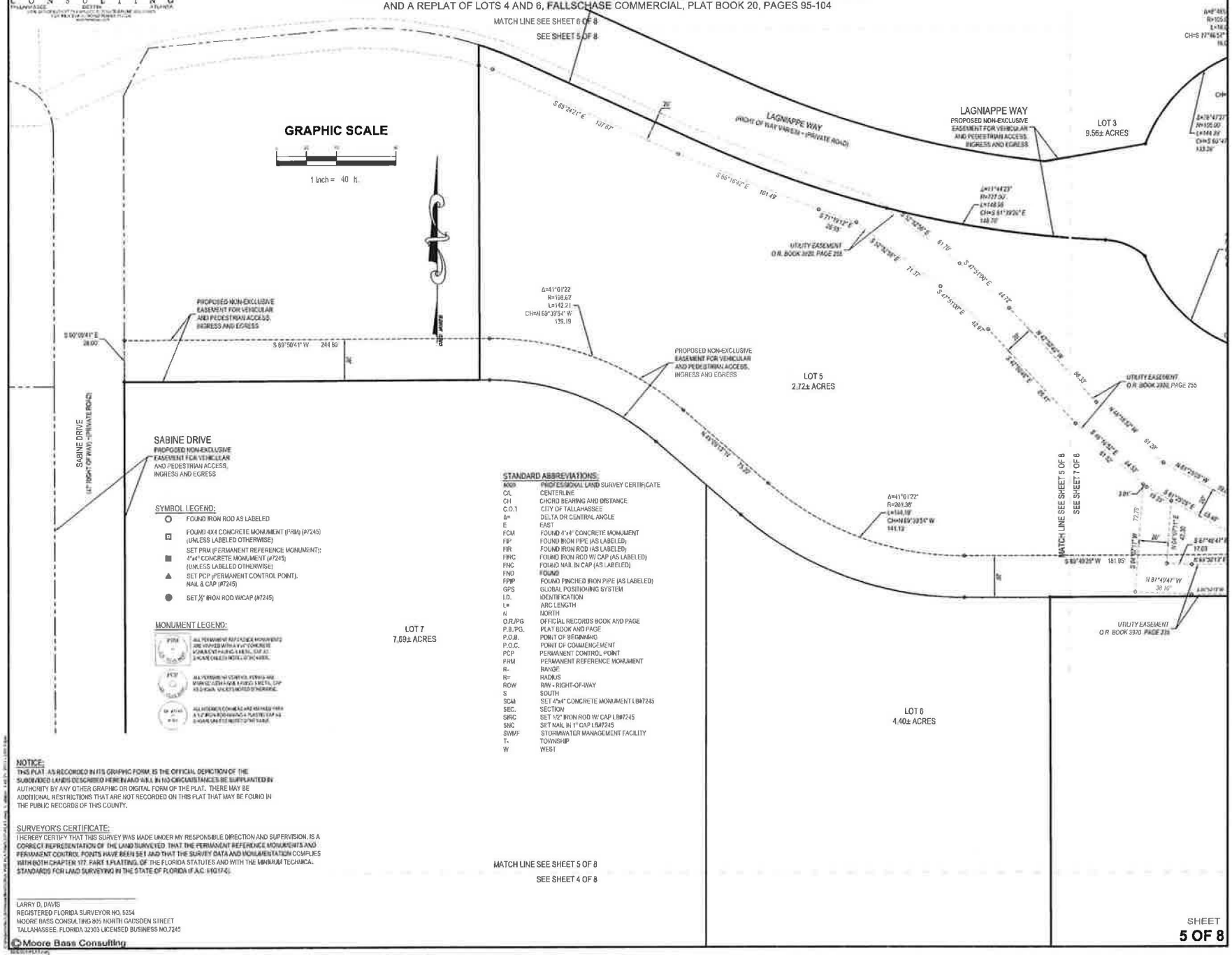

SYMBOL LEGEND:

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- SET PCP (PERMANENT CONTROL POINT), NAIL & CAP (#7245)
- SET ½" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

STANDARD ABBREVIATIONS:

PLS	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
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FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
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R=	RADIUS
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S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
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SWMF	STORMWATER MANAGEMENT FACILITY
T-	TOWNSHIP
W	WEST

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SHEET
5 OF 8

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PLAT BOOK _____, PAGE _____

FALLSCHASE CENTER

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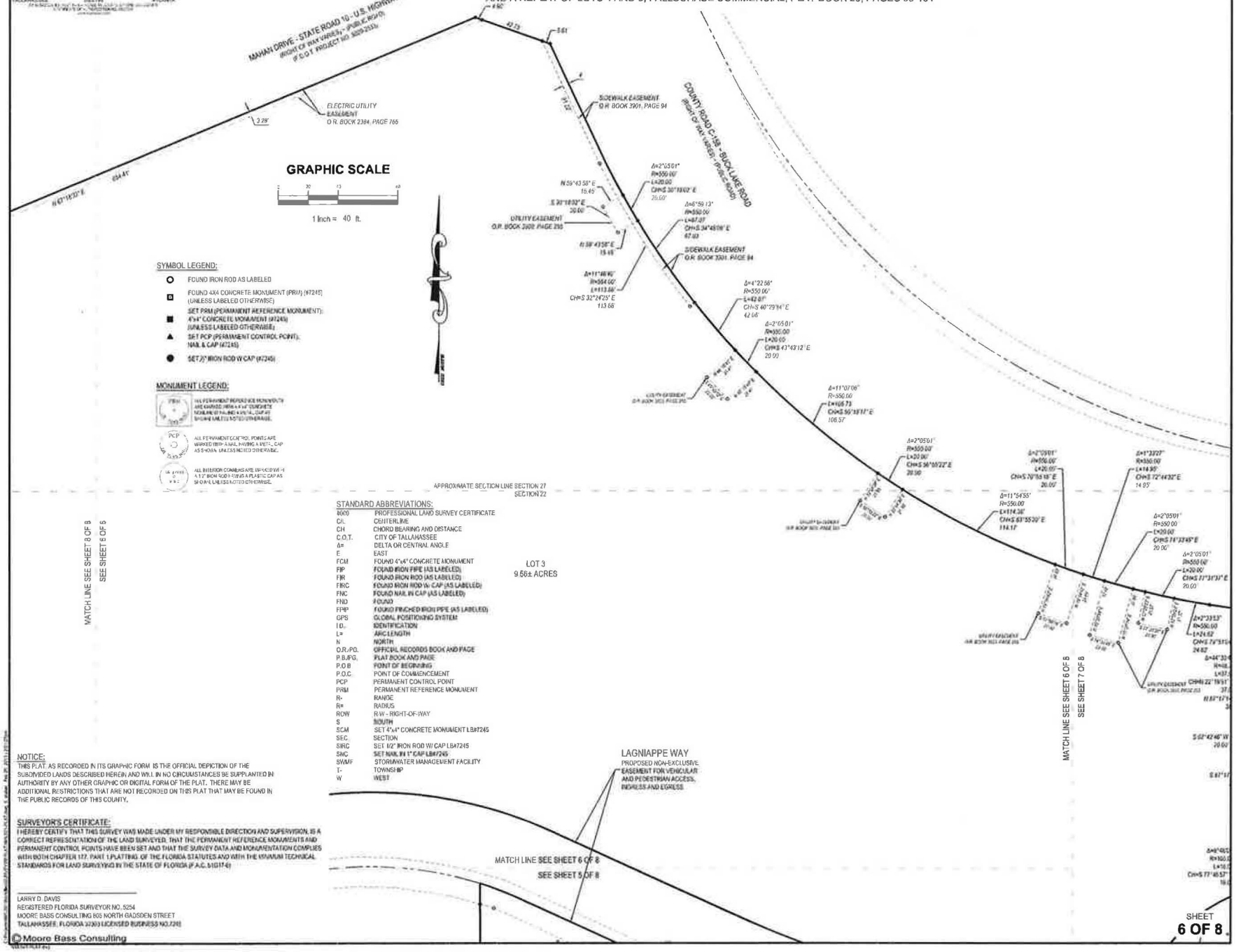

STANDARD ABBREVIATIONS:

8000	PROFESSIONAL LAND SURVEY CERTIFICATE
CL	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
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FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
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W	WEST

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SHEET 6 OF 8

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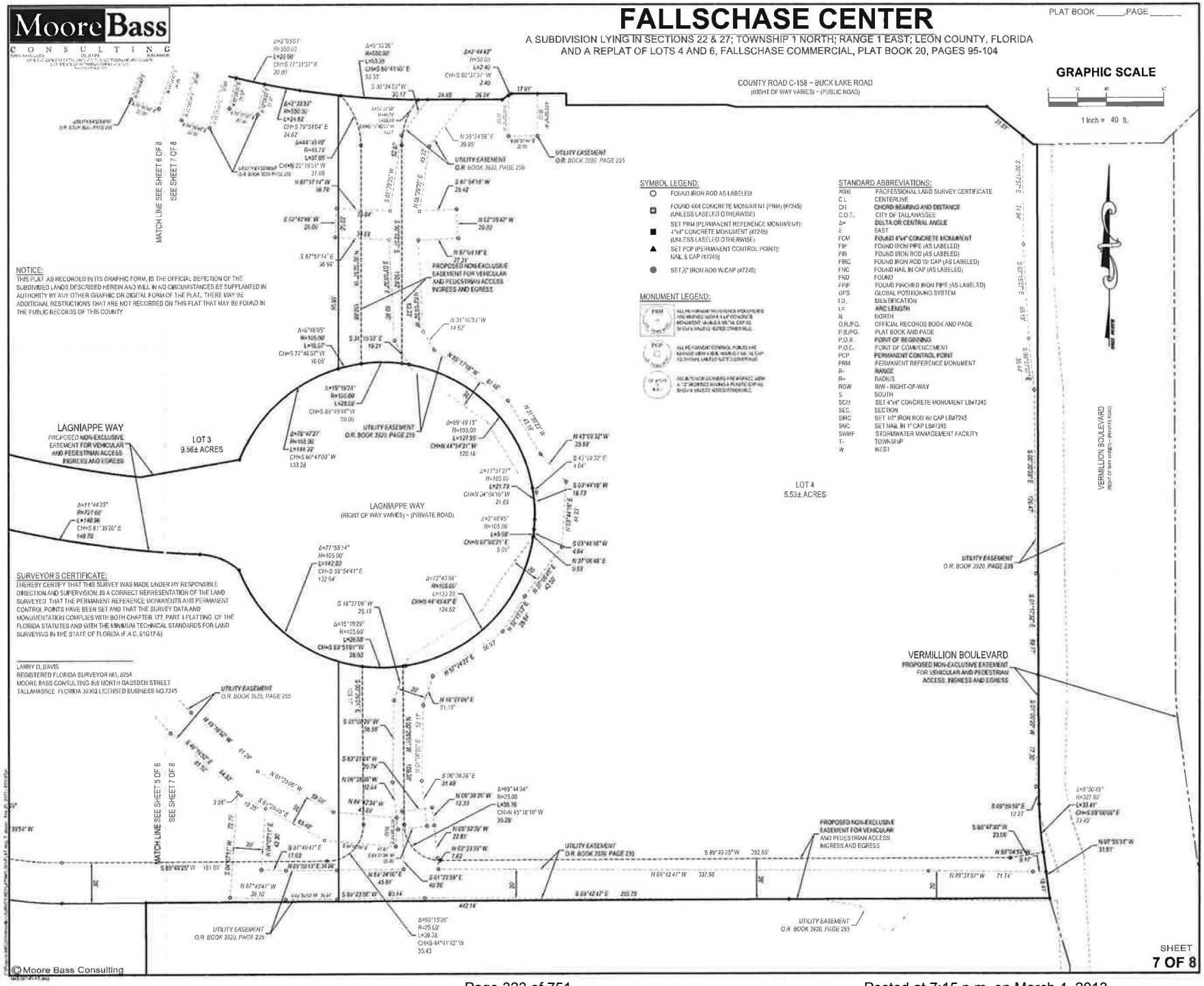
PLAT BOOK _____, PAGE _____

GRAPHIC SCALE
1 inch = 40 ft.



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- SET PCP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- SET 5/8" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

STANDARD ABBREVIATIONS:

#5061	PROFESSIONAL LAND SURVEY CERTIFICATE
C.L.	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
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T-	TOWNSHIP
W	WEST

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SHEET
7 OF 8

PLAT BOOK _____, PAGE _____

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FALLSCHASE CENTER

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- SET PCP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- SET 5/8" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

- PRM — ALL PERMANENT REFERENCE MONUMENTS ARE METALS 4"x4" CONCRETE MONUMENTS WITH A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE
- PCP — ALL PERMANENT CONTROL POINTS ARE MADE OF METAL NAILS WITH A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE
- ALL INTERIOR CORNERS ARE MARKED WITH A 5/8" IRON ROD HAVING A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE

STANDARD ABBREVIATIONS:

#SCC	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
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FND	FOUND
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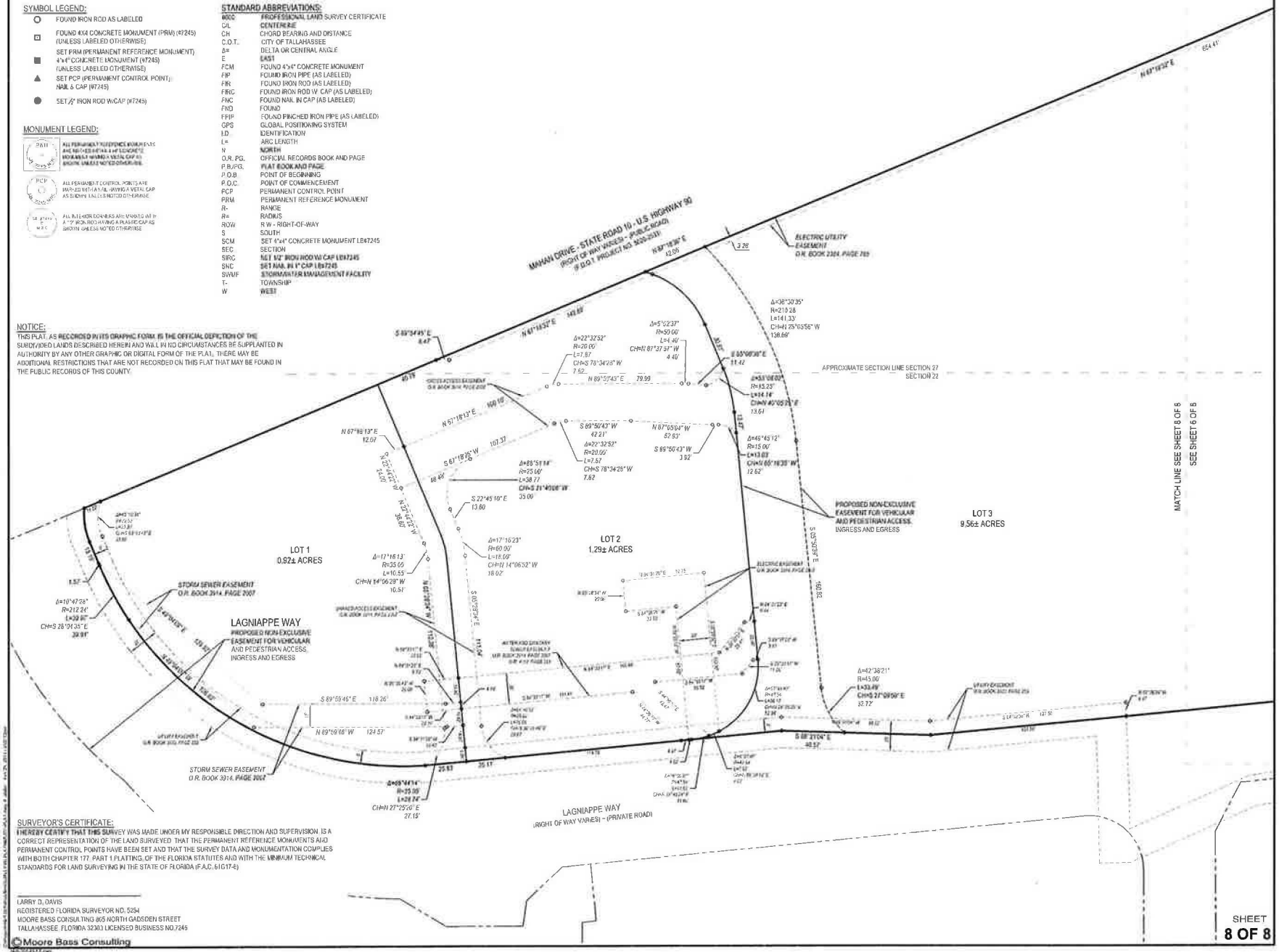

SURVEYOR'S CERTIFICATE:
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SHEET 8 OF 8

Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Commissioners

BILL PROCTOR
District 1

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

Department of Development Support & Environmental Management
Development Services Division
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

February 27, 2013

Eddie Bass, PE (agent)
Moore Bass Consulting, Inc.
805 N. Gadsden Street
Tallahassee, FL 32303

RE: Fallschase Subdivision and Replat, a Type "B" Site and Development Plan
Tax Parcel Identification Numbers: 11-27-29-000-004-0 & 11-27-29-000-006-0
Project ID: LSP130002

Dear Mr. Bass:

This letter is to notify you that on Wednesday, February 27, 2013, the Leon County Development Review Committee (DRC) approved the above-referenced Site and Development Plan subject to the following conditions:

1. The site plan shall be revised to consecutively number all lots. A numbering system was discussed and agreed upon in a meeting held on February 25, 2013 with the applicant's representatives (i.e. - 4.1, 4.2, 6.1, 6.2, 6.3, 6.4, & 6.5).
2. Pursuant to Section 10-6.710 of the Land Development Code (LDC), the Declaration of Easement documents shall be revised to address maintenance of the following: private right-of-ways; stormwater management facilities; and open spaces. Furthermore, the applicant shall ensure that all lots have legal access to publicly dedicated roads.
3. The proposed Plat shall include a note referencing all documents affecting the replat, such as all Covenants and Restrictions, Declaration of Easements with their recording information.
4. The Declaration of Easements do not provide for maintenance of stormwater management facilities, rights-of-way, or open space from owners of lots 11, 12, 13, 14, 15, 16, or 17 of the proposed plat due to the proposed definition of 'common area'.
5. The lots shall be renumbered do differentiate between those created by the amended plat and the current replat.
6. The Declaration of Easement documents shall include updated/revised attachments which depict the proposed replat and a sequential lot numbering system.
7. Article III, Sec. 3.4 (Voting) of the Declaration of Easements as drafted is not consistent with Section 10-7.610(d) of the Land Development Code. Article III, Sec. 3.4 shall be revised to be consistent with the ownership to vote ratios and percentages specified in the LDC.

8. The proposed documents shall be revised to reference new lot numbers throughout, especially Article II.
9. The applicant shall also refer to the checklist within Section 10-7.610 and eliminate any deficiencies. A list of these deficiencies was provided to Mr. Charles Gardner on February 25, 2013.
10. The applicant shall use the numbering system below per Mike Waters of the Property Appraiser's Office (e.g. 4.1, 4.2… + 6.1, 6.2….)
11. Change references to 'common area' to 'association lands'. Common areas in ECRs is defined as "all of Tracts 1, 2 & 3, except the buildings located on such Tracts" – this does not cover stormwater, rights-of-way, or areas defined as 'open space' on plat.

Subsequent to the action of the DRC to approve a Type "B" site and development plan subject to conditions becoming final, the applicant shall furnish for review and verification by the DRC or their designee, a revised site and development plan application and supporting documents which demonstrate compliance with all conditions. The revised site and development plan and supporting documents shall be submitted to the DRC or their designee within 90 days of the date of approval entity's action; however, the applicant may, upon demonstration of good faith effort and hardship that is not self-created, be granted a 90-day extension by the DRC or designee. Subsequent 90-day extensions may be requested and granted based on the same criteria. Failure to comply with these time limits shall render the site and development plan application approval expired.

Please upload revised documents and copies of the site and development plan with DRC signature block. If you have a question about this approval, please contact our office immediately. After the copies of the site and development plan have been received by this office and the revisions have been determined complete, they will be distributed to the DRC members for signature. After each DRC member signs the plans, one copy will be provided to you with the balance of the copies being distributed to various reviewing and permitting agencies. Please be advised that the site and development plan should only reflect changes that may be necessary to satisfy the above-referenced conditions. In all other regards, the plan should be identical to the site and development plan originally submitted for review.

Pursuant to Section 10-7.404 of the Leon County Land Development Code, the written preliminary decision of the DRC shall become the DRC's final decision 15 calendar days after it is rendered unless the applicant, the county, or any person who can demonstrate that they will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, as further defined in Division 7, Article VII of the Leon County Land Development Code, has filed comments in response to subsection Section 10-7.404(d), and shall also have filed a notice of intent to file a petition for formal proceedings, together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered, the petition for quasi-judicial hearing, before a special master. Failure to file is jurisdictional and will result in a waiver of the hearing. Hearings before a special master will be conducted in accordance with the procedures outlined in Section 10-7.414 of the Leon County Land Development Code. Appeals of the hearing officer's decision shall be reviewable by the Circuit Court. Failure to file is jurisdictional and will result in a waiver of the hearing.

This approval was based on the information presented at the DRC meeting, and is intended to meet the procedural requirements of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations.

If you have any questions, please do not hesitate to contact Weldon Richardson of our office at (850) 606-1300 or send email to "richardsonwe@leoncountyfl.gov".

Sincerely,

DAVID R MCDEVITT

David McDevitt, Director of Development Support and Environmental Management
Chairman, Development Review Committee

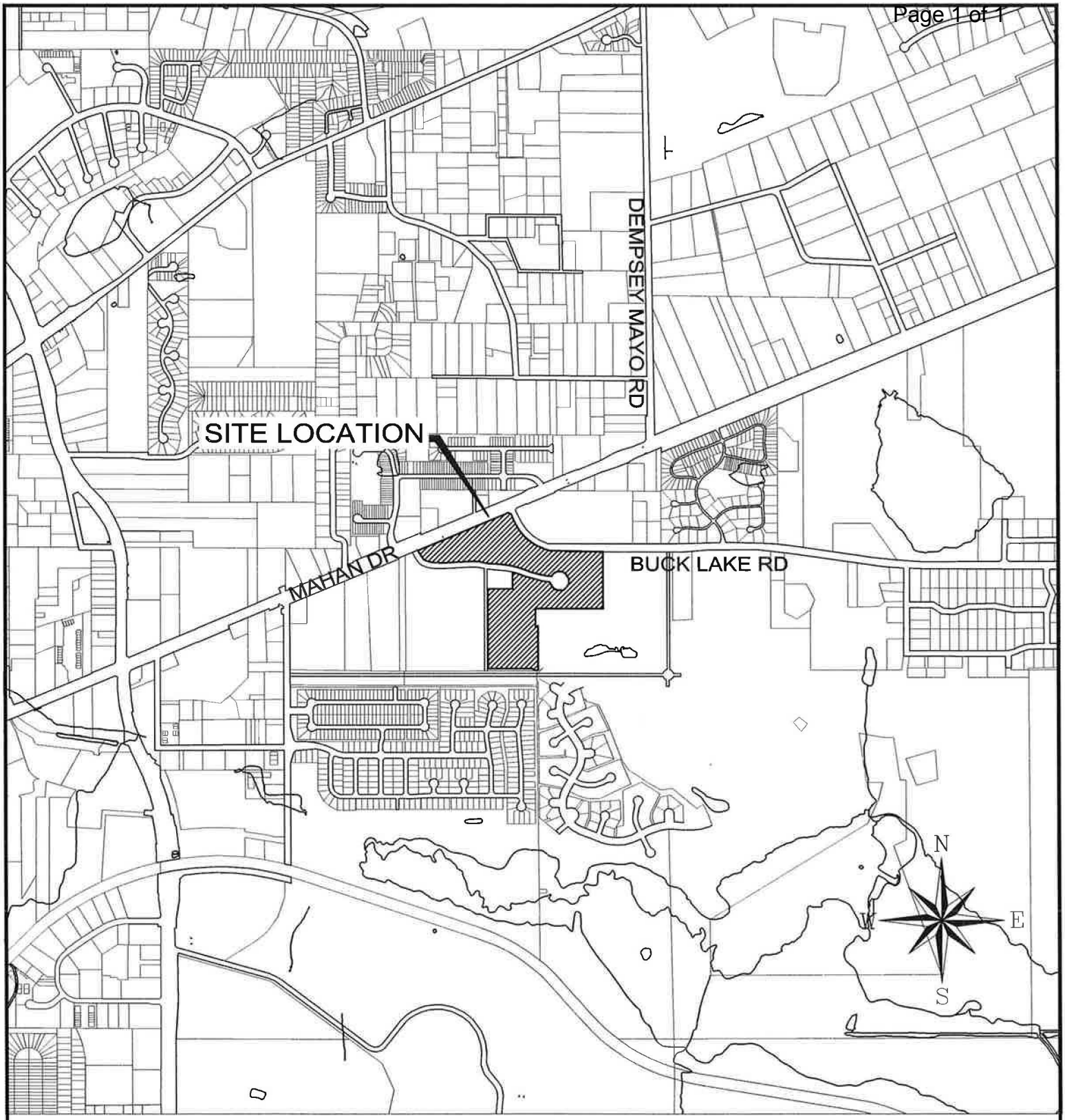
cc:

Tony Park, Public Works Director
Russell Snyder, Land Use Planning Division Manager, Tallahassee/Leon County Planning
David McDevitt, Director of Development Support and Environmental Mgt.
Laura Youmans, Assistant County Attorney
Nawfal Ezzagaghi, P.E., Environmental Review Supervisor
Kimberly Wood, P.E., Chief of Engineering Coordination
Ryan Culpepper, Development Services Director
Scott Brockmeier, Development Services Administrator
Ryan Guffey, AICP, Concurrency Management Planner
Brian Shirken, CPP Fallschase, LLC, 429 Santa Monica Blvd., Santa Monica, CA90401

I hereby certify that this order was rendered unto me this 28th day of Feb., 2013.

Pam Scott

Pam Scott
Clerk of the Development Review Committee



LOCATION MAP

NOT TO SCALE

File: C:\Civil 3D Projects\Location MapUNIVERSAL.dwg	Tab: Buck-Mahan	Date: 02/25/2013	DRAWN BY: GPB	REVISION:

Leon County
Board of County Commissioners

Notes for Agenda Item #13

Leon County
Board of County Commissioners

Cover Sheet for Agenda #13

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W. A. Thiele, County Attorney

Title: Approval of Second Amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
County Attorney Review and Approval:	Herbert W. A. Thiele, County Attorney
Department/Division Review:	N/A
Lead Staff/ Project Team:	Patrick Kinni, Deputy County Attorney Alan Rosenzweig, Deputy County Administrator

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1. Approve the Second Amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff Office (Attachment #1).

Report and Discussion

Background:
At the May 22, 2012 meeting, the Board approved the Interlocal Agreement between Leon County, the City of Tallahassee, and the Leon County Sheriff regarding the consolidation of Public Safety Dispatch Communications (Attachment #2). A First Amendment to the agreement was approved on September 18, 2012, moving the commencement date of the agency from October 1, 2012 to April 1, 2013 (Attachment #3).

Analysis:
Over the past several months, City, Sheriff, and County staff have been finalizing certain administrative aspects related to the formation of the Consolidated Dispatch Agency (CDA). The Second Amendment to the Agreement addresses the following:

- Providing that the retirement benefits associated with employees retaining Florida Retirement System (FRS) benefits shall be administered by the CDA with the City acting as its agent. As part of the original agreement, it was unclear from FRS whether this function needed to be performed by either the County or the Sheriff as they are currently FRS employers. However, since the City is acting as the administrator of benefits for the CDA, FRS has permitted the City to act as the FRS agent. This provides for a consistent approach to all employee benefit functions being provided by the City to the CDA.

- Clarification on all the differing administrative services that may need to be provided to the CDA. The initial list was expanded to include such functions as revenue collection, treasury management, records management, and retirement administration.

The City Commission will be considering the same amendment at their March 13, 2013 meeting. It is appropriate to have the amendment approved prior to the April 1, 2013 commence date.

Options:
1. Approve the second amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff (Attachment #1).
2. Do not approve the second amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. Second Amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff
2. Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff
3. First Amendment to the Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff

SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF TALLAHASSEE, LEON COUNTY, FLORIDA, AND THE LEON COUNTY SHERIFF REGARDING THE CONSOLIDATION OF PUBLIC SAFETY DISPATCH COMMUNICATIONS

This Second Amendment to the Interlocal Agreement dated May 31, 2012, by and between the City of Tallahassee, hereinafter referred to as "City," Leon County, Florida, hereinafter referred to as "County," and the Leon County Sheriff, hereinafter referred to as "Sheriff," regarding the Consolidation of Public Safety Dispatch Communications, is hereby entered into by and between said parties this _____day of_____, 2013.

RECITALS

WHEREAS the City, County, and Sheriff entered into an Interlocal Agreement for the Consolidation of Public Safety Dispatch Communications dated May 31, 2012, which was subsequently amended on October 4, 2012; and

WHEREAS all parties have agreed to amend the Interlocal Agreement to serve the best interests of each party; and

WHEREAS Section 15(B) of the Interlocal Agreement provides authority to amend the terms of the Interlocal Agreement.

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

I. Section 7 of the Interlocal Agreement dated May 31, 2012 is hereby amended in its entirety to read as follows:

SECTION 7. PERSONNEL

A. All existing dispatch operations personnel of the City, the Sheriff and the County shall become employees of the Consolidated Dispatch Agency upon the Commencement Date of the Agreement.

B. For purposes of retirement, existing Sheriff and County employees may elect, not later than the Commencement Date, to maintain their current retirement plan through the Florida Retirement System. Alternatively, existing Sheriff and County employees may elect, not later than the Commencement Date, to switch to the City's Pension Plan. Existing Sheriff and County employees will be provided professional financial support in evaluating the election described above. All new employees of the CDA hired after the Commencement Date shall become members of the City pension plan. The CDA will be the retirement administrator for all CDA employees, although the City will act as its agent.

C. The CDA shall be the benefit administrator for all CDA employees. The City will be the retirement benefit administrator for all CDA employees.

D. The sole authority to hire and terminate employees of the CDA shall rest with the CDA Director.

II. Section 8.B. of the Interlocal Agreement dated May 31, 2011 is hereby amended in its entirety to read as follows:

B. Service Cost Allocations are defined as those costs associated with services provided to the CDA by the Parties, which include but are not limited to, human resources, accounting, purchasing, information services, risk management, insurance, legal, finance, revenue collection, treasury management, records management, retirement administration, payroll, accounting services and equipment. The respective Party providing each service shall be entitled to reimbursement or credit through a cost allocation which shall be included in the CDA's annual budget.

III. All other provisions, sections, or requirements of the Interlocal Agreement, not otherwise in conflict with the provisions herein, shall remain in full force and effect.

IV. This Second Amendment to the Interlocal Agreement, shall be effective upon full execution of the parties.

V. The County shall record this Second Amendment to the Interlocal Agreement with the Leon County Clerk of the Court upon execution of the Parties and prior to the revised Commencement Date contained herein. Upon return of the recorded Second Amendment to the Interlocal Agreement, the County shall deliver a recorded copy of same to the City and Sheriff.

IN WITNESS THEREOF, the parties hereto, through their duly authorized representatives, have executed this Second Amendment to the Interlocal Agreement this _____ day of _____, 2013.

CITY OF TALLAHASSEE, FLORIDA

By:_____
John R. Marks, III, Mayor

Attest:

By:_____
James O. Cooke, IV, City Treasurer-Clerk

Approved as to form:

By:_____
Lewis E. Shelly, Esq.
City Attorney

LEON COUNTY, FLORIDA

Attest:
Bob Inzer, Clerk of the Court

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

By:_____

Approved as to form:

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

LEON COUNTY SHERIFF

By:_____
Larry Campbell

Approved as to form:

By:_____
W. Alan Griner, Esq.
Sheriff Attorney

INTERLOCAL AGREEMENT BETWEEN THE CITY OF TALLAHASSEE, LEON COUNTY, FLORIDA AND LEON COUNTY SHERIFF REGARDING THE CONSOLIDATION OF PUBLIC SAFETY DISPATCH COMMUNICATIONS

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this 31st day of May, 2012, by and among the CITY OF TALLAHASSEE, a Florida municipal corporation (the "City"); LEON COUNTY, Florida, a charter county and political subdivision of the State of Florida (the "County"); and LARRY CAMPBELL as SHERIFF of Leon County, Florida, a county constitutional officer (the "Sheriff").

RECITALS

WHEREAS, the City, County and Sheriff are authorized to establish a separate legal entity pursuant to Section 163.01, Florida Statutes, which provides that any public agency, including any city, county, and any independently elected county officer, shall have the power to establish a separate legal entity by interlocal agreement to administer the provision of public safety consolidated dispatch services on a countywide basis; and

WHEREAS, the City, County and Sheriff wish to enter into an agreement that creates a consolidated dispatch agency for the purposes of dispatching law enforcement, fire and emergency medical services personnel; and

WHEREAS, the City currently dispatches Tallahassee Police Officers and the Tallahassee Fire Department; and the Sheriff's Office currently dispatches Leon County Sheriff Deputies; and Leon County currently dispatches Leon County Emergency Medical Services personnel; and

WHEREAS, the consolidation of the dispatch function of all law enforcement and emergency personnel is found and declared to be in the best interest of the health, safety and welfare of all Leon County and City of Tallahassee residents; and

WHEREAS, the City, County and Sheriff entered into a Memorandum of Agreement dated December 13, 2006 and an Amendment to Memorandum of Agreement dated November 3, 2011, collectively, the "MOA", to create a Public Safety Communications Board to manage the existing 800 MHz Public Safety Communications system and develop a plan for public safety consolidated dispatch services on a county-wide basis; and

WHEREAS, the City, County and Sheriff hereby find it appropriate to dissolve the Public Safety Communications Board, terminate the MOA, and replace same with this Chapter 163 Interlocal Agency Agreement.

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

20120046534
THIS DOCUMENT HAS BEEN RECORDED IN THE PUBLIC RECORDS OF
LEON COUNTY FL
BK: 4391 PG:1002, Page1 of 10
07/11/2012 at 11:19 AM,

BOB INZER, CLERK OF COURTS

SECTION 1. CONSOLIDATED DISPATCH AGENCY

Pursuant to Section 163.01(7), Florida Statutes, the City, County and Sheriff, collectively the Parties, hereby create a Consolidated Dispatch Intergovernmental Agency ("Consolidated Dispatch Agency" or "CDA") to govern and manage the provision of public safety consolidated dispatch services on a county-wide basis. This Agreement is intended to replace the MOA, which will be terminated by a separate agreement that also will dissolve the Public Safety Communications Board.

SECTION 2. POWERS AND DUTIES OF CONSOLIDATED DISPATCH AGENCY

The CDA, being established and charged with the responsibility of providing public safety consolidated dispatch services for the Leon County Sheriff, Leon County Emergency Medical Services, and the City of Tallahassee Police and Fire Departments, shall have all of the powers granted to it by this Agreement and the general laws of the State of Florida as may be necessary and proper to carry out the intent and purposes of this Agreement. In addition thereto, the CDA shall have the following specific powers and authority:

1. To sue and be sued in the name of the CDA.
2. To pay any and all costs of the CDA, including but not limited to, the acquisition of equipment and services for the provision of public safety consolidated dispatch services.
3. To hire, employ and retain any and all persons deemed necessary to carry out the purposes of this Agreement.
4. To enter into contracts, including but not limited to, those with emergency service providers, municipalities, counties and state and federal governmental units, for the purposes of obtaining financial aid, grants, assistance or benefits, and otherwise, for the purpose of carrying out the intent of this Agreement.
5. To participate in state and city retirement and pension plans for the benefit of its employees.
6. To exercise any other powers provided by this Agreement supplemental, incidental or amendatory hereto, as adopted by the Parties.

SECTION 3. GOVERNING BODY; POWER AND DUTIES OF THE BOARD

A. The governing body of the CDA established hereby shall consist of the City of Tallahassee City Manager, the Leon County Administrator and the Leon County Sheriff, hereinafter called the "Board", and shall meet as necessary to conduct its duties and responsibilities in accordance with the powers set forth in this Agreement. The Board shall govern itself wholly within the purview of the Government-in-the-Sunshine-Act. A quorum shall be required to take any official action by the Board, which shall consist of all three (3) members. Action by the Board shall be upon unanimous vote.

B. The Board shall have all the powers granted to it by this Agreement, and as may be necessary to carry its duties as set forth herein. In addition thereto, the Board shall have the specific authority to adopt an annual operating budget, subject to approval by the Parties, and

shall be required to meet, and adopt said annual operating budget by August 30. Failure to adopt a budget by August 30 shall cause the immediate past (or current) fiscal year annual operating budget to be adopted for the next fiscal year by the Board. The Board shall also have the specific authority to appoint a CDA Director upon the recommendation of the CDA Management Committee; however, the Board as a whole, and each member individually, shall have the authority to terminate the employment of the CDA Director. The Board shall evaluate the performance of the CDA Director on not less than an annual basis.

C. The Board, upon the recommendation of the CDA Management Committee, shall adopt standard operating procedures that shall govern the operations and performance of the CDA.

D. The Board, upon recommendation of the CDA Management Committee, may adopt personnel policies for administration of CDA personnel matters, including but not limited to layoff, leave, anti-harassment, anti-discrimination, hiring, payroll, and grievance. In the absence of such an adoption, CDA personnel matters shall be administered in accordance with City personnel policies. Any changes to personnel policies after the Commencement Date which apply to CDA employees shall be binding on the CDA unless and until otherwise rejected by the Board. The City shall provide the CDA Management Committee with copies of its current personnel policies; and, thereafter, shall provide copies of all amendments to such policies.

SECTION 4. CONSOLIDATED DISPATCH AGENCY MANAGEMENT COMMITTEE

A. A CDA Management Committee is hereby established as primarily an advisory body to make recommendations on policy to the Board, and to carry out the Board's direction on policy. The CDA Management Committee shall meet at least annually and shall consist of the Sheriff's appointee; the Police Chief, the Fire Chief and the Emergency Medical Services Chief, or their respective designees. The CDA Management Committee shall govern itself wholly within the purview of the Government-in-the-Sunshine-Act. A quorum shall be required to take any official action by the CDA Management Committee, which shall consist of not less than three members. Action by the CDA Management Committee shall be upon majority vote of the members present at a meeting.

B. The CDA Management Committee shall be responsible for making recommendations to the Board in regard to the hiring of the CDA Director. The CDA Management Committee duties shall include but not be limited to, the following: making recommendations to the Board with respect to adopting standard operating procedures; making recommendations to the Board with respect to adopting personnel policies for administration of CDA personnel matters; monitoring the operations of the CDA; monitoring the budgetary, insurance, purchasing, human resource, fleet and facilities management, technology and dispatch needs of the CDA; recommending approval of an operating budget to the Board; and recommending approval of long and short term plans for the operation of the CDA.

C. The CDA Management Committee shall be responsible for the general administration and operation of the Digital Trunked Simulcast Radio System, owned by the

Parties, in accordance with that certain Agreement among the Parties dated December 20, 2007, as the same may be amended from time to time.

SECTION 5. CONSOLIDATED DISPATCH AGENCY DIRECTOR

A. There is hereby established the position of the CDA Director. The CDA Director shall be hired by the Board and may be terminated by the Board or by the City Manager, the Leon County Administrator or the Sheriff, individually. The CDA Director shall be an at-will position and shall report directly to the Board.

B. The CDA Director shall direct the CDA towards its primary objective and assume overall management control of all public safety consolidated dispatch services county-wide. The CDA Director's duties shall include, but not be limited to, the following: developing policies, procedures and an annual operating budget for the CDA, subject to the review of the CDA Management Committee and approval of the Board; updating the CDA Management Committee with project status reports, as necessary; managing the daily operations of the CDA; supervising and evaluating CDA employees; and implementing an annual financial audit conducted by an independent public accounting firm licensed under Chapter 473, Florida Statutes.

SECTION 6. LOCATION

The primary location for the Consolidated Dispatch Agency shall be in the Public Safety Complex Facility located at 911 Easterwood Drive, Tallahassee, Florida. A separate Agreement shall govern the operation and maintenance of the Public Safety Complex Facility. A back-up facility for the Consolidated Dispatch Agency shall be located at the Leon County Jail.

SECTION 7. PERSONNEL

A. All existing dispatch operations personnel of the City, the Sheriff and the County shall become employees of the Consolidated Dispatch Agency upon the Commencement Date of the Agreement.

B. For purposes of retirement, existing Sheriff and County employees may elect, not later than the Commencement Date, to maintain their current retirement plan through the Florida Retirement System. Alternatively, existing Sheriff and County employees may elect, not later than the Commencement Date, to switch to the City's Pension Plan. Existing Sheriff and County employees will be provided professional financial support in evaluating the election described above. If otherwise approved by the Florida Retirement System, any employees of the CDA hired after the Commencement Date, who have previously been members of the Florida Retirement System, may elect, at the time of initial hiring, to participate in the Florida Retirement System.

C. For those employees of the CDA who elect to retain their current retirement plan though the Florida Retirement System, or who become members thereof pursuant to Section 7(B) above, the Sheriff or the County shall be deemed the administrative entity for the CDA and shall comply with all Florida Retirement System rules and regulations in that regard. The Sheriff or

the County shall ensure timely remittance of all social security taxes for those employees electing to participate in the Florida Retirement System.

D. All new employees of the CDA, other than those identified in Section 7(B) above, shall become members of the City Pension Plan for purposes of retirement benefits. All employees of the CDA shall have the opportunity to participate in all other benefit programs offered by the City. The sole authority to hire and terminate employees of the CDA shall rest with the CDA Director.

SECTION 8. FUNDING

A. The City and Sheriff shall fund the CDA budget proportionately based upon the per capita population within the corporate limits of the City of Tallahassee for the City, and the per capita population within the unincorporated area of Leon County for the Sheriff, as established in the most recent certified census ("Proportionate Share"). The CDA budget shall include costs associated with the provision of public safety consolidated dispatch services contemplated under this Agreement, including the operation and maintenance of work space, personnel, equipment and other Service Cost Allocations attributable to the CDA. The budgeted allocations will be made net of any other resources utilized to support the CDA, such as Fire and/or Emergency Medical Services revenues, grants in aid, etc. The allocation of costs for operation and maintenance of the Public Safety Complex shall be governed by a separate Agreement.

B. Service Cost Allocations are defined as those costs associated with services provided to the CDA by the Parties, which include but are not limited to, human resources, accounting, purchasing, information services, risk management, insurance, legal and equipment. The respective Party providing each service shall be entitled to reimbursement or credit through a cost allocation which shall be included in the CDA's annual budget.

C. The annual budget for each fiscal year, inclusive of pay adjustments, of the CDA which is to be funded as set forth above, shall be prepared by the CDA Director, reviewed and upon the recommendation of the CDA Management Committee, adopted by the Board prior to the inception of each fiscal year, and approved by each Party before such budget shall become effective. The CDA budget request shall be submitted by the CDA Director in a format consistent with the City's budget process. The budget shall be amended and approved as part of the budget process of each Party. Not later than December 15 of each year, all unspent budgeted funds for the preceding fiscal year shall be returned to the Parties, based upon their Proportionate Share. Not later than the first day of each fiscal year quarter, the City and the Sheriff shall transfer funds to the CDA an amount equal to one quarter (1/4) of their Proportionate Share of the approved annual budget for the CDA.

D. Funding to support the hiring of the CDA Director prior to the Commencement Date shall be allocated to the Sheriff and City based on the Proportionate Share.

SECTION 9. OPERATIONS

A. All standard operational procedures of the CDA must be approved by the Board, upon the recommendation of the CDA Management Committee, pursuant to Section 4.B, and shall be implemented by the CDA Director.

B. The Board is authorized to utilize employees, property, equipment and services of the Parties in assisting the CDA in performing its obligations and duties as set forth in this Agreement, upon the consent of the Parties, and the subject Party may charge the CDA the reasonable costs associated therewith. By accepting the use of such employees, property, equipment and services, the CDA thereby agrees to pay the reasonable costs associated therewith.

C. The County shall provide support for the CDA's telephone system. The Sheriff shall provide support for the E-911 system. The City shall provide support for the CDA's computer hardware (e.g., personal computers, servers, network, etc.) and software in accordance with a separate agreement among the Parties. The City and the County, in accordance with the existing GIS Agreement, will support the county-wide Geographical Information System, used by CDA employees and other users, in accordance with that certain Agreement among the City, the County, and the Leon County Property Appraiser dated May 30, 1990, and all amendments thereto (if any). All services provided by or through the City or County shall be billable to, and paid by, the CDA.

D. To the extent possible, and for purposes of interoperability and resource sharing, the Parties agree to maintain compatible Records Management Systems.

SECTION 10. ADMINISTRATIVE

The CDA shall follow the City administrative policies and procedures relating to purchasing, finance, and accounting unless other policies or procedures are adopted by the Board.

SECTION 11. ATTORNEY TO CONSOLIDATED DISPATCH AGENCY

The Sheriff's designee may serve as attorney of record to the CDA for liability related issues. The City Attorney, or his designee, may serve as attorney of record to the CDA for employment related issues. The Board may appoint an attorney to represent the CDA and Board who shall be a member of the Florida Bar and in good standing with sufficient relevant experience. Attorney's fees for services rendered may be paid by the CDA as approved by the Board. Each Party's legal representative may serve as an attorney of record for legal matters where that Party's interests are directly affected.

SECTION 12. WITHDRAWAL FROM CONSOLIDATED DISPATCH AGENCY AND DISSOLUSION

A. The CDA shall continue to exist until dissolved in accordance with the general laws of the State of Florida and this Interlocal Agreement. Should any Party desire to withdraw from the CDA, it may do so by adopting an appropriate resolution so declaring its intent to withdraw and notify the Board and the other Parties by April 1st of the ninth year of the then current term, with such termination to be effective at the end of the then current term (10th year). In the event said Party should withdraw from the CDA, the CDA shall be deemed dissolved and upon the Effective Date of such dissolution, all property, real and personal, conveyed to the CDA by the Parties, if any, shall revert to the ownership of the Party that conveyed same.

B. Should all Parties desire to withdraw from the CDA, the CDA shall be deemed dissolved and upon the effective date of such dissolution, all property, real and personal, conveyed to the CDA by the Parties, if any, shall revert to the ownership of the Party that conveyed such property to the CDA. The Board shall determine the disposition of all property, real and personal, owned by the CDA.

SECTION 13. AGENCY LIABILITY

The CDA, upon the Effective Date of this Agreement, (i) shall be responsible and liable, in accordance with Florida law, for all acts and omissions of the CDA, its officers, agents or employees arising out of, or relating in any way to, the CDA's provision of joint dispatch services under this Agreement and its use or occupancy of the Public Safety Complex and (ii) shall defend, indemnify and hold the Parties harmless from and against any and all suits, damages, and costs, including attorney's fees and costs of defense and litigation, arising out of such provision of services or such use or occupancy. The liability of the CDA under this section is intended to be consistent with the state's waiver of sovereign immunity pursuant to Section 768.28, Florida Statutes, and is not intended to alter said waiver nor extend the liability of the CDA beyond the limits established in said Section 768.28. Nothing in this Section shall be construed as requiring the CDA to so indemnify a Party for that Party's own acts or omissions or the acts or omission of that Party's officers, agents or employees.

SECTION 14. INSURANCE

The CDA shall obtain, and keep in force and effect at all times, (i) liability insurance in such amounts, and providing such coverage, as may be deemed appropriate by the Board, and (ii) workers' compensation insurance in such amounts as may be required by Florida law.

SECTION 15. MISCELLAENOUS PROVISIONS

A. Liability for Prior Claims.

The Parties shall remain liable for any and all claims of property damage, liability, workers' compensation, etc., including but not limited to, payment of claims, judgments, awards,

and legal fees for injuries, illnesses, or events occurring prior to the Commencement Date of this Agreement and which is attributable to that respective Party.

B. Amendments.

The Parties hereby acknowledge that the terms hereof constitute the entire understanding and agreement of the Parties with respect to the subject matter hereof. No modification hereof shall be effective unless in writing, executed with the same formalities as this Agreement, in accordance with general law.

C. Assignment.

The Parties agree not to assign any of the services specified by this Agreement to a third-party without the prior written consent of the other Parties.

D. Conflict Resolution.

1. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with this section. The provision of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this section. The aggrieved Party shall give written notice to the other Parties in writing, setting forth the name of the Party or Parties involved in the dispute, the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."

2. Should the Parties be unable to reconcile any dispute, the appropriate City, County and Sheriff personnel shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the Parties, they shall report their decision, in writing, to the Board. If the Parties are unable to reconcile their dispute, they shall report their impasse to the Board who shall then convene a meeting at their earliest opportunity, but in any event within twenty (20) days following receipt of a Dispute Notice, to attempt to reconcile the dispute.

3. If a dispute is not resolved by the foregoing steps within thirty (30) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then any Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Parties. The mediator shall meet the qualifications set forth in Rule 10.010(c), Florida Rules for Mediators, and shall be selected by the Parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in emergency services matters. If agreement on a mediator cannot be reached in that ten (10) day period, then either Party can request that a mediator be selected by an independent conflict

resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

4. If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then such dispute may be referred to binding arbitration by either of the Parties. Such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

   a. Such arbitration shall be initiated by delivery, from one Party (the "Claimant") to the other Parties (the "Respondent(s)"), of a written demand therefore containing a statement of the nature of the dispute and the amount, if any, involved. The Respondent(s), within ten (10) days following its receipt of such demand, shall deliver an answering statement to the Claimant. After the delivery of such statements, either Party may make new or different claims by providing the other(s) with written notice thereof specifying the nature of such claims and the amount, if any, involved.

   b. Within ten (10) days following the delivery of such demand, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select an additional arbitrator.

   c. The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the additional arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

E. Recordation.

The County shall record this Agreement with the Leon County Clerk of the Court upon execution of the Parties and prior to the Commencement Date. Upon return of the recorded Agreement, the County shall deliver a recorded copy of this Agreement to the City and Sheriff.

SECTION 16. <u>EFFECTIVE DATE</u>

This Agreement shall be effective ("Effective Date") upon execution by all Parties.

SECTION 17. TERM; COMMENCEMENT DATE; RENEWAL

The term of this Agreement shall be for a period of ten (10) years commencing October 1, 2012 ("Commencement Date") and shall be renewed automatically at the end of that, and each subsequent, ten-year period, except as may be provided in Section 12.

IN WITNESS WHEREOF, the Parties cause this Interlocal Agreement to be executed by their duly authorized representatives this 31st day of May, 2012.

CITY OF TALLAHASSEE, FLORIDA

By: _____
John R. Marks, III, Mayor

Attest:

By: _____
James O. Cooke, IV, City Treasurer-Clerk

Approved as to form:

By: _____ for
James R. English
City Attorney

LEON COUNTY, FLORIDA

By: _____
Akin Akinyemi, Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of the Court

By: _____

Approved as to form:
County Attorney's Office

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

LEON COUNTY SHERIFF

_____
Larry Campbell

Approved as to form:

By: _____
W. Alan Griner, Esq.
Sheriff Attorney

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Rebecca Vause, Board Secretary

FROM: Patrick T. Kinni, Esq., Deputy County Attorney

DATE: July 10, 2012

SUBJECT: Interlocal Agreement Between the City of Tallahassee, Leon County, Florida and Leon County Sheriff Regarding the Consolidation of Public Safety Dispatch Communications.

Attached hereto please find the above referenced Interlocal Agreement. In accordance with Florida Statute, 163.01(11), prior to its effectiveness, an Interlocal Agreement shall be filed with the Clerk of the Circuit Court of each County where a party to the agreement is located. Please take the necessary and appropriate actions to effectuate same. Once the Interlocal Agreement has been properly filed, please send our office a memorandum confirming same.

Should you have any questions regarding this matter, please do not hesitate to contact our office.

PTK/kam

Attachment

cc: Dionte Gavin, Finance Department, Clerk of the Circuit Court

RECEIVED
12 JUL 10 PM 3:31
FINANCE DIVISION
BOB INZER
CLERK CIRCUIT COURT

F12-00063
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FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF TALLAHASSEE, LEON COUNTY, FLORIDA, AND THE LEON COUNTY SHERIFF REGARDING THE CONSOLIDATION OF PUBLIC SAFETY DISPATCH COMMUNICATIONS

This First Amendment to the Interlocal Agreement dated May 31, 2012, by and between the City of Tallahassee, hereinafter referred to as "City," Leon County, Florida, hereinafter referred to as "County," and the Leon County Sheriff, hereinafter referred to as "Sheriff," regarding the Consolidation of Public Safety Dispatch Communications, is hereby entered into by and between said parties this 4th day of October, 2012.

RECITALS

WHEREAS the City, County, and Sheriff entered into an Interlocal Agreement for the Consolidation of Public Safety Dispatch Communications dated May 31, 2012; and

WHEREAS all parties have agreed to amend the Interlocal Agreement to serve the best interests of each party; and

WHEREAS Section 15(B) of the Interlocal Agreement provides authority to amend the terms of the Interlocal Agreement.

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

I. Section 17 of the Interlocal Agreement dated May 31, 2012 is hereby amended in its entirety to read as follows:

> The term of this Agreement shall be for a period of ten (10) years, commencing on April 1, 2013 ("Commencement Date") and shall be renewed automatically at the end of that, and each subsequent, ten-year period, except as may be provided in Section 12.

II. All other provisions, sections, or requirements of the Interlocal Agreement, not otherwise in conflict with the provisions herein, shall remain in full force and effect.

III. This First Amendment to the Interlocal Agreement, shall be effective upon full execution of the parties.

IV. The County shall record this First Amendment to the Interlocal Agreement with the Leon County Clerk of the Court upon execution of the Parties and prior to the revised Commencement Date contained herein. Upon return of the recorded First Amendment to the

20120076502
THIS DOCUMENT HAS BEEN
RECORDED IN THE PUBLIC RECORDS
OF
LEON COUNTY FL
BK: 4436 PG:1316, Page1 of 2
10/30/2012 at 03:53 PM,

BOB INZER, CLERK OF COURTS

Interlocal Agreement, the County shall deliver a recorded copy of same to the City and Sheriff.

IN WITNESS THEREOF, the parties hereto, through their duly authorized representatives, have executed this First Amendment to the Interlocal Agreement this 4th day of October, 2012.

CITY OF TALLAHASSEE, FLORIDA

By: _____
John R. Marks, III, Mayor

Attest:

By: _____
James O. Cooke, IV, City Treasurer-Clerk

Approved as to form:

By: _____
James R. English,
City Attorney

LEON COUNTY, FLORIDA

By: _____
Akin Akinyemi, Chairman
Board of County Commissioners

Attest:
Bob Izner, Clerk of the Court

By: John Stott, Deputy Clerk

Approved as to form:

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

LEON COUNTY SHERIFF

By: _____
Larry Campbell

Attest:

Approved as to form:

By: _____
W. Alan Griner, Esq.
Sheriff Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #14

Leon County
Board of County Commissioners

Cover Sheet for Agenda #14

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney

Title: Acceptance of the Status Report Regarding Firearm Regulations

---

County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
Department/ Division Review:	N/A
Lead Staff/ Project Team:	LaShawn D. Riggans, Assistant County Attorney

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:
Option #1: Accept the status report regarding firearm regulation.

Report and Discussion

Background:

On February 12, 2013, Commissioner Proctor, along with Commissioner Dozier requested the County Attorney's Office bring back an agenda item discussing what the County may and may not do regarding the regulation of firearms. As you will recall, House Bill 45, became effective October 1, 2011, amending Section 790.33, Florida Statutes, by expanding the Legislature's preemption in the field of the regulation of firearms and ammunition, and by imposing penalties should an elected or appointed local government official enact, or cause to be enforced, an ordinance or regulation relating to firearms and ammunition. Subsequently, Leon County adopted five separate ordinances to repeal portions of the Leon County Code of Laws, which were in potential conflict with the amendments, with an effective date of October 1, 2011.

Since the enactment of House Bill 45, Palm Beach County filed a complaint, on December 6, 2011, challenging House Bill 45. On October 12, 2012, Circuit Judge John Cooper confirmed Plaintiff's right to sue Governor Scott regarding the power to remove local officials for a violation, as well as, ruling that Broward County may proceed in the case as an intervenor. He also, however, granted the state's request to dismiss as defendants the House, Senate, as there is no provision in Section 790.33 that is enforceable by the House or Senate, and Attorney General Pam Bondi as she is not required to defend suits challenging the constitutionality of a state statute against her will. Palm Beach County filed an appeal with the First District Court of Appeal on November 21, 2012.

Currently, there are a couple of bills addressing firearm regulation for the 2013 Legislative Session. House Bill 97, Concealed Weapons and Firearms, creates exception to preemption of regulation of firearms to allow state agencies or local governments to prohibit possession of concealed firearms and ammunition at specified publicly sanctioned or sponsored events conducted in public buildings or at government-sponsored outdoor public venues. There is an identical bill in the Senate, Senate Bill 374. The bills, if signed into law, would be effective July 1, 2013.

Additionally, on February 20, 2013, Senator Ring filed Senate Bill 1018, Regulation of Firearms and Ammunition. This bill provides that except as otherwise expressly prohibited by the State Constitution, that municipalities and counties may regulate the field of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation of firearms and ammunition. The bill if signed into law would be effective July 1, 2013.

Analysis:

In accordance with Section 125.01(1), Florida Statutes (2010), Leon County has the power to carry on county government to the extent not inconsistent with general or special law. Pursuant to Section 125.01(1)(w), Florida Statutes (2010), this includes the power to perform acts not inconsistent with law, which acts are in the common interest of the people of the county, and to exercise all powers and privileges not specifically prohibited by law. In addition, pursuant to Section 125.01(3)(b), Florida Statutes (2010), the provisions of Section 125.01 are to be liberally construed to carry out the purpose of the section and to secure for counties the broad exercise of home rule powers authorized by the State Constitution.

In 1998, an amendment to the Florida Constitution, Article VIII, Section 5(b), was adopted which gave counties the authority to require a criminal history records check and a 3 to 5-day waiting period in connection with the sale of any firearm occurring within the county. As this is constitutional law, it should be noted that House Bill 45 has no impact on a county's ability to require a criminal history records check or waiting period in the sale of a firearm.

Commissioners, in summary, Leon County is prohibited from passing **any** law that regulates firearms and/or ammunition, with the limited exception that a local government may continue to enact zoning ordinances, which encompass firearms businesses along with other businesses. The Florida Legislature has sent a clear, specific, and strict legislative statement concerning its preemption in the field of the regulation of firearms and ammunition. The regulation of firearms and ammunition is fully and expressly preempted to the state, except as expressly provided by general law. There will be significant personal and financial consequences, not to mention the possibility of being removed from office, should local government officials conflict with Section 790.33, Florida Statutes, as amended.

Options:

1. Accept the status report regarding firearm regulation.
2. Do not accept the status report regarding firearm regulation.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. House Bill 97, Concealed Weapons and Firearms
2. Senate Bill 1018, Regulation of Firearms and Ammunition

1 A bill to be entitled
2 An act relating to concealed weapons and firearms;
3 amending s. 790.33, F.S.; creating an exception to the
4 preemption of the regulation of firearms to the
5 Legislature to allow a state agency or local
6 government to prohibit the possession of a concealed
7 firearm and ammunition at specified publicly
8 sanctioned or sponsored events conducted in public
9 buildings or at government-sponsored outdoor public
10 venues; providing an effective date.
11
12 Be It Enacted by the Legislature of the State of Florida:
13
14 Section 1. Subsection (4) of section 790.33, Florida
15 Statutes, is amended to read:
16 790.33 Field of regulation of firearms and ammunition
17 preempted.—
18 (4) EXCEPTIONS.—This section does not prohibit:
19 (a) Zoning ordinances that encompass firearms businesses
20 along with other businesses, except that zoning ordinances that
21 are designed for the purpose of restricting or prohibiting the
22 sale, purchase, transfer, or manufacture of firearms or
23 ammunition as a method of regulating firearms or ammunition are
24 in conflict with this subsection and are prohibited;
25 (b) A duly organized law enforcement agency from enacting
26 and enforcing regulations pertaining to firearms, ammunition, or
27 firearm accessories issued to or used by peace officers in the
28 course of their official duties;

29 (c) Except as provided in s. 790.251, any entity subject
30 to the prohibitions of this section from regulating or
31 prohibiting the carrying of firearms and ammunition by an
32 employee of the entity during and in the course of the
33 employee's official duties;
34 (d) A court or administrative law judge from hearing and
35 resolving any case or controversy or issuing any opinion or
36 order on a matter within the jurisdiction of that court or
37 judge; ~~or~~
38 (e) The Florida Fish and Wildlife Conservation Commission
39 from regulating the use of firearms or ammunition as a method of
40 taking wildlife and regulating the shooting ranges managed by
41 the commission; or
42 (f) A state agency or local government from prohibiting a
43 person licensed to carry a concealed weapon or firearm from
44 possessing a concealed firearm and ammunition at a publicly
45 sanctioned or sponsored recreation, concert, or sporting event
46 conducted in a public building or at a government-sponsored
47 outdoor public venue.
48 Section 2. This act shall take effect July 1, 2013.

By Senator Ring

29-00891A-13 20131018__

A bill to be entitled

An act relating to the regulation of firearms and ammunition; amending s. 790.33, F.S.; providing that except as otherwise expressly prohibited by the State Constitution, the municipalities and counties of this state may regulate the field of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation of firearms and ammunition; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 790.33, Florida Statutes, is amended to read:

790.33 Field of regulation of firearms and ammunition; county and municipal ordinances ~~preempted~~.—

~~(1) PREEMPTION.~~ Except as otherwise expressly prohibited ~~provided~~ by the State Constitution ~~or general law~~, the municipalities and counties of this state may enact and enforce ordinances that regulate ~~Legislature hereby declares that it is occupying~~ the ~~whole~~ field of ~~regulation of~~ firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof~~, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto~~. ~~Any such existing ordinances, rules, or regulations are hereby declared null and void.~~

30 ~~(2) POLICY AND INTENT.—~~
31 ~~(a) It is the intent of this section to provide uniform~~
32 ~~firearms laws in the state; to declare all ordinances and~~
33 ~~regulations null and void which have been enacted by any~~
34 ~~jurisdictions other than state and federal, which regulate~~
35 ~~firearms, ammunition, or components thereof; to prohibit the~~
36 ~~enactment of any future ordinances or regulations relating to~~
37 ~~firearms, ammunition, or components thereof unless specifically~~
38 ~~authorized by this section or general law; and to require local~~
39 ~~jurisdictions to enforce state firearms laws.~~
40 ~~(b) It is further the intent of this section to deter and~~
41 ~~prevent the violation of this section and the violation of~~
42 ~~rights protected under the constitution and laws of this state~~
43 ~~related to firearms, ammunition, or components thereof, by the~~
44 ~~abuse of official authority that occurs when enactments are~~
45 ~~passed in violation of state law or under color of local or~~
46 ~~state authority.~~
47 ~~(3) PROHIBITIONS; PENALTIES.—~~
48 ~~(a) Any person, county, agency, municipality, district, or~~
49 ~~other entity that violates the Legislature's occupation of the~~
50 ~~whole field of regulation of firearms and ammunition, as~~
51 ~~declared in subsection (1), by enacting or causing to be~~
52 ~~enforced any local ordinance or administrative rule or~~
53 ~~regulation impinging upon such exclusive occupation of the field~~
54 ~~shall be liable as set forth herein.~~
55 ~~(b) If any county, city, town, or other local government~~
56 ~~violates this section, the court shall declare the improper~~
57 ~~ordinance, regulation, or rule invalid and issue a permanent~~
58 ~~injunction against the local government prohibiting it from~~

59 ~~enforcing such ordinance, regulation, or rule. It is no defense~~
60 ~~that in enacting the ordinance, regulation, or rule the local~~
61 ~~government was acting in good faith or upon advice of counsel.~~
62 ~~(c) If the court determines that a violation was knowing~~
63 ~~and willful, the court shall assess a civil fine of up to $5,000~~
64 ~~against the elected or appointed local government official or~~
65 ~~officials or administrative agency head under whose jurisdiction~~
66 ~~the violation occurred.~~
67 ~~(d) Except as required by applicable law, public funds may~~
68 ~~not be used to defend or reimburse the unlawful conduct of any~~
69 ~~person found to have knowingly and willfully violated this~~
70 ~~section.~~
71 ~~(e) A knowing and willful violation of any provision of~~
72 ~~this section by a person acting in an official capacity for any~~
73 ~~entity enacting or causing to be enforced a local ordinance or~~
74 ~~administrative rule or regulation prohibited under paragraph (a)~~
75 ~~or otherwise under color of law shall be cause for termination~~
76 ~~of employment or contract or removal from office by the~~
77 ~~Governor.~~
78 ~~(f) A person or an organization whose membership is~~
79 ~~adversely affected by any ordinance, regulation, measure,~~
80 ~~directive, rule, enactment, order, or policy promulgated or~~
81 ~~caused to be enforced in violation of this section may file suit~~
82 ~~against any county, agency, municipality, district, or other~~
83 ~~entity in any court of this state having jurisdiction over any~~
84 ~~defendant to the suit for declaratory and injunctive relief and~~
85 ~~for actual damages, as limited herein, caused by the violation.~~
86 ~~A court shall award the prevailing plaintiff in any such suit:~~
87 ~~1. Reasonable attorney's fees and costs in accordance with~~

88 ~~the laws of this state, including a contingency fee multiplier,~~
89 ~~as authorized by law; and~~
90 ~~2. The actual damages incurred, but not more than $100,000.~~
91
92 ~~Interest on the sums awarded pursuant to this subsection shall~~
93 ~~accrue at the legal rate from the date on which suit was filed.~~
94 ~~(4) EXCEPTIONS.—This section does not prohibit:~~
95 ~~(a) Zoning ordinances that encompass firearms businesses~~
96 ~~along with other businesses, except that zoning ordinances that~~
97 ~~are designed for the purpose of restricting or prohibiting the~~
98 ~~sale, purchase, transfer, or manufacture of firearms or~~
99 ~~ammunition as a method of regulating firearms or ammunition are~~
100 ~~in conflict with this subsection and are prohibited;~~
101 ~~(b) A duly organized law enforcement agency from enacting~~
102 ~~and enforcing regulations pertaining to firearms, ammunition, or~~
103 ~~firearm accessories issued to or used by peace officers in the~~
104 ~~course of their official duties;~~
105 ~~(c) Except as provided in s. 790.251, any entity subject to~~
106 ~~the prohibitions of this section from regulating or prohibiting~~
107 ~~the carrying of firearms and ammunition by an employee of the~~
108 ~~entity during and in the course of the employee's official~~
109 ~~duties;~~
110 ~~(d) A court or administrative law judge from hearing and~~
111 ~~resolving any case or controversy or issuing any opinion or~~
112 ~~order on a matter within the jurisdiction of that court or~~
113 ~~judge; or~~
114 ~~(e) The Florida Fish and Wildlife Conservation Commission~~
115 ~~from regulating the use of firearms or ammunition as a method of~~
116 ~~taking wildlife and regulating the shooting ranges managed by~~

117 ~~the commission.~~

118 ~~(5) SHORT TITLE.—As created by chapter 87-23, Laws of~~

119 ~~Florida, this section may be cited as the "Joe Carlucci Uniform~~

120 ~~Firearms Act."~~

121 Section 2. This act shall take effect July 1, 2013.

Leon County
Board of County Commissioners

Notes for Agenda Item #15

Leon County
Board of County Commissioners

Cover Sheet for Agenda #15

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Status Report on the Small Business Lending Guarantee Program

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director of Economic Development and Business Partnerships

Fiscal Impact:
This item does not have a fiscal impact, based on the staff recommendation.

Staff Recommendation:

Option #1: Accept the status report on the Small Business Lending Guarantee Program.

Option #2: Request the Chairman schedule the Small Business Lending Guarantee Program for discussion at a Mayor/Chair meeting.

Report and Discussion

Background:

Under the Board's 2012-2013 Job Creation Action Plan, the County reached out to area lenders and investors to examine opportunities that would encourage small businesses development and capital investment in the area. The Board conducted a workshop on February 28, 2012 and expressed its interest in participating in a Small Business Lending Guarantee Program (Program) that would offer local lenders an incentive to leverage federal and state guarantee programs to enhance small business development with an additional guarantee by the County and City (Attachment #1). The goal of the Program is to promote owner-occupied small business development, which is a shared economic development interest for our community as we continually strive to diversity our economy.

In the presentation to the Board, staff reiterated that there are inherent risks in guaranteeing local business loans; however, the mechanics of state and federal programs, combined with the County's position in the loan, and the additional recommendations offered by staff, were designed to mitigate those risks as much as possible. The Board deferred formal action at the February 28, 2012 workshop until the City Commission had an opportunity to evaluate and agree to the Program. The Board determined that a joint process for County and City participation is needed for this endeavor to be successful, requiring both Commissions to adopt identical requirements and parameters to ensure a user-friendly process. The Board directed the County Administrator to negotiate with the City of Tallahassee to mirror and finalize the Program requirements before bringing the final program details back to the Board during the FY 2013 budget workshops.

On March 2, 2012, the County Administrator contacted the City Manager to address the final program requirements, mitigate the associated risks of the Program, and to mirror the parameters, conditions, and processes between the County and City to ensure a user-friendly process (Attachment #2).

At the July 9, 2012 Fiscal Year 2013 Budget Workshop, staff presented a status report to the Board on the proposed Program (Attachment #3). At that time, the full City Commission had not considered the proposed Program, as it was still being vetted by staff and through the City's Target Issue Committee process. The Board directed staff to bring back an item encumbering $1 million for the Program, upon concurrence by the City Commission.

To date, the proposed Program has yet to have been considered by the full City Commission. Since there has been no concurrence with the City, County staff has taken no further action regarding the Program.

Analysis:

The City's Economic Development Target Issue Committee was initially presented with the Program on January 25, 2012, prior to the County's February Workshop. No further action was taken by the City at that time. On April 2, 2012, the City Manager replied to the County Administrator, directing City staff to work with County staff on developing the Program (Attachment #4). Initially, City staff indicated the potential for a modified program that reduces the initial guarantee amount by the City and County from $2.5 million to $1 million each.

The modified program was discussed at the City's Financial Viability Target Issue Committee in July 2012, where the Committee referred it back to City staff for more development. According to City staff, it was scheduled for discussion at the February 14, 2013 Financial Viability Target Issue Committee meeting but was pulled from the agenda to await the outcome of the Imagine Tallahassee initiative, which will focus on economic development issues.

In conclusion, the Program, as vetted by the Board in February and July 2012, has not been considered by the full City Commission, despite efforts to refine it through the City's Target Issue process. Given the City's reluctance to move forward at this time, staff recommends the Chairman scheduled this for consideration at a Mayor/Chair meeting.

Options:

1. Accept the status report on the Small Business Lending Guarantee Program.
2. Request the Chairman schedule the Small Business Lending Guarantee Program for discussion at a Mayor/Chair meeting.
3. Do not accept the status report on the Small Business Lending Guarantee Program.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. February 28, 2012 Workshop on the Small Business Lending Program
2. Letter to the City Manager regarding the Loan Guarantee Program
3. July 9, 2012 Budget Discussion Item
4. Letter from the City Manager regarding the Loan Guarantee Program

WORKSHOP

Workshop on Small Business Lending Guarantee Program

Tuesday, February 28, 2012

1:30 – 3:00 p.m.

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

This document distributed February 21, 2012

Leon County
Board of County Commissioners

Workshop Cover Sheet

February 28, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval to Participate in a Small Business Lending Guarantee Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director, Economic Development & Business Partnerships

Fiscal Impact:
Should the Board adopt Option #1 for the County to participate in the small business lending guarantee program, staff will bring back a workshop ratification item of the Board's actions with a budget amendment to encumber $2.5 million for the guarantee program. These funds would remain under the auspices of the County, and would only be disbursed upon a loan default under specified circumstances addressed in this item.

Staff Recommendation:

Option #1: Accept staff report and direct the County Administrator to negotiate with the City of Tallahassee to mirror and finalize the small business loan guarantee program requirements for final approval by both Commissions.

Option #2: Upon completion of negotiations with the City, bring back an agenda item for final approval by the Board to encumber $2,500,000 for the guarantee program.

Report and Discussion

Background:

The lack of access to capital for small businesses was a problem identified by the County through the surveying of local business owners and leaders in preparation for the Board's workshop on September 13, 2011 to determine how the County could stimulate job creation. The workshop produced 36 recommendations as a framework for the Leon County 2012 Job Creation Action Plan. One of the Board's recommendations from that workshop included evaluating lending opportunities to encourage entrepreneurship.

Following the Board's adoption of the strategic priorities at the December 16, 2011 Commission meeting, Commissioner Maddox requested staff to bring back an agenda item regarding a program that would guarantee small business loans. Included as one of the Board's adopted Strategic Priorities is:

> *"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."*

On January 24, 2012, the Board accepted a staff report on the proposed loan guarantee program and scheduled a workshop for February 28, 2012 to review the proposal in greater detail (Attachments #1 and #2). The January 24th agenda item provided an overview of the U.S. Small Business Administration's (SBA) 504 Loan Program, the State of Florida's State Small Business Credit Initiative (SSBCI), and a proposal for the County and City to leverage the two programs by guaranteeing a portion of small business loans.

At the January 24th meeting, Commissioners also emphasized the importance of reviewing this program with local stakeholders in advance of the February 28th workshop, and inviting the stakeholders to be a part of the discussion at the workshop. On February 14, 2012, in coordination with the Economic Development Council (EDC), County staff hosted a forum of approximately 20 local stakeholders that included representatives from lending institutions, builders, real estate companies, the Leon County Clerk's Office, and the City of Tallahassee. Additional stakeholders were invited by staff and the EDC to attend the February 28th workshop.

Analysis:

Based on the Board's direction at the January 24th Commission meeting, staff has prepared this workshop item for the Board to further evaluate a proposal to leverage the investment of economic development funds within Leon County. Staff has been working with representatives from partner organizations including the EDC, the Florida Department of Economic Opportunity, and the Florida First Capital Finance Corporation to enhance the availability of capital for small businesses. This analysis provides a refresher on the SBA 504 Loan Program and Florida's SSBCI program in greater detail, along with illustrations to show how they would interact under the proposed guarantee program and recommended adjustments from the original proposal.

The proposal before the Board anticipates equal participation from the County and City for a combined $5 million in small business loan guarantees. To ensure a user-friendly program that encourages investment in the community, the County and City must adopt identical parameters for participation in the proposed guarantee program. To this end, the guidance and recommendations offered herein by County staff recognize the importance of partnering with the City in this endeavor, and offer the County Administrator the ability to negotiate any outstanding terms of the guarantee program before bringing back a final product to the Board for approval. Should the City decide against participating in this program, the Board could choose to proceed on its own by increasing the proposed financial commitment to fulfill the project scope or by maintaining the proposed financial commitment, which would marginally reduce the guarantee incentive.

The City conducted a cursory review of the proposal with two City Commissioners on February 25, 2012 through one of its Target Issue Meetings. City staff expects to present this proposal and their recommendations to the full City Commission on either March 14 or 28, 2012. City staff participated in the February 14th stakeholders' forum, and the County has been in communication with the City regarding many of the findings and recommendations presented in this item.

SBA 504 Loan Program

The SBA is a federal agency that offers a variety of loan programs for very specific purposes. The SBA's 504 Loan Program is a long-term financing tool designed to encourage economic development within a community by providing small businesses with long-term, fixed-rate financing to acquire major fixed assets for expansion or modernization. The SBA works with a local Certified Development Company (CDC), a nonprofit corporation which is set up to contribute to economic development within its community, to assist in securing financing through this program. Locally, the role of the CDC is carried out by the Florida First Capital Finance Corporation, which has a main office in Tallahassee, and assists small businesses throughout the state.

Under the 504 loan, the local CDC assists small businesses with securing a portion (up to 50%) of the loan through a private vendor. The CDC lends up to 40% of the loan, which is 100% guaranteed by the SBA. The private lender offering 50% of the total loan amount enjoys the senior lien position allowing it to be the first entity to collect on the loan. The borrower benefits from a long-term, fixed rate that is normally below market prices. In addition, the borrower is typically only required to put down 10% of the total project cost, which does not have to be cash. The project assets being financed are often used as collateral.

Table #1: Example of SBA 504 Loan

Entity	*Loan Amount*	*Percent of Project*
Private Lender	$500,000	50%
CDC (backed by SBA)	$400,000	40%
Business/Borrower	$100,000	10%

To be eligible for a 504 loan, a business must be operated for profit and fall within the size standards set by the SBA. Under the 504 Program, a business qualifies as 'small' if it does not have a tangible net worth in excess of $15 million and does not have an average net income in excess of $5 million, after taxes, for the preceding two years. The 504 loan cannot be used for working capital or stockpiling inventory; but a temporary program under 504 allows for refinancing without a requirement for business expansion or job creation.

Generally, SBA 504 loans must be used for fixed asset projects, such as:

- The purchase of land; including existing buildings
- The purchase of improvements; including, grading, street improvements, utilities, parking lots and landscaping
- The construction of new facilities or modernizing, renovating, or converting existing facilities
- The purchase of long-term machinery, equipment, furniture, and fixtures
- Most soft costs are also eligible (attorneys' fees, architectural, engineering, surveys, etc.)

A borrower must occupy at least 51% of the space on a purchase, and at least 60% if the project is new construction. The project cannot be entirely income producing (i.e. relying on tenant income). The SBA program excludes businesses that generate more than 1/3 of their revenue from legal gambling, are primarily engaged in lending, are considered private or restrictive clubs, or are engaged in speculative real estate investment.

The maximum SBA loan amount and job creation criteria are based on the type of project. For example, a typical job creation project has a $5 million maximum loan amount and is required to create or retain one job for every $65,000 of SBA participation. A manufacturing or energy-related project may qualify for up to a $5.5 million SBA loan and would only be required to create one job for every $100,000 of SBA participation. Projects that meet certain public policy or community development goals determined by the SBA may qualify for up to a $5 million loan without any job requirements. These public policy goals include:

- Business district revitalization
- Expansion of exports
- Expansion of minority and women-owned businesses
- Expansion of veteran-owned businesses
- Rural development
- Businesses that bring new income into the community

<u>SBA Interim (or Construction Financing) Period</u>
Under an SBA loan, the 'riskiest' period of the loan is during the construction phase, which is also known as the interim period. In addition to the variables that could go wrong during the construction phase, lenders are at peak exposure, during this interim period, because of the time lapse between the bank issuing the business loan and the receipt of the SBA funds. The time difference is typically 180 days.

After acceptance of the terms and conditions of the "Authorization for Debenture Guarantee" by the small business, an interim loan from the participating lender funds the construction or acquisition of the fixed assets. The interim loan is usually equal to the bank's permanent loan amount plus the net proceeds from the SBA 504 loan (totals approximately 80-90% of eligible project costs). The closing for the SBA loan (debenture) is scheduled after the participating lender and the CDC have verified expenditures upon completion of the project. The loan documents are then executed by the borrower and forwarded to SBA for review prior to the debenture sale. This method of closing and delayed funding is referred to as a "dry closing."

After review and approval of the loan closing documents, SBA allows the debenture to fund. Debentures are pooled together and sold to private investors. The debenture sale generates the funds for the 504 Loan, which is remitted directly to the participating lender via wire transfer. This process is how the participating lender's construction or interim loan is paid down to the permanent loan amount. However, it has also been an ongoing point of concern for private lenders because they are financing 90% of the project during this interim period. The problem is rectified under Florida's 504 Bridge Loan Program, as noted in the next section of this analysis.

State Small Business Credit Initiative

As reported at the September 13, 2011 Workshop on County's Economic Development Activities and Survey of Local Business Leaders on Job Creation, the State of Florida received $97.7 million in federal seed money in August 2011 for small-business lending. This seed money was created by the federal Small Business Jobs Act of 2010 to help states strengthen existing loan and equity programs and/or create new programs that support financing small businesses. The primary objective of Florida's SSBCI Program is to leverage private capital for Florida's small businesses, which are defined as businesses with 500 employees or less. Therefore, this program could be leveraged with the SBA 504 loan.

Under the federal Small Business Jobs Act of 2010, Florida must show that $10 in new small business lending or investment was generated by every $1 in SSBCI funding (known as the "10:1 private capital leverage ratio"). Therefore, Florida's SSBCI funds must generate at least $976,623,490 in new private capital for small businesses. These funds would be allocated through the three programs: the Florida Capital Access Program, the Florida Venture Capital Program, and the Small Business Loan Support Program. This workshop item, and the proposed local guarantee program, focuses specifically on the Small Business Loan Support Program that has been allocated $33.5 million of the full $97.7 million that the State of Florida received from the U.S. Treasury.

The Small Business Loan Support Program is designed to provide Florida small businesses with credit enhancement and other tools to better access commercial bank and export financing. Each transaction will require, at a minimum, a matching concurrent private capital investment, or other credit assistance. This program includes the following:

a. *Loan Guarantee & Loan Participation Programs:* The State will provide loan guarantees or loan participation of up to 20% of the total required financing. This program will target transactions ranging from $250,000 to $5 million. Loan terms may not exceed five years and interest rates would be negotiated.

b. *Direct Loan Program:* The State will provide a direct loan to a borrower for up to 20% of the total required financing. This program has the same constraints as the Loan Guarantee and Loan Participation Programs.

c. *504 Bridge Loan Program:* The State will provide a guarantee for the 40% of a 504 loan during the interim period (up to 180 days) prior to the bank being "taken-out" by the SBA (refer back to *SBA Interim [or Construction Financing] Period)* section of this analysis on pg 4). By removing the interim 90% financing risk for lenders, Florida's 504 Bridge Loan Program will make more capital available for small businesses. These loans will be processed by the Florida First Capital Finance Corporation in conjunction with Enterprise Florida. The maximum loan term under this program is six months.

d. *Export Loan Guarantees and Export Direct Loans:* The State will provide a loan guarantee or participation to exporting small businesses.

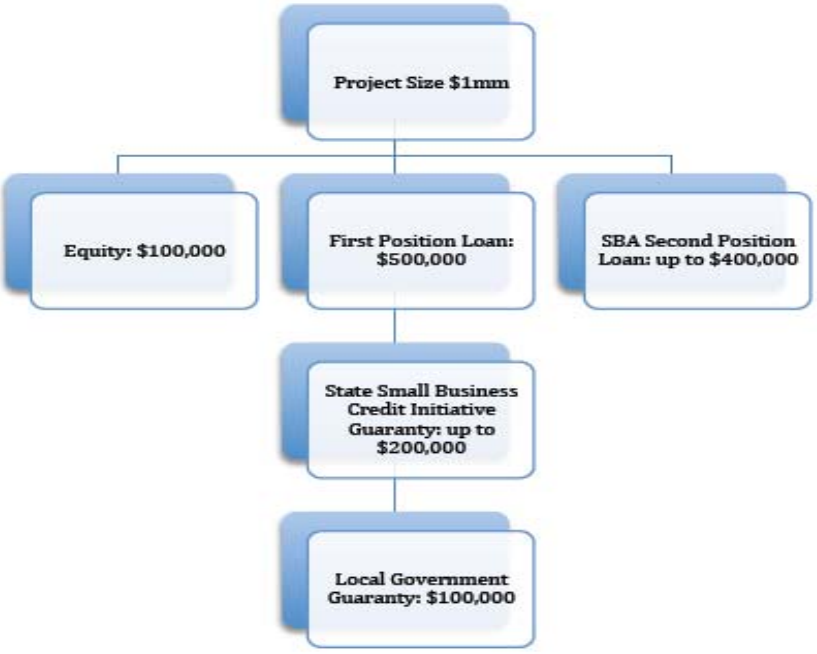
The Small Business Lending Guarantee Proposal is to combine the 40% loan from the SBA 504 Loan Program and the 20% guarantee under the SSBCI's Small Business Loan Support Program with an additional 10% loan guarantee from the County and City governments (5% each).

<u>Small Business Lending Guarantee Proposal</u>
A proposal was submitted to staff by Inkbridge (JT Burnette and Kim Rivers), a local financial consulting firm, seeking the County and the City to set aside $2.5 million each to guarantee a portion of private lenders' small business loans under the SBA 504 and SSBCI Programs. This proposed guarantee would amount to a maximum of 10% of the project cost or $500,000, whichever is less, for any given project meaning that $50 million in small business loans would have to be made in order to exhaust, or commit, all $5 million of the local funds. In the simplest terms, this proposal seeks to leverage federal, state, and local funds to maximize capital for small business lending with minimal risk of local funds.

It is important to remember that under this proposal, the County and City would be guaranteeing loans rather than directly lending to businesses. The proposal recommends that at least $1 million, or 20%, of the local guarantees be utilized for new capital projects thereby resulting in a minimum of $10,000,000 in new capital projects. While the local governments stand to benefit from the increased economic activity associated with small business lending, the funds used to guarantee these long-term loans would be encumbered over the life of the loan or a predetermined period of time approved by the Board.

On Page 3 of this item, Table #1 illustrates a typical SBA 504 loan and the amount of funds contributed by each party for a $1 million project. Diagram #1 portrays the same $1 million example, and includes the role of the SSBCI and local governments, together with their loan positions. In this example, the local governments would guarantee 10%, or $100,000, of the total project amount to the private lender.

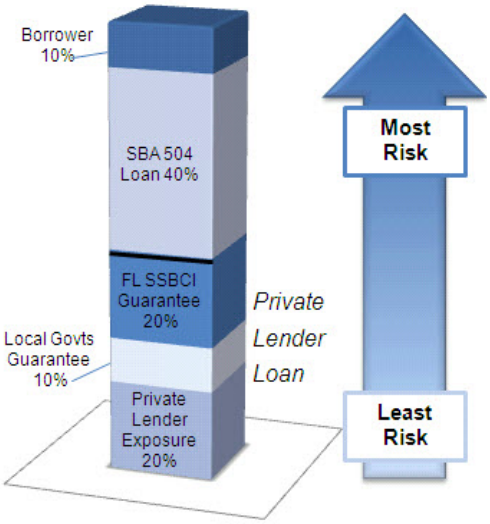
Diagram #1: Small Business Lending Guarantee Proposal <u>with</u> SSBCI Participation



Under this proposal, both the SSBCI funds and the local government funds would be used to guarantee the private lender's loan to the small business. The benefit to the program is that it mitigates the first position lender's loss to 20% of the total project, providing an additional incentive for banks to increase the volume of small business loans. In a loan default scenario, the project would have to lose 70% of its value prior to the local governments experiencing any loss. The borrower would be the first to lose its equity ($100,000), then the SBA would lose its $400,000, and the state would lose its $200,000 for a total loss of $700,000 prior to the local government experiencing a loss.

Diagram #2 offers another illustration of each participant's risk, or exposure, under the same lending scenario. It is important to note that this illustration is the ideal participation of the County and City as originally proposed by the stakeholders. In this scenario, the borrower puts down 10% and qualifies for the full 40% SBA loan and 20% SSBCI guarantee. The local governments would guarantee 10% leaving the private lender with a 20% exposure on the small business loan. For this loan, the greatest risk is borne at the top of the bar graph while the participants nearest to the base enjoy the least risk. In a loan default scenario, the project would have to lose 70% of its value prior to the local government experiencing any loss.

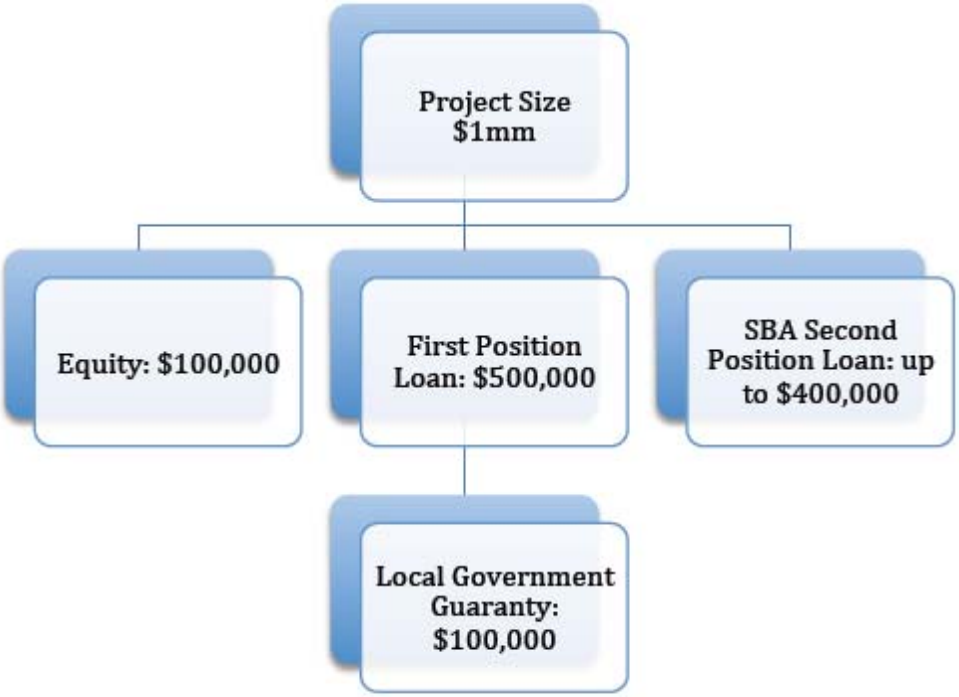
Diagram #2: Distribution of Risk Under an Ideal Loan



This means that the local governments would be held harmless in a situation whereby the borrower defaults, the lender takes ownership of the project (land, building, equipment, etc.), and it has a value of at least 30% of the loan amount. The borrower would lose his 10% equity, the SBA would lose its 40% loan, and the SSBCI would lose its 20% guarantee. It is highly unlikely for a fixed good or asset eligible for an SBA loan to lose 70% of its value over a reasonable period of time. However, this does lead to the question of how long the local governments should guarantee a small business loan. This issue is addressed later in this section.

Diagram #3 portrays another $1 million loan example without the participation of the SSBCI. Like the previous diagram, the local governments guarantee 10%, or $100,000, of the total project amount to the private lender who enjoys first position on the loan.

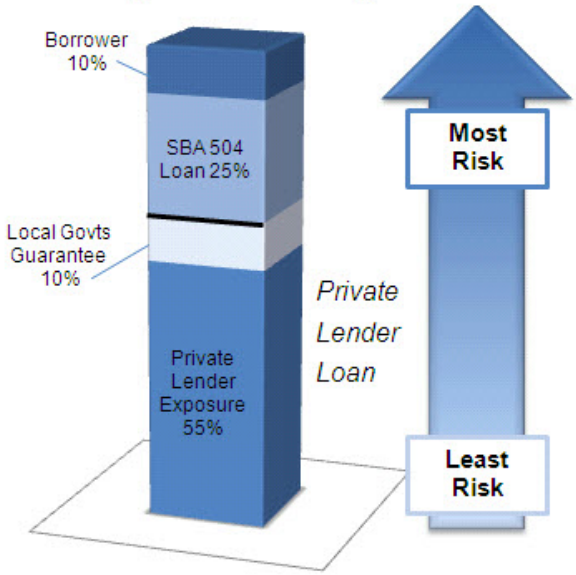
Diagram #3: Small Business Lending Guarantee Proposal <u>without</u> SSBCI Participation



A project that qualifies for the SBA 504 loan with the local government guarantee but no SSBCI participation would mitigate the first position lender's potential loss to a maximum of 40% of the total project. In a loss scenario, the project would have to lose 50% of its value before the local government guarantee is affected. The borrower would lose its equity first, then the SBA, prior to the local governments experiencing a loss.

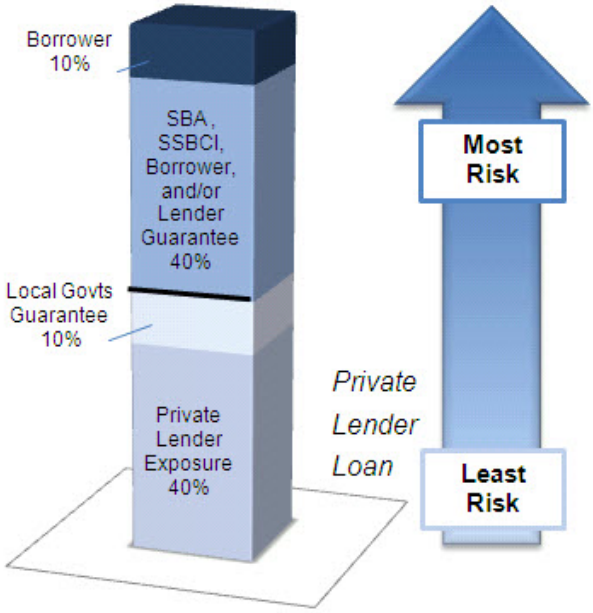
Diagram #4 offers an alternative illustration of each participant's risk, or exposure, under less than ideal conditions. In this scenario, the borrower puts down 10% but does not qualify for the SSBCI guarantee similar to the illustration in Diagram #3. However, the borrower does not qualify for the full 40% SBA loan in Diagram #4. Instead, the SBA only agrees to a 25% guarantee leaving the private lender exposed on 55% the loan. This greatly increases the County's exposure in comparison to the ideal scenario laid out in Diagram #2. Given that the participants nearest the top of the bar graph bear the greatest risk, a loan default claim would be made to fulfill the County's guarantee if the project lost more than 35% of value. The absence of state participation and less than full support from the SBA leaves the County much more exposed than the ideal conditions illustrated in Diagrams #1 and #2.

Diagram #4: Distribution of Risk Without Full SBA Participation or State Participation
(Not Recommended)



The proposal submitted by Inkbridge would require lenders whom are seeking a local guarantee for an SBA eligible loan to also apply, if eligible, for the SSBCI guarantee. Staff concurs with this requirement as it would help mitigate the County's exposure but additional precautions are needed prevent local government participation in a guarantee with a less than favorable loan position as illustrated in Diagram #4. Staff recommends establishing a maximum threshold for the County's guarantee risk by requiring that at least the first half (50%) of the risk on the loan be borne by other participants. This could include a combination of the borrower, SBA, SSBCI, and even the lender if needed as illustrated in Diagram #5. By positioning the County's risk in the bottom half of the loan, lenders would still qualify for the local guarantee without state participation (borrower's 10% plus SBA's 40%). For projects that receive less than the full 40% SBA loan, lenders could still qualify for the local guarantee with the addition of SSBCI participation, an increase in the borrower's equity, or by moving a portion of its risk ahead of the local guarantee so that the County does not bear any risk in a default for the first 50% of loan value.

Diagram #5: Distribution of Risk - Staff Recommended Maximum Exposure



The Board may also want to consider how long it wishes to guarantee these small business loans. The proposal calls for the local guarantee to last for the life of the loan, which could be 10-20 years. Eligible purchases with SBA funds include items such as equipment, machinery, and furniture that depreciate over time. A mid term default on a long-term loan could leave the lender-depreciated assets. This example is used to illustrate additional risks associated guaranteeing loans that may be cause for limiting the term lengths. Loan terms under the SSCBI may not exceed five years yet ten years in the minimum term under SBA loans. A broader policy discussion for the Board to consider is whether the County should be involved in small business lending for the long term versus the short term in response to the current local, state, and national economic conditions. Staff is not prepared to make a recommendation on an exact loan term and would like to confer with the City for a mutual and reasonable participatory timeframe.

Stakeholders' Forum

The February 14th stakeholders' forum provided a brief overview of the 504 Loan Program, the Florida SSBCI Program, and the local government guarantee proposal followed by a question and answer session. Participants were appreciative of the County's ongoing economic development efforts and willingness to consider somewhat of a non-traditional proposal. Staff utilized this forum to engage stakeholders about the current state of the local economy and the merits of local governments guaranteeing small business loans. Stakeholders offered mixed input regarding the current credit market and the availability of small business loans. Some participants articulated that loan demand has dramatically declined while others suggested that lending and credit markets have greatly constricted since the start of the recession.

The consensus among the lenders was that an additional 30% guarantee (20% from the state plus 10% from the local governments) would incentivize lending to local small businesses. More specifically, it would encourage smaller banks to participate in larger loans that they may generally avoid due to the amount of capital needed to encumber over a long period of time. When pressed by County staff, lenders did not believe that the additional guarantees would lead to 'riskier' loans.

Several of the lenders at the stakeholders' forum were encouraged to learn of Florida's 504 Bridge Loan Program and the additional protections it affords during the construction phase. The 504 Bridge Loan Program will remove the interim 90% financing risk during the construction phase by loaning, or advancing, the SBA's portion of the loan to the private lenders until the loan is closed and the SBA can provide its loan to the lender.

A point of emphasis among all of the stakeholders, from the lenders to the borrowers, was the need for a user-friendly program. Electronic applications for SBA loans generally have a two-to-three day turnaround time to determine eligibility. A seamless process would be needed for the local government portion to add value to both the borrower and lender. This reinforces the need to marry the parameters desired and set forth by both the County and City so there is a singular, uniform, and user-friendly process for the small business loan guarantees.

Additional Considerations

During initial conversations about the proposed small business lending guarantee program, staff engaged the County Attorney's Office, the Office of Management and Budget, and the Finance Division of the Clerk's Office to verify the legality of participating in the program and to evaluate the County's options for encumbering $2.5 million. There were concerns that the County would be required to appropriate the $2.5 million to a third party to manage the program rather than retaining the funds under the County's auspices. Upon further review by the County Attorney, it was determined that the proposal would pass constitutional muster so long as the $2.5 million was designated as a one-time expenditure.

By keeping the funds in-house, the County enjoys the dual-purpose benefit of having $2.5 million cash on hand earning interest while being leveraged as part of the local guarantee program to stimulate small business development. Any efforts to utilize the program funds as a revolving pool as the loans are repaid may trigger additional legal concerns. Therefore, staff has developed a series of recommendations and adjustments to the original proposal based on the premise that the loan guarantee program would function as a pilot program with a one-time expenditure. Should the local loan guarantees prove to be successful and interest the Board in the future, a subsequent one-time expenditure could be allocated to continue the program. Table #2 provides a side-by-side comparison of the proposed operating mechanics and descriptions (as presented in Attachment #2) with the comments and recommendations of County staff.

Table #2: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
What kinds of borrowers are eligible to participate?	• Borrowers must meet eligibility requirements under the SBA CDC/504 Program. • The project must be located within Leon County. • Business must be considered a "small business" pursuant to SBA stands.	• To maximize available funds for this project, projects would have to be located within the City limits. However, considerations would have to be made so that projects in the unincorporated area are not excluded from this economic development opportunity.
What sizes of projects are eligible?	• Project sizes can range from $50,000 to $13,750,000.	No comments

Table #2 Continued: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
What are the characteristics of the guarantee?	• Both the City of Tallahassee and Leon County will each extend $2,500,000 worth of coverage for a total available guarantee amount $5,000,000. • A minimum of 20% of the $5,000,000 total guarantee amount shall be extended to new capital projects, thereby increasing tax revenue. • The local government guarantee shall be 10% of the project amount or $500,000 whichever is less. Under special exception, the local guarantee may be up to 20% of the project amount or $1,000,000, whichever is less. Special exception applications require CRA board approval.	• Staff recommends increasing the minimum investment for new capital projects to 40%. • Staff recommends increasing the local government guarantee to 10% of the project amount or $550,000, whichever is less, to mirror the increased incentives offered by the SBA for manufacturing and energy-related projects.
What types of loans are eligible for the guarantee?	• First lien positions with an SBA 504 second position loan. • Note: If the SBA 504 is used in conjunction with a new market tax credit transaction, the local government guarantee can be extended to either the leveraged lender or the community development entity. • Note: If the SBA 504 first lien position is pooled, the local government guarantee shall go to the original lender and pool originator.	No comments

Table #2 Continued: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
How does the program work in conjunction with the SBA CDC/504 Program and the States Small Business Credit Initiative?	• If the loan is eligible under the state program, in order to be considered for the local government guarantee, the borrower must make application under the state program. • If the loan has been approved under the state small business credit initiative program, the local government guarantee shall be senior to both the SBA 504 and the state. Assuming the state guarantee is 20% of the project, the project would have to lose 70% of its value prior to the local government experiencing any loss. • If the state program does not have available dollars, the local government may approve a loan without state participation. • In the event the state does not participate in the project and the local government guarantee is extended, the project would have to lose 50% of its value (10% borrower equity and up to 40% SBA guarantee) prior to the local government experiencing any loss.	• Staff concurs that the borrower should be required to make application under the state program if eligible. State participation would further reduce exposure to the County and City. • Staff recommends establishing a maximum threshold for the County's guarantee risk by requiring that at least the first half (50%) of the risk on the loan be borne by other participants. This could include a combination of the borrower, SBA, SSBCI, and even the lender if needed. By positioning the County's risk in the bottom half of the loan, lenders could still qualify for the local guarantee without state participation.
How can loan proceeds be used?	• For any business purpose, as long as the purpose qualifies pursuant to SBA CDC/504 Program requirements. Such purposes include, but are not limited to the following: purchase of land (including existing buildings), purchase of improvements (including grading and street improvements, utilities, parking lots, and landscaping), the construction of new facilities, the purchase of long-term machinery and equipment.	• In summation, proceeds should be utilized in accordance with the guidelines set forth in the SBA 504 Loan Program with one caveat; a cap on refinancing. Staff recommends a 20% cap on the amount of local government guarantees that could be applied to refinancing.

Table #2 Continued: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
Who negotiates the terms of the loan?	• The first lien position will be negotiated with the lender holding the first position loan. • The second lien position will be determined as per the terms of SBA CDC/504 Program.	• The County and City will each enter into a contractual relationship with lenders to formalize the guarantees for individual projects. • The County and City would also need to enter into an agreement with each other detailing the loss share in the event of a loan default.
What are the program's strengths?	• Guarantees are a familiar structure for commercial lenders. • The programs generate higher leverage than loan participation or collateral support programs.	• The *Stakeholders' Forum* section of this analysis (page #10) provides a summary of the various program strengths, opportunities, and threats from the perspective of lenders and borrowers.
What kinds of lenders are eligible to participate?	• Any lender eligible to make an SBA 504 senior loan.	No comments
Who originates loans in this program?	• Participating lenders originate loans and apply to the local program for guarantee approval.	No comments
Who has underwriting responsibility?	• Lenders are responsible for underwriting the loans initially. • Prior to issuing a guarantee, the local government requires an SBA loan authorization, which must be submitted with the application. The local government will review and approve guarantee applications that are submitted by the lenders; upon approval, a commitment letter is issued to the lender outlining the terms of the guarantee.	Staff recommends authorizing the County Administrator to negotiate with the City, subject to approval, to mirror and finalize the small business loan guarantee program requirements for final approval by both Commissions.
Is a guarantee fee charged?	• A one-time fee of 25 basis points of the amount of the guarantee will be charged to the lender.	For lenders to utilize guarantees, SBA requires that they be purchased. 25 basis points on the proposed $2.5 million contribution from the County would generate $6,250 in fees.

Table #2 Continued: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
What is the guarantee term?	• The term shall correspond to the term of the first position loan.	• The Board may want to consider how long it wishes to guarantee these small business loans (for the life of the loan or a specified period of time). Loan terms under the SSCBI may not exceed five years but ten years in the minimum term under SBA loans.
What percentage of the project can the guarantee cover?	• 10% of the project amount but not to exceed $500,000; whichever is less (corresponds to EDC Authority). • Note: When a lender has been issued multiple guarantees under this program, the loans shall be viewed as a pool and the 10% guarantee shall be deemed issued on the pool rather than on individual projects. • Special exception shall be given to projects located in the CRA (contingent on CRA board approval) of 20% of the project amount but not to exceed $1,000,000.	• Staff recommends increasing the local government guarantee to 10% of the project amount or <u>$550,000</u>, whichever is less, to mirror the increased incentives offered by the SBA for manufacturing and energy-related projects. • Should the Board wish to provide additional incentives for projects located within the CRA, staff recommends increasing the local government guarantee amount to 20% of the project amount or $1 million, whichever is less, <u>rather than including the CRA Board as a separate third party entity in the local guarantee.</u> It should be noted that offering an additional incentive within the CRA aligns with the Board's investment and commitment toward downtown redevelopment but it would negate the return on investment with regard to the collection of ad valorem revenues.

Table #2 Continued: Proposed Mechanics & Description of Local Guarantee Program Along with Staff Comments and Recommendations

Proposed Mechanics	Proposed Description	County Staff Comments & Recommendations
What happens in the case of a default?	• If a borrower defaults on a loan, a lender may submit a claim to the local government or its agent in accordance with the terms of the guarantee agreement. • The guarantee agreement shall specify the responsibilities of the lender in pursuing available remedies to collect unpaid principal and interest prior to submitting a claim. • The County and the City shall share pro-rata with respect to any losses under the Program.	• Staff will continue to work with the County Attorney's Office and local stakeholders to specify the responsibilities of lenders in pursuing available remedies upon default and bring those parameters back to the Board for approval prior to initiating the program.

Staff Recommendation

Job creation and economic development have long been a top priority but the County has dramatically accelerated its efforts over the past three years in light of the local and national economy. The Board has utilized long and short-term efforts to promote and sustain employment opportunities in the County. As the regional hub for business, government, and education, the County has aggressively invested in infrastructure improvements and modified existing growth, environmental, economic, and purchasing practices to enhance economic opportunities and promote job creation.

This proposal before the Board seeks to provide an economic development tool that gives local lenders an incentive to leverage federal and state programs to enhance small business development. There are inherit risks in guaranteeing local business loans; however, the mechanics of state and federal programs combined with the County's position in the loan and the additional recommendations offered by staff are designed to mitigate those risks as much as possible. The goal of SBA lending is to promote owner-occupied small business development, which is a shared economic development interest for our community as we continually strive to diversity our economy.

As noted throughout this item, a joint process for County and City participation is needed for this endeavor to be successful. This requires both Commissions to adopt identical requirements and parameters to ensure a user-friendly process. This workshop item was designed to offer a greater understanding of how the SBA 504 Loan and the Florida SSCBI could be leveraged with the proposed local government guarantee to enhance lending for small business development. Staff recommends that the Board authorize the County Administrator to negotiate with the City of Tallahassee, based on the staff guidance provided throughout this analysis and direction provided by the Board during the workshop, to mirror and finalize the small business loan guarantee program requirements for final approval by both Commissions.

Should the Board adopt Options #1 and #2, staff would negotiate with the City to finalize the program and processes for the local guarantee program before bringing back an agenda item to encumber the $2.5 million for the program. If the City decided against participating in this program, the Board could choose to proceed on its own by offering a 5% guarantee with its $2.5 million commitment or it can commit the full $5 million (10%) to support this program. City staff expects to present this proposal and their recommendations to the full City Commission on either March 14 or 28, 2012.

Options:

1. Accept staff report and direct the County Administrator to negotiate with the City of Tallahassee to mirror and finalize the small business loan guarantee program requirements.
2. Upon completion of negotiations with the City, bring back an agenda item for final approval by the Board to encumber $2,500,000 for the guarantee program.
3. Accept staff report and take no further action.
4. Board direction.

Recommendation:
Options #1 and #2.

Attachments:
1. January 24, 2012 agenda item on a small business lending guarantee program.
2. Proposal submitted by Inkbridge to increase access to capital for local small businesses.

Leon County
Board of County Commissioners

Cover Sheet for Agenda #21

January 24, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Consideration of a Localized Small Business Lending Guaranty Program and Request to Schedule a Workshop on February 28, 2012 from 1:30 p.m. to 3:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director, Economic Development & Business Partnerships

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Accept staff report and schedule a workshop on February 28, 2012, from 1:30 – 3:00 p.m. to further evaluate the proposed small businesses lending guaranty program.

Report and Discussion

Background:

Following the Board's adoption of the strategic priorities, at the December 16, 2011 Commission meeting, Commissioner Maddox requested staff bring back an agenda item regarding a program that would guarantee small business loans. Included as one of the Board's adopted Strategic Priorities is:

> *"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."*

The lack of access to capital for small businesses was a problem identified by the County through the surveying of local business owners and leaders in preparation for the Board's workshop in September to determine how the County could stimulate job creation. The workshop produced 36 recommendations as a framework for the Leon County 2012 Job Creation Action Plan. One of the Board's recommendations from that workshop included evaluating lending opportunities to encourage entrepreneurship. This item provides an overview of the U.S. Small Business Administration's 504 Loan Program, the State of Florida's State Small Business Credit Initiative (SSBCI), and a proposal for the County and City to leverage the two programs by guarantying a portion of small business loans.

Subsequent to the Workshop on the County's Economic Development Activities and Survey of Local Business Leaders on Job Creation, the Board approved an Economic Development and Regulatory Review (EDRR) LEADS Team made up of interdepartmental personnel and community partners to develop and monitor the progress of the Board's action plan and to conduct a review of local regulatory challenges. Several of the recommendations identified by the Board required immediate attention prior to convening the LEADS Team including two Board workshops. In October, the Board approved its state and federal legislative priorities, which incorporated the economic importance of advocating on behalf of the state workforce. In November, the Board conducted a workshop on the allocation of tourism development taxes that lead to additional investment and improvements of the proposed Meridian Marker Amphitheater at Cascades Park. This agenda item recommends a third workshop to be held in February to consider a loan guaranty proposal for small businesses. Additional efforts, also addressed by the Board, include renewing the County's agreement with the EDC to provide comprehensive economic development and job creation activities, renewing the County's Interlocal Agreement and Service Plan with Workforce Plus to provide workforce and job placement services, hosting a Town and Gown forum in the County Commission Chambers on public safety, and supporting efforts to attract affluent retirees (Choose Tallahassee).

The EDRR LEADS Team is scheduled to convene on January 31st to develop an implementation plan for the Board's consideration. The timing of the LEADS Team meeting(s) and subsequent action plan allows the County to maximize its interdepartmental staff resources following the state legislative session, and implementation of the minimal environmental standards approved in the County's Charter. Staff anticipates the LEADs team to finalize the recommended implementation plan for the 2012 Job Creation Action Plan and bring forward for the Board's consideration at the March 13, 2012 Commission meeting.

Analysis:

Many public and privately managed loan programs specifically cater to small business endeavors. However, Table #1 provides staff's findings through the job creation surveys conducted over the summer, which indicates a need for greater access to capital.

Table #1: 2011 Job Creation Survey Results: Access to Capital

Subject Area	*General Comments*
Access to Capital	A. *Keith Bowers, FAMU Small Business Center*: Lack of access to capital. Banks are not lending and people can no longer take out home equity loans to start or maintain their business. B. *Dr. Jerry Osteryoung, Jim Moran Institute*: Microloans are a good inexpensive tool for local governments to help small businesses because they are not efficient loans for banks. Use caution, trust the free market, and be weary of helping failing businesses.
Staff Observations: Mr. Bowers makes an interesting point about the lack of access to capital and how homeowners can no longer tap the equity in their homes to start a business and secure a line of credit. The lack of access to capital will ensure a slow economic recovery. Microlending was suggested as an option for the County to consider but there is often a legitimate reason as to why a borrower cannot access capital from a private bank or the federal Small Business Administration. Further, the relatively small amount of the loans makes them undesirable for private lenders. More recently, the Florida Office of Tourism Trade and Economic Development in partnership with Enterprise Florida received $97.7 million in federal seed money in August 2011 for small-business lending.	

With the assistance of the County's state and federal lobbying teams, staff has sought additional information on state and federal loan programs, together with partnership opportunities to leverage the investment of economic development funds within Leon County. Staff has met with a workgroup of stakeholders from the Economic Development Council (EDC), the Florida Department of Economic Opportunity, and the Florida First Capital Finance Corporation to brainstorm opportunities to increase the availability of capital for small businesses. A broad proposal has come forward that first requires a firm understanding of the SBA's 504 Loan Program and Florida's SSBCI program.

SBA 504 Loan Program

The SBA is a federal agency that offers a variety of loan programs for very specific purposes. The SBA's 504 Loan Program is a long-term financing tool designed to encourage economic development within a community by providing small businesses with long-term, fixed-rate financing to acquire major fixed assets for expansion or modernization. The SBA works with a local Certified Development Company (CDC), a nonprofit corporation which is set up to contribute to economic development within its community, to assist in securing financing through this program. Locally, the role of the CDC is carried out by the Florida First Capital Finance Corporation that has a main office in Tallahassee and assists small businesses throughout the state.

Under the 504 loan, the local CDC assists small businesses with securing a portion (up to 50%) of the loan through a private vendor. The CDC lends up to 40% of the loan which is 100% guaranteed by the SBA. The private lender offering 50% of the total loan amount enjoys the senior lien position allowing it to be the first entity to collect on the loan. The borrower benefits from a long-term, fixed rate that is normally below market prices. In addition, the borrower is typically only required to put down 10% of the total project cost, which does not have to be cash. The project assets being financed are often used as collateral.

Table #2: Example of SBA 504 Loan

Entity	*Loan Amount*	*Percent of Project*
Private Lender	$500,000	50%
CDC (backed by SBA)	$400,000	40%
Business/Borrower	$100,000	10%

To be eligible for a 504 loan, a business must be operated for profit and fall within the size standards set by the SBA. Under the 504 Program, a business qualifies as 'small' if it does not have a tangible net worth in excess of $15 million and does not have an average net income in excess of $5 million after taxes for the preceding two years. Loans cannot be made to businesses engaged in speculation or investment in rental real estate. The 504 loan cannot be used for working capital, inventory, or consolidating or repaying debt.

A temporary program under 504 allows for refinancing. SBA 504 loans must be used for fixed asset projects such as:

- The purchase of land, including existing buildings.
- The purchase of improvements, including grading, street improvements, utilities, parking lots and landscaping.
- The construction of new facilities or modernizing, renovating or converting existing facilities.
- The purchase of long-term machinery and equipment.

<u>State Small Business Credit Initiative</u>
As reported at the September 13, 2011 Workshop on County's Economic Development Activities and Survey of Local Business Leaders on Job Creation, the State of Florida received $97.7 million in federal seed money in August 2011 for small-business lending. This seed money was created by the federal Small Business Jobs Act of 2010 to help states strengthen existing loan and equity programs and/or create new programs that support financing small businesses. The primary objective of Florida's SSBCI Program is to leverage private capital for Florida's small businesses, which are defined as businesses with 500 employees or less. Therefore, this program could be leveraged with the SBA 504 Loan Program as proposed later in this item.

Florida's SSBCI Program is divided into three areas:

1. *Florida Capital Access Program*: The Florida Capital Access Program (FL-Cap) is a loan portfolio insurance program that enables lenders to make "riskier" loans to small businesses by making cash contributions to a reserve fund for each enrolled CAP loan. When a loan is originated, the borrower must contribute a percentage of the loan (between 2 - 7%) into a reserve fund held by the lender. FL-CAP matches the contribution by depositing cash into the lender-held reserve fund. Each CAP reserve fund will then be available to the lender as cash collateral to cover losses on all loans within its FL-CAP portfolio. There is a $5 million maximum loan amount, but no minimum loan amount. The Florida Department of Economic Opportunity manages this program.

2. *Florida Venture Capital Program*: The Florida Venture Capital Program, managed by Enterprise Florida, provides equity investments and convertible debt instruments to emerging Florida companies (or companies locating in Florida) with perceived long-term growth potential. Convertible debt is an investment that "converts" into equity at a future point in time and usually at a discounted rate. Emphasis is placed on transactions within Florida's targeted industries, which include:
    a. *Aviation & Aerospace*
    b. *CleanTech*
    c. *Financial & Professional Services*
    d. *Homeland Security & Defense*
    e. *Information Technology*
    f. *Life Sciences*
    g. *Advanced Manufacturing*

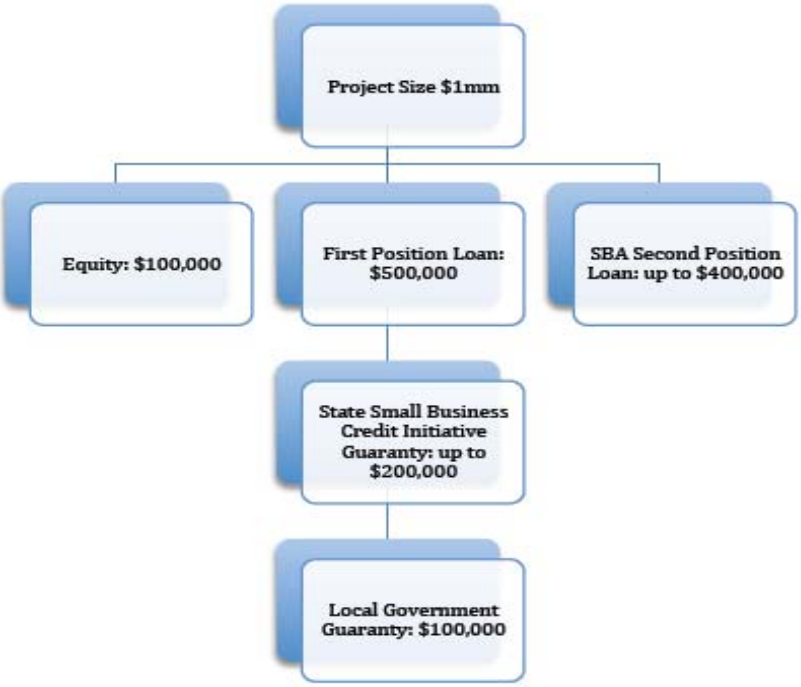
3. *Small Business Loan Support Program*: The Small Business Loan Support Program is designed to provide Florida small businesses with credit enhancement and other tools to better access commercial bank and export financing. Each transaction will require at a minimum, a matching concurrent private capital investment or other credit assistance. This program includes the following:
    a. *Loan Guarantee Program & Loan Participation Program:* The State will provide loan guarantees or loan participation of up to 20% of the total required financing.
    b. *Direct Loan Program:* The State will provide a direct loan to a borrower for up to 20% of the total required financing.
    c. *504 Bridge Loan Program:* The State will provide a guarantee for the 40% of a 504 loan during the interim period (up to 180 days) prior to the bank being "taken-out" by the SBA.
    d. *Export Loan Guarantees and Export Direct Loans:* The State will provide a loan guarantee or participation to exporting small businesses.

The Localized Small Business Guaranty will work in conjunction with the Loan Guarantee and Loan Participation Program described above.

Localized Small Business Guaranty Proposal

A proposal was submitted to staff seeking the County and the City to set aside $2.5 million each to guarantee a portion of private lenders' small business loans under the SBA 504 and SSBCI Programs. This guaranty would amount to a maximum of 10% for any given loan or project meaning that $50 million in small business loans would have to be made in order to exhaust, or commit, all $5 million of the local funds. In the simplest terms, this proposal seeks to leverage federal, state, and local funds to maximize capital for small business lending with minimal risk of local funds. Table #2 illustrates a typical SBA 504 loan and the amount of funds contributed by each party for a $1 million project. Diagram #1 portrays the same $1 million example and includes the role of the SSBCI and local governments along with their loan positions. In this example, the local governments would guarantee 10%, or $100,000, of the total project amount to the private lender.

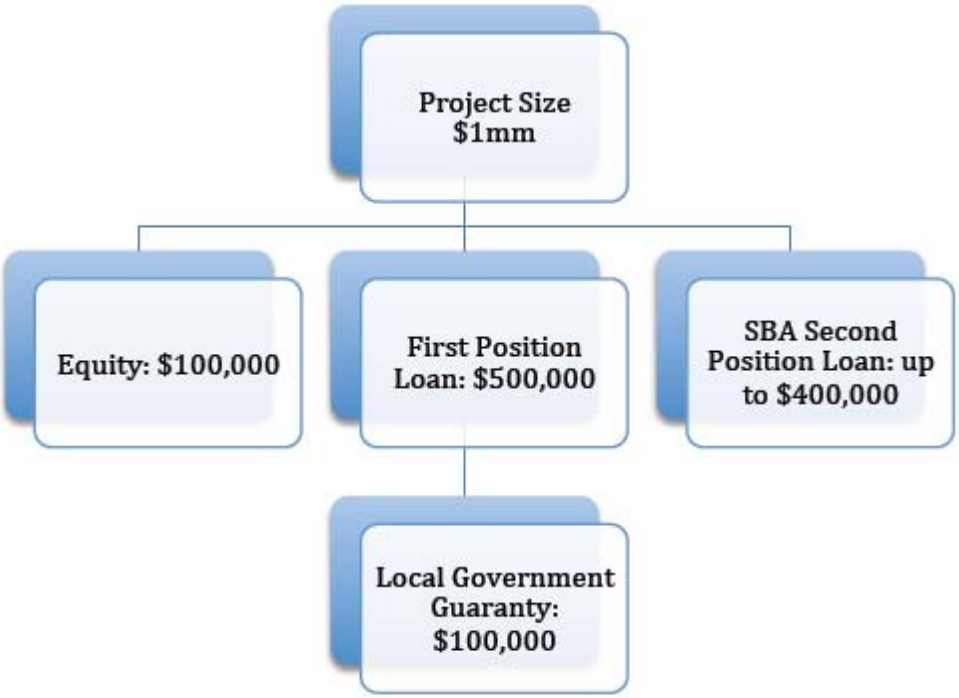
Diagram #1: Localized Small Business Credit Proposal with SSBCI Participation



Under this proposal, both the SSBCI funds and the local government funds would be used to guaranty the private lender's loan to the small business. The benefit to the program is that it mitigates the first position lender's loss to 20% of the total project, providing an additional incentive for banks to increase the volume of small business loans. In a loss scenario, the project would have to lose 70% of its value prior to the local government experiencing any loss. The borrower would be the first to lose its equity ($100,000), then the SBA would lose its $400,000, and the state would lose its $200,000 for a total loss of $700,000 prior to the local government experiencing a loss.

Diagram #2 portrays another $1 million loan example without the participation of the SSBCI. Like the previous diagram, the local governments guarantee 10%, or $100,000, of the total project amount to the private lender who enjoys first position on the loan.

Diagram #2: Localized Small Business Credit Proposal <u>without</u> SSBCI Participation



A project that qualifies for the SBA 504 loan with the local government guaranty but no SSBCI participation would mitigate the first position lender's potential loss to a maximum of 40% of the total project. In a loss scenario, the project would have to lose 50% of its value before the local government guaranty is affected. The borrower would lose its equity first, then the SBA, prior to the local governments experiencing a loss.

It is important to remember that under this proposal, the County and City would be guarantying loans rather than directly lending to businesses. The proposal recommends that at least $1 million, or 20%, of the local guarantees be utilized for new capital projects thereby resulting in a minimum of $10,000,000 in new capital projects. While the local governments stand to benefit from the increased economic activity associated with small business lending, the funds used to guarantee these long-term loans would be encumbered over the life of the loan. As the loans are repaid, the County would be in the position to provide additional backing to future loans.

Staff Recommendations:

Should the Board wish to pursue this concept, staff recommends scheduling a workshop on February 28, 2011, from 1:30 – 3:00 p.m. to further evaluate the County's role, responsibilities, and potential risk in a small business lending guaranty program. Most importantly, a workshop would give the Board the opportunity closely review eligibility criteria, review local trends and utilization of SBA lending programs, determine the desired level of funding and the appropriate revenue source, weigh additional incentives for veteran, minority and women-owned business, and seek broader support from the private sector. Staff would invite community stakeholders to participate in this discussion including representatives of the EDC, lending community, and potential partners under this proposal.

Additionally, staff would utilize this time to identify and resolve any legal, fiscal, and process concerns relating to this matter. The City of Tallahassee is expected to begin weighing in on this proposal on January 25th through their Target Issue Meetings. Should both local governments express interest, a joint process would need to be developed with an emphasis on customer service and timeliness.

Options:

1. Accept staff report and schedule a workshop on February 28, 2012, from 1:30 – 3:00 p.m. to further evaluate the proposed small businesses lending guaranty program.
2. Accept staff report and take no further action.
3. Board direction.

Recommendation:
Option #1.

Local Small Business Credit Initiative: 504 Loan Guarantee Program

Increasing Access to Capital for Local Small Businesses

Local Small Business Credit Initiative: 504 Loan Guarantee Program

What is the Local Small Business Credit Initiative: 504 Loan Guarantee Program?

The 504 Loan Guarantee Program enables small businesses to obtain loans to help them grow and expand their businesses. The program provides a lender with the necessary security, in the form of a partial guarantee, for the lender to approve a loan.

What are the Credit, Guarantee and Loan Characteristics?

The table below describes key credit and loan characteristics that are included in the Local Small Business Credit Initiative 504 Loan Guarantee Program.

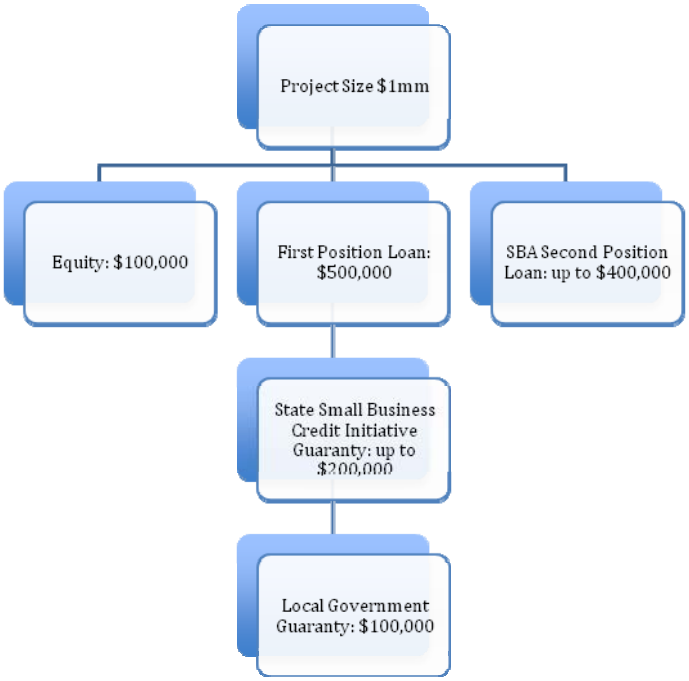
Characteristics	Description
What kinds of borrowers are eligible to participate?	Borrowers must meet eligibility requirements under the SBA CDC/504 Program. The project must be located within Leon County. • Business must be considered a "small business" pursuant to SBA standards.
What sizes of projects are eligible?	Project sizes can range from $50,000 to $13,750,000.
What are the characteristics of the guarantee?	• Both the City of Tallahassee and Leon County will each extend $2,500,000 worth of coverage for a total available guarantee amount of $5,000,000. • A minimum of 20% of the $5,000,000 total guarantee amount shall be extended to new capital projects, thereby increasing tax revenue. • The local government guarantee shall be 10% of the project amount or $500,000 whichever is less. Under special exception, the local guarantee may be up to 20% of the project amount or $1,000,000 whichever is less. Special exception applications require CRA board approval.
What types of loans are eligible for the guarantee?	First lien positions with an SBA 504 second position loan. Note: If the SBA 504 is used in conjunction with a new market tax credit transaction, the local government guarantee can be extended to either the leveraged lender or the community development entity. Note: If the SBA 504 first lien position is pooled, the local government guarantee shall go to the originating lender and pool

	originator.
How does the program work in conjunction with the SBA CDC/504 Program and the State Small Business Credit Initiative?	• If the loan is eligible under the state program, in order to be considered for the local government guarantee, the borrower must make application under the state program. • If the loan has been approved under the state small business credit initiative program, the local government guarantee shall be senior to both the SBA 504 and the state. Assuming the state guarantee is 20% of the project, the project would have to lose 70% of its value prior to the local government experiencing any loss. • If the state program does not have available dollars, the local government may approve a loan without state participation. • In the event the state does not participate in the project and the local government guarantee is extended, the project would have to lose 50% of its value (10% borrower equity and up to 40% SBA guarantee) prior to the local government experiencing any loss.
How can loan proceeds be used?	• For any business purpose, so long as the purpose qualifies pursuant to SBA CDC/504 Program requirements. Such purposes include, but are not limited to the following: purchase of land (including existing buildings), purchase of improvements (including grading and street improvements, utilities, parking lots and landscaping), the construction of new facilities or modernizing, renovating or converting existing facilities, the purchase of long-term machinery and equipment.
Who negotiates the terms of the loan?	• The first lien position will be negotiated with the lender holding the first position loan. • The second lien position will be determined as per the terms of the SBA CDC/504 Program
What are the program's strengths?	• Guarantees are a familiar structure for commercial lenders. • The programs generate higher leverage than loan participation or collateral support programs.

How Does the Local Small Business Credit Initiative 504 Loan Guarantee Program Work?

Local Small Business Credit Initiative 504 Loan Guarantee Program in conjunction with the State Small Business Credit Initiative

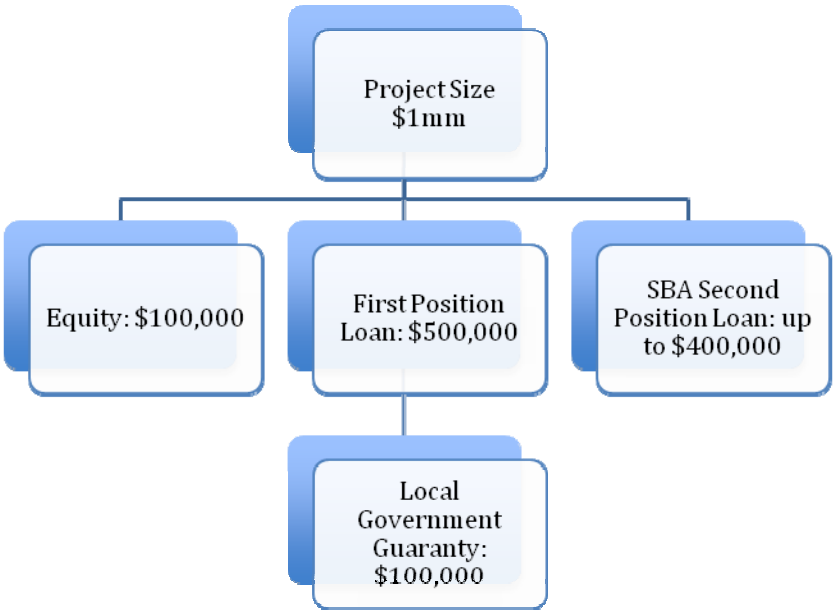
The diagram below outlines the Small Business Credit Initiative 504 Loan Guarantee Program structure working in conjunction with the State Small Business Credit Initiative.



In the event the State Small Business Credit Initiative extends a 20% Guarantee, the project would have to lose 70% of its value before the Local Government Guarantee is affected. In the above example, the project is $1,000,000. In a loss scenario, the Borrower would lose their equity of $100,000, next, the SBA would lose their $400,000, and third, the state would lose their $200,000 for a total loss of $700,000 prior to the local government experiencing a loss. The benefit to the program is it mitigates the first position lender's loss to 20% of the total project, providing an extremely attractive incentive for lenders to make loans using this program.

Local Small Business Credit Initiative 504 Loan Guarantee Program without state participation

The diagram below outlines the Small Business Credit Initiative 504 Loan Guarantee Program structure working as a stand-alone program without state participation.



In the event the local government extends a 10% guarantee, the project would have to lose 50% of its value before the Local Government Guarantee is affected. In the above example, the project is $1,000,000. In a loss scenario, the Borrower would lose their equity of $100,000 next; the SBA would lose their $400,000 for a total loss of $500,000 prior to the local government experiencing a loss. The benefit to the program is it mitigates the first position lender's loss to 40% of the total project, providing an extremely attractive incentive for lenders to make loans using this program.

Operating Mechanics	**Description**
What kinds of lenders are eligible to participate?	• Any lender eligible to make an SBA 504 senior loan
Who originates loans in this program?	• Participating lenders originate loans and apply to the local program for guarantee approval.
Who has underwriting responsibility?	Lenders are responsible for underwriting the loans initially. Prior to issuing a guarantee the local government requires an SBA CDC/504 loan authorization, which must be submitted with the application. The local government will review and approve guarantee applications that are submitted by (the lenders; upon approval, a commitment letter is issued to the lender outlining the terms of the guarantee.
Is a guarantee fee charged?	A one-time fee of 25bps of the amount of the guarantee will be charged to the lender.
What is the guarantee term?	The term shall correspond to the term of the first position loan.
What percentage of the project can the guarantee cover?	• 10% of the project amount but not to exceed $500,000; whichever is less (corresponds to EDC Authority). • Note: When a lender has been issued multiple guarantees under this program, the loans shall be viewed as a pool and the 10% guarantee shall be deemed issued on the pool rather than on individual projects. • Special exception shall be given to projects located in the CRA (contingent on CRA board approval) of 20% of the project amount but not to exceed $1,000,000.
What happens in the case of a default?	If a borrower defaults on a loan, a lender may submit a claim to the local government or its agent in accordance with the terms of the guarantee agreement. The guarantee agreement shall specify the responsibilities of the lender in pursuing available remedies to collect unpaid principal and interest prior to submitting a claim. The County and the City shall share pro-rata with respect to any losses under the Program.

Who are the Key Stakeholders and What are Their Roles?

The stakeholders in the Loan Guarantee Program include the local government, participating financial institutions and the Economic Development Council to manage the program.

Stakeholder	Role
What is the role of the local government, CRA and EDC?	☐ Enters into agreements with the EDC. ☐ Issues the loan guarantee to the lender. ☐ EDC conducts outreach to inform lenders and trade associations of the (existing program; introduces the program by letter or in person, distributes press releases and/or speaks at industry or small business conferences.
What is the role of a lender?	☐ Originates, processes, and services loans. ☐ Submits guarantee applications to the state for review/approval, and (obtains assurances of eligibility from each borrower.

What are the primary benefits to the Local Government?

The primary benefits to the Local Small Business Credit Initiative SBA 504 Loan Guarantee Program are described below.

Benefit	Description
Increased economic development via small business lending within Leon County	☐ This program will stimulate approximately $50,000,000 worth of lending within the community with little to no risk to the local government. ☐ This program will greatly mitigate lender risk to encourage lenders to make loans to small businesses that otherwise would not receive financing thereby stimulating new projects within the community. ☐ Because this program is unique to Leon County, businesses may be incentivized to re-locate and/or expand operations in our community.
Leveraging federal and state programs for capital investment in the local community.	☐ This program leverages the federal SBA 504 program and can also pair with the State Small Business Credit Initiative. By leveraging federal and state dollars, the risk to the local government is minimal however the layered benefit to the lender and project borrower is exponential.

Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

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District 5

AKIN AKINYEMI
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

March 2, 2012

Anita Favors Thompson, City Manager
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

Dear Anita:

The County Commission held a workshop earlier this week on February 28, 2012, on a local small business lending guarantee proposal that anticipates the support and participation from both of our respective Commissions. This is a new endeavor for our County and City governments with enormous potential but, as you know, there are some inherent risks in guaranteeing small business loans. My understanding is that the City has begun reviewing this proposal through its Target Issue Committee process and that it may come before the full City Commission for consideration sometime this month.

After the County Commission's thorough review of this proposal with County staff and community stakeholders, I was directed to negotiate the final program requirements to mitigate the associated risks of the guarantee program and to mirror any parameters, conditions, and processes between the County and City to ensure a user-friendly process. Ken Morris, Director of Economic Development and Business Partnerships for the County, has been working with Michael Parker from your office on this matter so I have directed Ken to follow up with Michael on this project should the City Commission decide to move forward on this program.

The County Commission has requested the final program details to be brought back to them during the budget workshops which begin in May. There is a time element embedded in this program that allows for the leveraging of state funds but that window will close significantly in August 2013. As always, I look forward to working with you on this project so that the County and the City can partner with our business community to enhance access to capital for economic investment in small businesses.

Sincerely,

Vincent S. Long
County Administrator

"People Focused. Performance Driven."

cc: Members of the Board of County Commissioners
Herb Thiele, County Attorney
Alan Rosenzweig, Deputy County Administrator
Ken Morris, Director of Economic Development and Business Partnerships
Michael Parker, Community and Economic Development
Beth Kirkland, Economic Development Council

Leon County
Board of County Commissioners
Cover Sheet for Budget Workshop Item #9

July 9, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Staff Report on the Proposed Small Business Lending Guarantee Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director of Economic Development and Business Partnerships Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:
This item requests Board acceptance of a status report on the County's participation in the proposed Small Business Lending Guarantee Program. There is no fiscal impact at this time but staff anticipates a future encumbrance of $1 million for the program.

Staff Recommendation:
Option #1: Accept staff report on the proposed Small Business Lending Guarantee Program.

Option #2: Direct staff to bring back an item encumbering $1 million for the Small Business Lending Guarantee Program upon concurrence by the City of Tallahassee.

Report and Discussion

Background:
On February 28, 2012, the Board conducted a workshop to consider participating in a small business lending guarantee program (Attachment #1). Staff presented the Board with an overview of the small business lending guarantee program which seeks to provide an economic development tool that gives local lenders an incentive to leverage federal and state programs to enhance small business development. The goal of the Small Business Administration's 504 lending program is to promote owner-occupied small business development which is a shared economic development interest for our community as we continually strive to diversity our economy.

As discussed during the workshop, a joint process for County and City participation is needed for this endeavor to be successful. This requires both Commissions to adopt identical requirements and parameters to ensure a user-friendly process. After the presentation, the Board accepted staff's report and directed the County Administrator to negotiate with the City of Tallahassee to mirror and finalize the small business loan guarantee program requirements. The Board directed staff bring back a discussion item during the FY 2013 budget workshop for final approval and to encumber $2.5 million for the guarantee program.

Analysis:
The proposed Small Business Lending Guarantee Program has yet to have been considered by the full City Commission as it is still being vetted by staff and through the City's Target Issue Committee process. The City's Economic Development Target Issue Committee has already received a presentation on this matter and, at the time of this writing, the Financial Viability Target Issue Committee is expected to consider this program at its meeting on July 2, 2012. City staff has indicated the potential for a modified program that reduces the initial guarantee amount by the City and County from $2.5 million to $1 million each. If successful, the County and City could readdress their funding commitments, or guarantees, at a later date.

The Board's direction at the February 28th workshop was to defer action until the City Commission had an opportunity to evaluate and agree to the program. Staff recommends that the Board continue this approach and direct staff to bring back an agenda item encumbering funds in the identical amount authorized by the City which is anticipated to be $1 million. Given the design of this guarantee program, staff does not believe the encumbrance of $1 million has to be weighed against other spending priorities for the FY 13 budget. Upon the Board's approval and concurrence by the City, staff would bring back an agenda item to encumber the $1 million from the Board's contingency reserve fund into a separate account under the auspices of the County. No funds will be disbursed unless there is a loan default whereby a borrower's fixed assets could not cover at least 50% of the debt remaining on the loan as prescribed in the workshop item and presentation.

Options:

1. Accept staff report on the proposed Small Business Lending Guarantee Program.
2. Direct staff to bring back an item encumbering $1 million for the Small Business Lending Guarantee Program upon concurrence by the City of Tallahassee.
3. Do not accept staff report on the proposed Small Business Lending Guarantee Program.
4. Board Direction.

Recommendation:

Options 1 & 2

Attachment

1. February 28, 2012 Workshop on the Small Business Lending Program

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CITY OF TALLAHASSEE

Most Livable City in America

March 23, 2012

Vincent S. Long, County Administrator
Leon County Courthouse
301 South Adams Street
Tallahassee, FL 32301

Dear Vince:

Thank you for your recent letter regarding the potential partnership between the City and County in creating a local small business lending guarantee program that could further economic development opportunities for our community. Presently, City staff is analyzing the details, impacts and risks of such a program and like you, I anticipate having conversations with the City Commission during April and May as part of the City's annual budgeting process.

After speaking with Michael Parker, who has been working with Ken Morris, we are looking at consulting various financial experts from throughout the community to provide advice related to how our governments can best leverage public dollars in private initiatives. We believe this is critical to determining how to achieve the maximum benefit for the dollars expended. This includes looking at creating specific investment zones where revitalization is needed and also determining if there are certain uses that warrant investment more urgently than others. It also means analyzing whether a loan guarantee program, as presented by EDC and others, is the best utilization of our scarce public resources and determining if there are more impactful approaches that achieve the same goal.

We would very much like to continue to work with Leon County on this initiative. Toward that end, I have directed Michael Parker to continue working with your office in concert with the City and County's annual budgeting timelines and to be mindful of the State and Federal critical timelines as referenced in your letter. I believe that the end of May should be our target for presenting a final program for both our Commissions to consider for future funding allocation.

I look forward to working with you on this opportunity to enhance the quality of life for our citizens through the improvement of local business vitality. Please do not hesitate to contact me if you have any questions or other concerns with the proposed approach.

Sincerely,

Anita

Anita Favors Thompson
City Manager

AFT/cac

cc: Mayor and City Commissioners
Board of County Commissioners
Jay Townsend, Assistant City Manager

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JOHN R. MARKS, III
Mayor

ANITA F. THOMPSON
City Manager

ANDREW GILLUM
Commissioner

JAMES R. ROBERTS
City Attorney

NANCY MILLER
Commissioner

JAMES O. COOKE, IV
City Treasurer-Clerk

MARK MUSTIAN
Commissioner

SAM M. McCALL
City Auditor

GIL D. ZIFFER
Commissioner

Leon County
Board of County Commissioners

Notes for Agenda Item #16

Leon County
Board of County Commissioners

Cover Sheet for Agenda #16

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of the Supervised Pretrial Release Division Annual Report

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Director, Office of Intervention and Detention Alternatives
Lead Staff/ Project Team:	Teresa Broxton, Supervisor, Pretrial Release

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the Supervised Pretrial Release Division Annual Report, and authorize staff to submit it to the Clerk of the Circuit Court.

Report and Discussion

Background:

During the 2008 Florida Legislative Session, a bill was proposed requiring Pretrial Release Programs to provide the Clerk of the Circuit Court a weekly registry of all defendants who were released into the Program without a monetary bond (non-secured release). The registry was to contain information, such as prior criminal convictions, the current charges against each defendant, and any subsequent failures to appear charges, for defendants released into the Pretrial Release Program. Further, the document was to contain key information on the program, including funding sources, the number of defendants assessed, as well as those recommended for, and granted, pretrial release. The registry was to be made available for public viewing at the Leon County Clerk of the Circuit Court.

Additionally, the legislation required each Pretrial Release Program to submit an annual report to the governing body and the Clerk of the Circuit Court. The report should summarize activities within the calendar year

In December 2010, the Office of Program Policy Analysis & Government Accountability (OPPAGA) published a report entitled, "Pretrial Release Programs' Data Collection Methods and Requirements Could Improve (Report No. 10-66)." OPPAGA staff outlined options, such as,

> "revising the statutory definition of a pretrial release programs in Florida Statute 907.043; modifying criminal history requirements to require programs to provide an aggregate summary of criminal convictions; revising statues to make programs' weekly and annual requirements and OPPAGA's requirements directly correlate to avoid requests for additional information from the programs each year."

The report stated, "Legislature could consider modifying reporting requirements to improve accuracy and data uniformity, streamline reporting requirements, and reduce local costs."

While the Legislature has not modified the reporting requirements for pretrial release programs, the December 2012 report published by OPPAGA (Report No. 11-27) acknowledged that pretrial release programs generally comply with statutory data collection requirements. Most programs, including Leon County, reported that few defendants who participated in the program failed to appear in court or were arrested prior to disposition of their case.

A narrative of Program activities and other information required by the Act is provided in Attachment #1. In compliance with subsection 4(b) of the Act, Attachment #2 contains the names and case numbers of each person granted non-secured release and those who had warrants issued for failing to appear at a required Court proceeding, acquiring a new arrest, or committing a technical violation of pretrial release conditions.

Analysis:

A brief review and analysis of the Program's activities between January 1, 2012 and December 31, 2012 reflects the following:

- 1,068 defendants participated in the Supervised Pretrial Release (SPTR) Program; 401 were granted release with no bond required, and 667 were required to post a bond.
- Of the 401 released without the requirement of posting a bond, only 6% (24) failed to appear at a required Court proceeding'
- 85% of those released to the SPTR without posting a bond (339 of 401) had no incidents of technical violation of conditions or new arrests

Options:

1. Accept the Supervised Pretrial Release Division Annual Report, and authorize staff to submit it to the Clerk of the Circuit Court.
2. Do not accept the Supervised Pretrial Release Program Annual Report.
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Supervised Pretrial Release Program Annual Report for January 1, 2012 – December 31, 2012
2. List of Violators

VSL/AR/WH/TB/tb

LEON COUNTY BOARD OF COUNTY COMMISSIONERS SUPERVISED PRETRIAL RELEASE PROGRAM ANNUAL REPORT

January 1, 2012 – December 31, 2012

In compliance with Section 907.043, Florida Statutes

In compliance with Section 907.043, Florida Statutes, also known as the Citizens' Right-to-Know Act, each pretrial release program must submit an annual report for the previous calendar year to the governing body and to the Clerk of the Circuit Court in the county where the pretrial release program is located. The annual report must be submitted no later than March 31st of every year. This report is submitted in compliance with the aforementioned legislation. The information requested by the statute, which is in bold letters and italicized, is included prior to each response. The statute is also attached for reference.

4(b)1. ***The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.***

The Leon County Supervised Pretrial Program is located at 501-C Appleyard Drive, Tallahassee, Florida 32304.

Funding sources for the Supervised Pretrial Release (SPTR) program include both local general revenue and federal grant funds. A total of $833,599.08 was received from these sources.

2. ***The operating and capital budget of each pretrial release program receiving public funds***

The operating budget from public funds was $833,599.08; there was no capital cost associated with the program.

3a. ***The percentage of the pretrial release program's total budget representing receipt of public funds***

The percentage of the pretrial release program's total budget representing receipt of public funds was 83%.

b. ***The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.***

Revenues were not allocated to assist defendants to obtain release through a non-publicly funded program.

c. The amount of fees paid by defendants to the pretrial release program.

The amount of fees paid by defendants to the pretrial release program total $169,193.86. Fees included $40 monthly supervision costs unless waived by the Court. Defendants assigned electronic monitoring were required to pay: $12 per day for a Secure Continuous Remote Alcohol Monitor (SCRAM) unit and $7.70 to $9.15 daily for Active or Passive Global Positioning Satellite monitor based on a sliding fee scale through Sentinel Offender Services.

These fees helped to support the program and offset revenues expended from public funds.

4. ***The number of persons employed by the pretrial release program.***

The number of persons employed by the Program totaled 14 staff members during 2012. This included one full-time equivalent (FTE) employee funded through a grant. SPTR staff was responsible for all administrative and operations tasks.

5. ***The number of defendants assessed and interviewed for pretrial release.***

The number of defendants assessed and interviewed for pretrial release totaled 2,342.

6. The number of defendants recommended for pretrial release.

In accordance with Administrative Order No. 2006-02, Uniform Bond Schedule and Pretrial Release Procedures, Second Judicial Circuit, Florida, which governs SPTR operations, Program staff did not recommend defendants for pretrial release. All defendants authorized to participate in the Leon County's Supervised Pretrial Release Program were admitted through Judicial Order.

7. ***The number of defendants for whom the pretrial release program recommended against non-secured release.***

In accordance with Administrative Order No. 2006-02, Program staff did not recommend defendants against non-secured release.

8. ***The number of defendants granted non-secured release after the pretrial release program recommended non-secured release.***

In accordance with Administrative Order No. 2006-02 and as stated in number 6 above, staff did not recommend defendants for pretrial release.

9. ***The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.***

As the pretrial program is dictated by Administrative Order No. 2006-02, indigent status was not assessed at time of interview.

10. The name and case number of each person granted nonsecured release who:

- ***a. Failed to attend a scheduled court appearance.***
- ***b. Was issued a warrant for failing to appear.***
- ***c. Was arrested for any offense while on release through the pretrial release program.***

The attached *List of Violators* answers these questions.

11. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

The following is provided as additional information:

a. 401 defendants were granted non-secured release to the Supervised Pretrial Program between January 1 and December 31, 2012. An additional 667 defendants who were also required to post a bond were accepted into the Program during this same period.

b. The average daily operating cost of the jail per inmate was $67.45. The cost of using the SPTR as an alternative cost is $6.40 per day. The Program diverted an estimated total of 156,585 inmate days from the Leon County jail. This resulted in a daily savings of $61.05. The total cost savings was $9,559,514.25.

Reminder: In compliance with subsection 4(b)10, the *List of Violators* is attached.

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year: 2012

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
ALTONA, WISLI	226023		09/04/12		
Case Number	*Charge*				
2012CF2557A1	GRAND THEFT FROM RETAIL MERCHANT				
BAKER, ZACHARY	225435		08/22/12		
Case Number	*Charge*				
2012MM2710A4	DAMAGE PROP-CRIM MISCH OVER 200 DOLLARS UNDER 1000 DOLLARS				
2012CF2633E8	CRIMINAL MISCHIEF (OVER $200 UNDER $1000 DAMAGES)				
BARBER, WILLIE	11897			12/06/12	
Case Number	*Charge*				
2012MM4979A1	DOMESTIC BATTERY				
BARNES, JENISE	217329	07/25/12			07/25/12
Case Number	*Charge*				
2012MM2148A1	FTA/BATTERY				
BELK, CHARLES	220273		01/30/12		
Case Number	*Charge*				
2011CF2808A1	AGGRAVATED ASSAULT WITH DEADLY WEAPON				
BRADFORD, JOHN	221925	08/20/12			08/20/12
Case Number	*Charge*				
2012MM2260A1	FTA/VIOLATION OF DOMESTIC VIOLENCE INJUNCTION				
2012MM2332A1	FTA/VIOLATION OF DOMESTIC VIOLENCE INJUNCTION				
BROWN, WINSTON	152174	06/11/12			06/11/12
Case Number	*Charge*				
2011CF2249A1	FTA/POSSESSION OF COCAINE				
BRYANT-RIVERS, DAROHN	210595			02/02/12	
Case Number	*Charge*				
2011CF4015A1	VOP/BURGLARY OF STRUCTURE				
2011CF4015A2	VOP/POSSESSION OF BURGLARY TOOL				
2011CF4015A3	CRIMINAL MISCHIEF (UNDER $200 DAMAGES)				
2011CF4015A4	PETIT THEFT				
CLEMONS, WILLIAM	121494		03/29/12		
Case Number	*Charge*				
2011CF1994A1	VOP/POSSESSION OF AMPHETAMINE				
COLSON, YASHIRA	159490		11/14/12		

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
Case Number *Charge*					
2012CF3488A1 AGGRAVATED BATTERY WITH A DEADLY WEAPON					
2012CF3488A2 RESISTING OFFICER WITH VIOLENCE					
CONNOR, KERYLINE	224902			09/28/12	
Case Number *Charge*					
2012CF1723A1 ARMED ROBBERY WITH FIREARM					
2012CF1723A2 ARMED ROBBERY WITH FIREARM					
2012CF1723A3 POSSESSION OF FIREARM BY DELINQUENT					
COOK, STACI	189027			01/23/12	
Case Number *Charge*					
2011CT3726A1 VOP/DRIVING UNDER THE INFLUENCE					
COPELAND, MILTON	225924			09/18/12	
Case Number *Charge*					
2012MM3158A1 POSSESSION OF PARAPHERNALIA					
DANIELS, SCOTT	8243			01/20/12	
Case Number *Charge*					
2011MM4212A1 VIOLATION OF DOMESTIC VIOLENCE INJUNCTION					
2011MM4212A2 VIOLATION OF PROBATION OR COMMUNITY CONTROL					
DAVIS, MICHAEL	223644	04/17/12			04/17/12
Case Number *Charge*					
2012MM1163A1 FTA/POSSESSION OF CANNABIS					
DAVIS, SERGEI	224221			06/12/12	
Case Number *Charge*					
2012MM1621A1 FTA/PETIT THEFT					
2013MM677A1 MARIJUANA-POSSESS NOT MORE THAN 20 GRAMS					
FERGUSON, RUDOLPH	62763			04/18/12	
Case Number *Charge*					
2010MM5410A1 RESISTING OFFICER WITHOUT VIOLENCE					
FLOWERS, BENETRIOUS	222590		01/24/12		
Case Number *Charge*					
2012CF150A2 OBTAINING OR ATTEMPTING TO OBTAIN HYDROCODONE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE					
FOSSITT, SYTINENIA	203350	03/27/12			03/27/12
Case Number *Charge*					

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
2012MM1211A1 FTA/BATTERY					
FRAGER, IVENET	222077	01/24/12			01/24/12
Case Number *Charge*					
2011CT4254A1 VOP/FTA/DRIVING UNDER THE INFLUENCE WITH BREATH ALCOHOL OF .15 OF HIGHER					
GARDNER, SEBASTIAN	172421	05/15/12			05/15/12
Case Number *Charge*					
2012MM1295A1 FTA/POSSESSION OF CANNABIS					
GRANT, TARA	192632	04/17/12			04/17/12
Case Number *Charge*					
2011MM4964A1 FTA/VOP/NARCOTIC EQUIP-POSSESS AND OR USE					
HENLEY, LERIAH	225083	07/03/12			07/03/12
Case Number *Charge*					
2012MM2405A1 FTA/BATTERY					
2012MM2405A2 FTA/BATTERY					
2012MM2405A3 FTA/TRESPASSING OCCUPIED STRUCTURE OR CONVEYANCE					
HENRY, SHAMETRA	218824	07/23/12			07/23/12
Case Number *Charge*					
2011CF1852A1 FTA/POSSESSION OF COCAINE					
2011CF1852A2 FTA/POSSESSION OF PARAPHERNALIA					
HERRING, DOMINIC	224031	04/17/12			04/17/12
Case Number *Charge*					
2012MM1487A1 FTA/BATTERY					
HOLLOMAN, ADRIAN	215529	02/20/12			02/20/12
Case Number *Charge*					
2010CF3881A1 FTA/POSSESSION OF COCAINE					
HUDSON, JENAE	225704	08/14/12			08/14/12
Case Number *Charge*					
2012MM2983A1 FTA/TRESPASS ON PROPERTY AFTER WARNING					
2012MM2983A2 FTA/RESISTING OFFICER WITHOUT VIOLENCE					
2012MM2983A3 FTA/DISORDERLY INTOX					
HUNTER, RYAN	224803	08/29/12			08/29/12
Case Number *Charge*					
2012MM2129A1 FTA/FRAUDULENT USE OF CREDIT CARD					

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
JEAN-BAPTISTE, JERRYSON	223876			06/11/12	
Case Number	*Charge*				
2012MM1346A1	DOMESTIC BATTERY				
JOHNSON, XAVIER	225991		08/28/12		
Case Number	*Charge*				
2012MM3198A1	PETIT THEFT 1ST DEGREE PROPERTY 100 TO UND 300 DOLS				
2012MM3198A2	CRIMES AGAINST PERSON RESIST PROP RECOVERY RETAIL MERCHANT OR FARMER				
JONES, TERRANCE	216994		02/22/12		
Case Number	*Charge*				
2012CF241A1	FELONY FLEEING OR ATTEMPTING TO ELUDE OFFICER				
2012CF241A2	DRIVING WHILE LICENSE SUSPENDED OR REVOKED				
2012CF241A3	RECKLESS DRIVING				
JORDAN, KIMBERLY	210288		08/08/12		
Case Number	*Charge*				
2012CF2364A1	VOP/FELONY BATTERY				
JORDAN, TYSHONDA	226884	11/20/12			11/20/12
Case Number	*Charge*				
2012CF3150A1	FTA/GRAND THEFT FROM RETAIL MERCHANT				
KESTER, WESLEY	223756		07/13/12		
Case Number	*Charge*				
2012MM1247A2	FTA/TRESPASS ON PROPERTY				
LEES, JORDAN	213287			06/12/12	
Case Number	*Charge*				
2012MM2204A1	POSSESSION OF BLANK PRESCRIPTION FORM				
MATTHEW, KELVIN	222335			02/23/12	
Case Number	*Charge*				
2011MM5779A1	DOMESTIC BATTERY				
MCKAY, SHARON	222367	04/04/12			04/04/12
Case Number	*Charge*				
2011MM5812A1	VOP/DOMESTIC BATTERY				
MELOCHE, RONALD	223864			08/20/12	
Case Number	*Charge*				
2012MM1336A1	DOMESTIC BATTERY				

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
MOSLEY, JENNIFER	142535	09/05/12			09/05/12

Case Number	Charge
2011CF304A1	CRIMINAL USE OF PERSONAL IDENTIFICATION INFORMATION
2011CF304A2	GRAND THEFT

NELSON, WILLIE	226186		09/04/12		

Case Number	Charge
2012MM3369A1	POSSESSION OF CANNABIS
2012MM3369A2	POSSESSION OF PARAPHERNALIA

OGLESBY, LUCIUS	221809	01/03/12			01/03/12

Case Number	Charge
2011CT4095A2	RESISTING OFFICER WITHOUT VIOLENCE

PUGH, VONDARIUS	213996			02/03/12	

Case Number	Charge
2010CF3023A1	VOP/GRAND THEFT BY P.W.B.C.

RANDOLPH, GLORIA	224517			06/12/12	

Case Number	Charge
2012CF1362A1	GRAND THEFT

REDIFER, HEATHER	227090		12/14/12		

Case Number	Charge
2012MM4222A1	DISORD CONDUCT
2012MM4222A2	CRIMINAL MISCHIEF (UNDER $200 DAMAGES)

REDMOND, EBONY	217466	06/07/12			06/07/12

Case Number	Charge
2011CF2511A1	CRIMINAL MISCHIEF
2011CF2511A2	FTA/BATTERY
2011CF2511A3	FTA/BATTERY

REEDY, CHARLEE	138209		01/03/12		

Case Number	Charge
2007CF4083A1	VOP/POSS. OF LORTAB
2007CF4083A2	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE
2007CF4083A3	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE
2007CF4083A4	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE
2007CF4083A5	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
2007CF4083A6	FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE				
2007CF4083A7	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE				
2007CF4083A8	VOP/OBTAINING OR ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE BY FORGERY, MISREPRESENTATION, FRAUD OR SUBTERFUGE				
RESHARD, ALEXANDERIA	175284	05/01/12			05/01/12
Case Number	*Charge*				
2012MM710A1	FTA/BATTERY				
ROBINSON, DENNIS	223246	10/02/12			10/02/12
Case Number	*Charge*				
2012MM796A1	FTA/MARIJUANA-POSSESS NOT MORE THAN 20 GRAMS				
ROBINSON, EUGENE	224783		07/30/12		
Case Number	*Charge*				
2012MM2101A1	LOITERING OR PROWLING				
2012MM2178A1	PETIT THEFT 1ST OFF				
ROSENBERRY, TABER	223648		04/19/12		
Case Number	*Charge*				
2012MM1166A1	PETIT THEFT 1ST OFF				
SABEK, ALIFFER	224257			10/18/12	
Case Number	*Charge*				
2012CF1222A1	GRAND THEFT OF MOTOR VEHICLE				
SENTERFITT, GEARY	193135			10/17/12	
Case Number	*Charge*				
2012MM2957A1	DOMESTIC BATTERY				
2012MM2957A2	BATTERY				
SHELBY, THOMAS	223308	03/20/12			03/20/12
Case Number	*Charge*				
2012MM851A1	FTA/PETIT THEFT				
SMITH, SHIKELA	202905		05/04/12		
Case Number	*Charge*				
2012MM1072A1	DOMESTIC BATTERY				
TODD, ANTHONY	58185			07/03/12	
Case Number	*Charge*				

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
2012CF619A1 VOP/BATTERY					
TORRES, ALEXANDER	209384		01/10/12		
Case Number *Charge*					
2011CF1575A1 VOP/TRESPASS UNOCCUPIED CONVEYANCE					
2011CF1575A2 VOP/TRESPASS UNOCCUPIED STRUCTURE					
VAZQUEZ, JOSE	223264		06/11/12		
Case Number *Charge*					
2012MM814A1 DOMESTIC BATTERY					
2012MM814A2 RESISTING OFFICER WITHOUT VIOLENCE					
VERDIANO, JORDAN	219307			03/26/12	
Case Number *Charge*					
2011CF2173A1 VOP/FELONY BATTERY					
WARD, JOHN	11160		08/10/12		
Case Number *Charge*					
2012CT584A1 DRIVING UNDER THE INFLUENCE CAUSING DAMAGE TO PERSON OR PROPERTY					
WARREN, COTY	222089	02/09/12			02/09/12
Case Number *Charge*					
2011CF3828A1 VOP/TRESPASS ON PROPERTY					
WHORTON, WILLIAM	209881	11/13/12			11/13/12
Case Number *Charge*					
2012MM4439A1 FTA/CRIMINAL MISCHIEF (UNDER $200 DAMAGES)					
2012MM4439A2 FTA/CARRYING A CONCEALED WEAPON					
WILLIAMS, BERNARD	36096		10/04/12		
Case Number *Charge*					
2012MM1601A1 DOMESTIC ASSAULT					
2012MM1601A2 RESISTING OFFICER WITHOUT VIOLENCE					
TOTALS		**24**	**20**	**18**	**24**

Leon County Supervised Pretrial Release Program Public Registry Activity Summary

501-C Appleyard Drive, Tallahassee, FL 32304

Year: 2012

	Interviewed		Assessed		Accepted	
Month	**Indigent**	**Total**	**Indigent**	**Total**	**Indigent**	**Total**
JANUARY, 2012	0	254	0	193	18	26
FEBRUARY, 2012	0	237	0	143	20	26
MARCH, 2012	0	251	0	129	28	44
APRIL, 2012	0	243	0	151	31	47
MAY, 2012	0	258	0	167	23	34
JUNE, 2012	0	236	0	184	21	31
JULY, 2012	0	241	0	185	25	37
AUGUST, 2012	0	319	0	235	23	29
SEPTEMBER, 2012	0	277	0	227	19	23
OCTOBER, 2012	0	335	0	254	28	35
NOVEMBER, 2012	0	283	0	257	23	34
DECEMBER, 2012	0	273	0	217	29	35
Totals	**0**	**3,207**	**0**	**2,342**	**288**	**401**

Leon County
Board of County Commissioners

Notes for Agenda Item #17

Leon County
Board of County Commissioners

Cover Sheet for Agenda #17

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Proposed Low-Impact Development Standards and Incentives

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	John Kraynak, P.E., Director, Environmental Services Division Ryan Culpepper, Director, Development Services Division

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the proposed low-impact development standards and incentives and direct staff to draft an Ordinance to implement standards and incentives.

Report and Discussion

Background:
Low impact development (LID) can be defined as a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the predevelopment hydrologic conditions of developing watersheds. LID is a manner of land development that seeks to mimic predevelopment hydrology to protect watercourses, habitat, baseflow and groundwater recharge. It also protects water quality by minimizing the pollutant loading to our surface waters from developed areas. Additionally, LID-based stormwater mitigation applications will reduce the need for large and oftentimes aesthetically unpleasing stormwater management facilities that require fencing and landscaping due to unsafe side slopes.

Stormwater runoff occurs when rain falls at a rate that is more than the surface can absorb, allowing excess water flow into our streams and lakes. Undeveloped and undisturbed land typically has the ability to absorb small, frequent storms and a substantial portion of the larger storms before runoff occurs. After development, extra runoff is generated when impervious area is added to the property. Designing a development in a manner that generates excess stormwater runoff has caused several undesirable effects, such as: 1) the basin loses more water after development because impervious area blocks the soil from absorbing water; 2) pollutants flow across impervious surfaces and wash into our surface waters; and, 3) watercourses become eroded and scoured from increased flow rates and volumes. In addition, traditional stormwater management infrastructure includes unsightly pipes, outfalls, concrete channels and fenced "square boxed" ponds.

This item is essential to the following FY 2012 & FY 2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

- "Integrate low impact development practices into the development review process."

This particular Strategic Initiative aligns with the Board's Strategic Priorities – Environment.

- "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." (EN1)

and

- **"**Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns." (EN2)

Analysis:
The basic premise of LID is to decentralize stormwater treatment by reducing runoff and designing infiltration techniques before the runoff reaches the stormwater pond. Developed land must look and function differently than traditional development to protect and restore water resources and mimic predevelopment hydrology.

Some design elements that are barriers to water resource protection are:

- Elevated landscape islands in commercial parking areas;
- Curbs that prevent runoff from flowing off a street or parking lot onto landscape areas;
- Roof drains directly connected to an underground storm sewer system;
- Tightly manicured lawns with no natural areas; and
- Minimum parking requirements that create large, impervious parking areas with vacant spaces much of the time.

LID provides many environmental and economic benefits as follows:

- Improved water quality – Stormwater runoff collects pollutants such as oil, bacteria, sediments, metals, hydrocarbons, and nutrients from impervious surfaces and discharge these to our streams, rivers, and lakes. Utilizing LID design solutions will reduce pollutant-laden stormwater reaching our surface waters and groundwater. Improved water quality increases property values and lowers the potential cost of clean-up to the taxpayers. LID would be one of many tools used in the Basin Management Action Plan (BMAP) process for meeting total maximum daily loads (TMDLs) for Lake Lafayette and anticipated for Lake Munson.
- Reduces costly flooding events – Ditches and drains are designed to deliver runoff to our waterways, but can rapidly flood when large volumes of stormwater enter these conveyances. Implementing LID practices would reduce the volume and speed of stormwater runoff, thus decreasing flooding and property damage.
- Restored aquatic habitat – Rapidly moving stormwater erodes stream banks and scours stream channels, obliterating habitat for fish and other aquatic life. Using LID practices would reduce the amount of stormwater reaching a surface water system and help maintain natural stream channel functions and habitat.
- Improved groundwater recharge – Runoff that is quickly discharged through ditches and drains into surface waters cannot infiltrate into the ground. LID practices retain more rainfall on-site, allowing it to enter the ground and be filtered by soil as it seeps down to the water table. This can reduce pollutants reaching Wakulla Springs by preventing transfer of pollutants to our sinks and rapid infiltration stormwater ponds located below the Cody Scarp.
- Enhanced neighborhood aesthetics – Traditional stormwater management infrastructure includes unsightly pipes, outfalls, concrete channels and fenced ponds. Using LID broadly can increase property values and enhance communities by making them more beautiful, sustainable and wildlife friendly.
- Mitigate the "heat island effect" – When implemented broadly, LID can also mitigate the urban "heat island effect" by infiltrating water running off hot pavements by utilizing shading and minimizing impervious surfaces.

Staff seeks Board direction to proceed with the development of LID standards and incentives. If approved, staff will focus on the following LID concepts and associated design solutions:

1. **Bioswales/Inverted landscape islands.** Current landscape islands are primarily required for aesthetics and shading of parking. By simply inverting the islands, many benefits are realized (Attachment #1). The runoff is treated using vegetation and biological organisms while the volume of runoff is reduced before discharging to the stormwater pond. This also increases infiltration and groundwater recharge, and can add to the aesthetics and improve biodiversity, as well as reduce the size of the onsite stormwater pond. Staff intends to incentivize this concept by increasing the landscape credit for implementation of this type of stormwater treatment-based landscape island.

2. **Minimize directly connected impervious areas.** Most residential development collects road and roof runoff in street inlets, which are then hard-piped directly to a centralized stormwater treatment pond. By eliminating the pipes and replacing them with roadside swales, or even capturing sidewalk drainage before it enters the piped conveyance system, significant water quality benefits can be achieved (Attachment #2). Most of the runoff from small storm events would percolate in the swales and never reach the stormwater pond, versus directly piping the runoff which guarantees that it will reach the stormwater pond. The anticipated reduction in piped volumes would directly result in smaller centralized stormwater ponds. In addition, simply requiring that roof gutter systems discharge across existing yard vegetation can reduce runoff versus piping the gutters to the storm sewers. Staff intends to provide incentives to disconnect these impervious areas.

3. **Promote pervious pavements.** Pervious pavement allows rainwater to percolate through the paving and into the ground, decreasing runoff. This reduces stormwater runoff volumes and minimizes the pollutants introduced into stormwater runoff from parking areas. Additionally, the utilization of pervious driveway and parking surfaces will result in smaller onsite stormwater ponds. Pervious pavement techniques include porous asphalt, pervious concrete, paving stones, and manufactured "grass pavers" made of concrete or plastic (Attachment #3). Pervious pavements may be used for walkways, patios, plazas, driveways, parking stalls and overflow parking areas. The Target store parking lot in Bradfordville is an example of pervious asphalt and the Tallahassee Mall overflow parking contains grass pavers. Staff intends to provide incentives to make this alternative more cost effective.

4. **Utilize natural/planted area on residential lots.** Lawns require watering, mowing, aerating and in most cases, chemicals. Lawns are not as effective at absorbing and retaining water as natural forest leaf litter, native grasses, shrubs, trees and wild flowers. Replacing lawns with native vegetation can reduce stormwater and filter pollutants. An example of this concept is the Madera Subdivision in Gainesville (Attachment #4). When designed and installed correctly, native landscapes require less maintenance and equipment than a traditional lawn. Staff intends to investigate incentives to promote this natural approach to stormwater management.

5. **Revise the parking standards.** Currently, the Leon County Land Development Code (LDC), specifically Chapter 10, Article VII, Division 5, maintains a list of general land use types and a typical standard for calculating the required minimum off-street parking spaces for each land use type. The required spaces are typically determined by the amount of square footage associated with the proposed land use. The LDC also provides a threshold for the required parking based on the zoning district of the proposed use. This threshold can allow a range of required parking, generally within 10-15% of the required minimum. However, the minimum standard parking requirements are based on standards established more than 25 years ago. Additionally, these standards were designed to accommodate larger vehicles with little focus on the environmental impact of the impervious footprint. With the growing popularity of smaller, more energy efficient vehicles, the concern over stormwater runoff and the decreasing supply of available land for non-residential development, the re-evaluation of minimum parking standards appear to be a logical next step to further the implementation of LID standards.

   The current standards require non-residential developments to allocate a large portion of the site to provide parking for the proposed land use. The resulting "sea of parking" can limit the site's development potential. As a result of the increased area allocated for parking, the resulting stormwater management facilities are increased, further limiting the area allocated for building square footage. The LDC was amended in 2008 to provide flexibility in the minimum required parking by providing a range of parking percentages in each zoning district. This flexibility has been met with mixed results, with several applicants desiring more parking than the typical minimum, while few have elected to provide less than the typical minimum.

   A preliminary analysis of other similar-sized jurisdictions indicates that the County's current parking standards may be excessive. Not only could the parking spaces be reduced, but it appears that the parking dimensions could be revised as well. Many jurisdictions have implemented LID practices in their parking standards by requiring principles such as bio-swales, pervious parking surfaces and an increase in the use of compact car parking. The use of these LID techniques can help reduce the impervious surface footprint, reduce the area associated with stormwater management facilities, enhance the aesthetics of parking areas and provide more flexibility in the design of a proposed development, all while implementing the Board's Strategic Priority of protecting the environment.

6. **Rain gardens and rain barrels (Attachment #5).** Other LID techniques include rain gardens and rain barrels. A rain garden is a shallow depression planted with suitable trees, shrubs, flowers, and other plants intended to capture and absorb stormwater runoff from impervious areas including roofs, driveways, sidewalks and compacted lawn areas. They can be used as a buffer to capture and absorb runoff from the home landscape before it enters a lake, pond, or river.

   Rain barrels and cisterns capture and store rainwater from roofs for future use, reducing stormwater runoff and possibly decreasing irrigation costs. They require limited space and are relatively easy to install, but they must be emptied on a regular basis.

Both rain gardens and rain barrels are effective LID tools, but must be maintained and managed through the life of the residential structure, which may pose regulatory challenges for monitoring and enforcement. Staff intends to investigate these options further to see if stormwater treatment credits can be provided for their water quality benefits.

7. **Redevelopment Incentives.** Many of the County's older developed sites were constructed with no landscaping and stormwater requirements. Some of these sites are abandoned and/or have been redeveloped. Currently, the LDC provides incentives for redevelopment projects. These incentives include reduced landscape and natural area requirements and credit for impervious area toward stormwater rate control requirements. Staff intends to investigate additional incentives for redevelopment if LID design applications are incorporated into the project. The water quality benefits from LID are important in reducing pollutant loads and may warrant reducing the stormwater treatment volumes. The site plan process may also be expedited to incentivize the incorporation of LID design application during the redevelopment process.

Staff proposes to draft Ordinance language to implement the LID standards and incentives as outlined, and then obtain comments from the Science Advisory Committee, the Development Support & Environmental Management (DSEM) Citizen's User Group, and Planning Commission prior to finalizing the Ordinance for Board consideration. Staff is requesting Board direction to proceed with the process of drafting the LID Ordinance.

Options:

1. Approve the proposed low-impact development standards and incentives and direct staff to draft an Ordinance to implement the standards and incentives.

2. Do not approve the proposed low-impact development standards and incentives and do not direct staff to draft an Ordinance to implement the standards and incentives.

3. Board direction.

Recommendation:

Option #1.

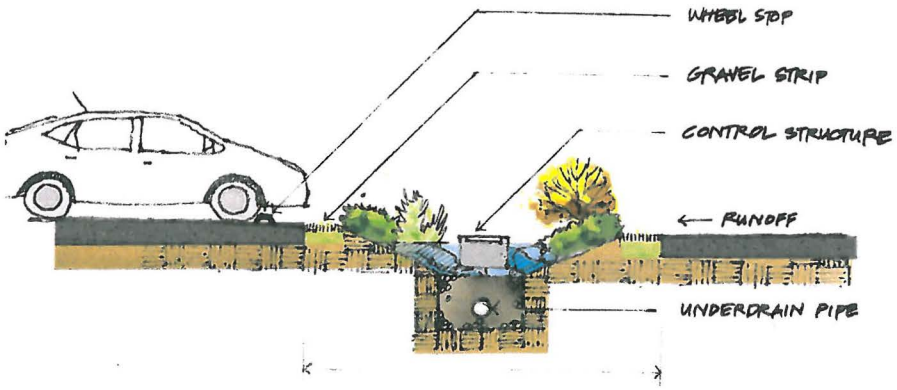
Attachments:

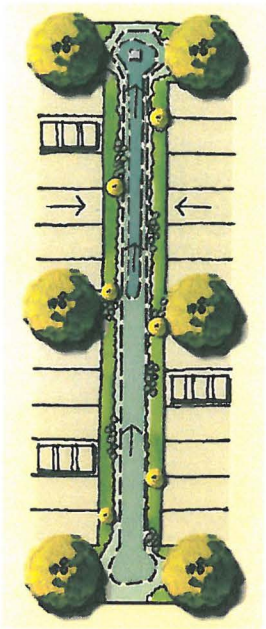
1. Bioswales/inverted landscape Islands
2. Roadside vegetative swales
3. Pervious pavement
4. Natural/planted area
5. Rain gardens and rain barrels

VSL/TP/DM/JK

UF UNIVERSITY of FLORIDA
IFAS Extension

Bioswales/Vegetated Swales





This bioswale cross section (left) depicts the swale with an underdrain, which may not be necessary in naturally well drained soils. Surface runoff from the adjacent impervious area enters the swale diffusely through an energy reducing gravel strip and then flows through vegetative buffers along the edge of the bioswale. Swales can be designed with swale blocks (dashed lines perpendicular to flow arrows in plat view (right)) if there is a significant slope or by setting the discharge elevation of the control structure higher than the swale bottom if the swale has little relief.

Definition:

A bioswale or vegetated swale is a form of bioretention used to partially treat water quality, attenuate flooding potential and convey stormwater away from critical infrastructure. These systems are linear, with length to width dimensions much greater than the more typical 2:1 applied to bioretention cells.

Applications

- **Parking lot island and medians**
- **Residential roadside swales**
- **Highway medians**
- **Landscape buff**

Objectives:

The function of these open-channel (broad) drainageways is to convey stormwater runoff. They are often used as an alternative to, or an enhancement of, traditional stormwater piping. Bioswales are often integrated into parking lot and road medians and parallel to roadways to infiltrate and treat a portion of the stormwater volume. These systems can often be integrated into existing ditch and swale systems to increase their treatment function. Where soils are well drained, infiltration can also be facilitated in the swale by placing ditch blocks or weirs perpendicular to the flow path, causing small volumes of water to be captured in the swale and allowing more time for infiltration.

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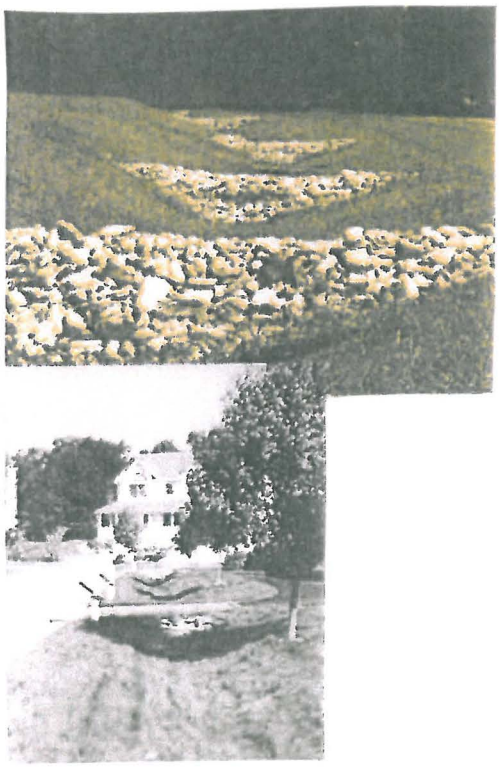
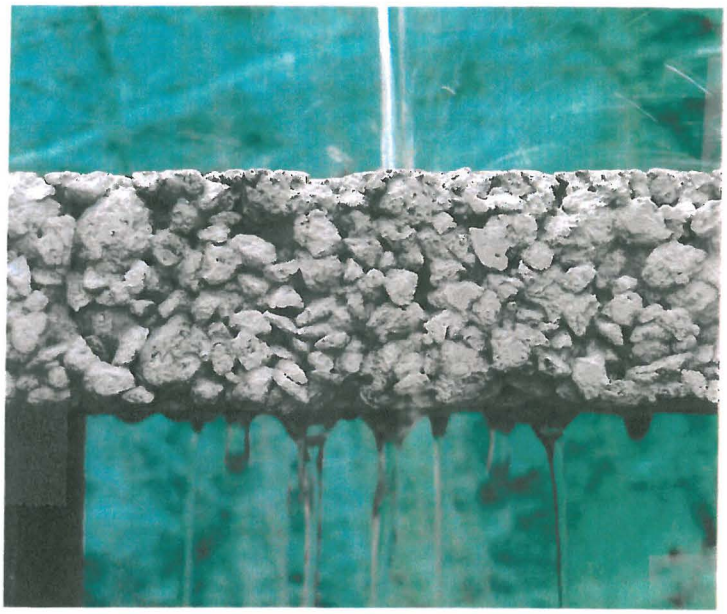
Vegetated Roadside Swales



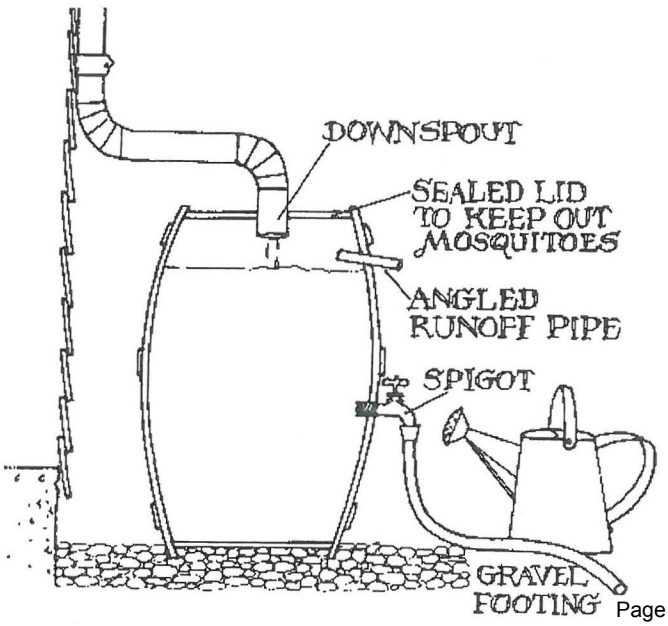
In Seattle's High Point neighborhood, roadside bioswales collect and filter stormwater, create a park-like feel and improve pedestrian safety.

Pervious Pavement



Natural/Planted Area

Rain Gardens and Rain Barrels



Leon County
Board of County Commissioners

Notes for Agenda Item #18

Leon County
Board of County Commissioners

Cover Sheet for Agenda #18

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Resolution Endorsing and Supporting an Across-the-Board Pay Raise for State of Florida Employees

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Kim Dressel, Senior Assistant to the County Administrator

Fiscal Impact:
This item does not have a fiscal impact.

Staff Recommendation:
Option #1: Approve Resolution endorsing and supporting an across-the-board pay raise for State of Florida employees (Attachment #1).

Report and Discussion

Background:
This agenda item and proposed Resolution have been prepared at the Chairman's request.

Analysis:
Our state has one of the most efficient and lowest paid state employee workforces in the United States. Florida has 112 state employees per 10,000 residents, the lowest ratio in the nation and more than 47 percent less than the national average. At the same time, Florida's employee payroll expenditure was $37 per state resident, which is the lowest cost for state public services in the nation and 50 percent less than the national average of $74 per state resident.

Effectiveness notwithstanding, our state employees have not received a general pay raise or cost of living adjustment in six years. Florida's state employees were last provided a pay adjustment of three percent in 2006, and received a nonrecurring one-time lump sum bonus payment of $1,000 in 2007. State employees' salaries have been measurably diminished by inflation and, since 2011, further reduced by the three percent employee retirement contribution, which is withheld from their salaries.

Leon County has 20,961 state employees, which is more than any other Florida county and about 20% of the entire state employee workforce. As such, the declining real income of our state employee workforce hinders not just the quality of life for these employees and their families but our entire local economy as well.

A state employee salary increase will have broad benefits for our community. For instance, a four percent across-the-board increase for state employees would add more than $32 million in additional income within Leon County alone. Greater purchasing power for 20,000 of our residents will significantly enhance our local businesses and, in turn, create more private sector jobs.

The local legislative delegation is attempting to address the issue during this year's session. Representative Michelle Rehwinkel Vasilinda has already filed legislation calling for a seven percent increase. According to a recent article in the Tallahassee Democrat, Senator Bill Montford proposed a four percent raise, with part given in July and the balance given in January 2014, and Representative Alan Williams will also propose a pay raise of up to five percent.

In addition, the Reverend R. B. Holmes, Jr. of Bethel Missionary Baptist Church and other members of the clergy have formed a coalition of community leaders to advocate for a state employee pay raise, and the City of Tallahassee approved a resolution endorsing and supporting an across-the board pay increase for State of Florida employees during its February 27, 2013 City Commission meeting.

In his budget recommendations for this year's legislative session, Governor Rick Scott has proposed a $167 million, across-the-board bonus of $1,200 for state employees. This is in addition to $148 million for merit-based bonuses of $2,500 to $5,000. While the suggested bonuses would be an improvement over previous years, state employees – and our local economy -- are best served by a permanent pay raise.

The proposed Resolution respectfully urges the Florida Legislature to grant an across-the-board salary increase for state employees.

Options:

1. Approve Resolution endorsing and supporting an across-the-board pay raise for State of Florida employees.
2. Do not approve Resolution endorsing and supporting an across-the-board pay raise for State of Florida employees.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Proposed Resolution Endorsing and Supporting an Across-the-Board Pay Raise for State of Florida Employees

RESOLUTION NO. 13-_____

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA,
ENDORSING AND SUPPORTING AN ACROSS- THE-BOARD PAY RAISE FOR
STATE OF FLORIDA EMPLOYEES**

Whereas, the state of Florida is the largest employer in the Leon County employing over 20,000 individuals; and

Whereas, these individuals are our family members, neighbors, and friends, and their success enhances the quality of life for all residents; and

Whereas, state workers have not received a general pay raise or cost of living adjustment in six years; and

Whereas, Florida is the fourth largest state in nation, yet ranks last in the number of state employees per 10,000 residents and in the amount of labor cost for state public services; and

Whereas, state workers are a critical component to the financial stability of Leon County's local economy; and

Whereas, a salary increase for state employees will result in millions of dollars being invested in our community and will provide a direct benefit to our business community, our local economy, and to our citizens; and

Whereas, state workers are deserving of a pay increase as exemplified by their hard work and service to our community and the state of Florida.

Now, Therefore, Be It Resolved, due to the positive economic impact upon the Leon County and the improvement in the quality of life for the Leon County's residents, the Board of County Commissioners of Leon County, Florida respectfully urges the Florida Legislature to grant a salary increase for all state employees for the upcoming fiscal year.

This resolution shall take effect immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of March 2013.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:

By:_____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
Leon County Attorney's Office
Leon County, Florida

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

Leon County
Board of County Commissioners

Notes for Agenda Item #19

Leon County
Board of County Commissioners

Cover Sheet for Agenda #19

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Resolution of the County's Intent to Terminate and Authorization to Renegotiate the Fire and Emergency Medical Services Interlocal Agreement with the City of Tallahassee

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	N/A
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator

Fiscal Impact:

This item does have a fiscal impact. Under the current Interlocal Agreement, the County pays the City approximately $9.68 million for the provision of fire services to the unincorporated area and advanced life support (ALS) services within the City. Either entering into renegotiations with the City or authorizing a new fire fee study will result in an ongoing cost to the County at an amount to be determined.

Staff Recommendation:

Option #1: Approval of the Resolution to terminate the existing Fire and Emergency Medical Services Interlocal Agreement with the City of Tallahassee (Attachment #1).

Option #2: Authorize staff to proceed with a renegotiation with the City of Tallahassee regarding the provision of Fire Services to the unincorporated area and emergency life support services in the City limits.

Report and Discussion

Background:

Leon County has had a long history of contracting with the City of Tallahassee for the provision of fire services for the unincorporated area of the County. A contract for these services was originally entered into on March 1988. This agreement was amended a number of times through 2005. The agreement contained an automatic five-year renewal clause for an indefinite number of periods, unless either party requested the agreement be terminated twenty-four months prior to the end of the current period. On June 13, 2007, the City formerly notified the County of its intent to terminate and renegotiate the then current agreement (Attachment #2). The City also requested that a separate agreement relating to Advanced Life Support (ALS) be part of the negotiations. The City and County entered into negotiations, and in April 2009, a new interlocal agreement for an initial term of five years was executed (Attachment #3).

The aspects of the agreement addressing Emergency Medical Services are narrowly focused to the City providing ALS services and the County providing overall medical direction for all Basic Life Support (BLS) and ALS services. The agreement provides for a payment from the County to the City for these services.

The agreement provides that a jointly funded rate study would be implemented to determine the necessary funding to support the City of Tallahassee's Fire Department budget. The fire fee was set for a period of five years. Unincorporated area residents pay the fire fee, and the fee is collected in one of three methods: 1) on their City utility bill, if they are a customer; 2) a direct bill from the City; or 3) on the tax bill if they have not paid the direct bill, or they choose to have it placed on their tax bill.

As reflected in the memorandum from the County Attorney's Office (Attachment #4), the Interlocal Agreement includes a termination provision that must be exercised not later than 18 months before the expiration of the current term. Based on the existing five-year term commencing on October 1, 2009, this requires the Board to adopt the appropriate termination Resolution no later than April 1, 2013. By exercising the termination provision, this merely allows the County to enter into a renegotiation with the City regarding an extension to the agreement. If the termination provision is not exercised, than the existing agreement requires a new rate study be authorized not less than 18 months prior to the expiration of the current term and all other terms and conditions will remain the same. The rate study will determine the new fire services fee.

Analysis:

In these economic times, it is incumbent upon staff to provide the Board recommendations and options, which ensures maximum flexibility in addressing budgetary matters. This flexibility is imperative to guarantee the Board can demonstrate its continued fiduciary accountability for the unincorporated area citizens. Through a renegotiation with the City of Tallahassee, the County will have the opportunity to help develop the most effective fire services at the appropriate level of service in the unincorporated area; being provided at a cost that is acceptable to the Board. The exercise of the termination provision provides the Board this opportunity.

The existing agreement requires a new rate study to commence 18 months prior to expiration of the current term, which is September 30, 2014. The structure of the existing agreement does not include any provisions related to determining the appropriate level of service or associated budget for the provision of Fire Services. The rate study would therefore utilize the City's current and projected fire services budget in establishing a new five year fire services fee. By proceeding under the terms of the existing agreement, the County would have no option but to implement the results of the new rate study. Given the anticipated growth in expenditures, it is assumed that the rate study will result in a fee increase.

The City of Tallahassee's Fire Department provides an exceptional service to the residents of the community. However, as with all of the services the County provides, it is imperative that all opportunities for increased efficiency and costs savings be examined. The level of service being offered the residents of the City may not be commensurate with what is necessary or warranted for the unincorporated area. This approach of examining all options is consistent with how the County has addressed the overall budget deficits of the past several years. By authorizing termination, the County would merely be retaining the necessary flexibility through a renegotiation to ensure the cost and level of service being provided for the unincorporated area is appropriate.

The amount of funding being provided to the City annually is significant. The existing fire services fee for the unincorporated area generates approximately $6.8 million annually. Additionally, under the terms of the agreement, the County pays the City $2.88 million for the provision of ALS services through the Fire Department. The total annual payment to the City is $9.68 million. This equates to approximately 30% of the City's total $33.2 million annual budget for the fire department. In comparison, the total EMS budget, net of the payment to the City, is $13.4 million. If the termination provision is not exercised, the County will have no ability to effectively influence the long-term trajectory of these cost payments to the City and will be subject to the results of the rate study regardless of the study's outcome.

As noted in the background, the recommendation for approval to terminate the current agreement is identical to how the City and County addressed the conclusion of the previous Fire Services Agreement. Also, this approach is consistent with how the City and County are currently addressing the City's future utilization of the Transfer Station. As noted in Attachment #5, the City provided notice to the County to end the existing agreement regarding Transfer Station, although it contained an automatic extension. The letter in part stated,

> "So that we can work through the solid waste challenges that face us and achieve the most efficient and effective results for our citizens, we intend to let the agreement expire….We do this with full anticipation that we will be able to come to mutually beneficial resolutions that benefit our community."

This approach provided the City and the County the necessary flexibility to examine all options and approaches related to solid waste disposal; with an overall emphasis on reducing costs. At this point in time, City and County staff have been working closely to finalize a newly negotiated agreement. This process will result in reduced costs for all residents of the County, upon execution of a new interlocal agreement regarding the utilization of the transfer station.

Staff's recommendation includes authorizing the renegotiation of the agreement with the City to ensure the unincorporated area is receiving the most efficient and effective level of service at the lowest cost possible. With the recent significant reduction in County revenues, the County continues to evaluate cost-saving opportunities throughout the budget. Additionally, the Board has directed staff to evaluate possible increases for the stormwater and solid waste fees, which could be occurring at the same time as any changes in the fire services fee. These possible non-ad valorem changes will be discussed as part of the current budget process.

The City of Tallahassee provides exemplary services to our citizens and through the existing Interlocal Agreement, provides for fire protection to the entire unincorporated area. However, as the County currently supports 30% of the fire department's ongoing budget, it is important to periodically evaluate if the anticipated increases in cost and/or the current level of service being offered are appropriate for the unincorporated area. Upon approval of the Resolution by the Board, staff will notify the City of the intent to terminate and commence a renegotiation for fire services. The parameters of the renegotiation should initially focus on cost containment and the level of service being offered.

The exercise of the termination provision for fire services is an opportunity to have a discussion with the City as to overall cost and benefit the unincorporated area receives from the level of fire services being offered by the City. This recommendation is not in any way a reflection on the quality of the fire services being rendered; but rather, it is only intended to ensure that all necessary information is provided to the Board prior to a new fire services fee being authorized and implemented.

Options:

1. Approve the Resolution to terminate the existing Fire and Emergency Medical Services Interlocal Agreement with the City of Tallahassee.
2. Authorize staff to proceed with a renegotiation with the City of Tallahassee regarding the provision of Fire Services to the unincorporated area and emergency life support services in the City limits.
3. Do not approve the Resolution to terminate the existing Fire and Emergency Medical Services Interlocal Agreement and direct the County Administrator to implement the current Interlocal Agreement requirement to commence a new fire services fee study.
4. Board direction

Recommendation:

Options #1 and #2.

Attachments:

1. Resolution of Termination
2. June 13, 2007 City Letter
3. Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services
4. County Attorney February 20, 2013 memorandum
5. Solid Waste Letter from City Manager, January 10, 2012

RESOLUTION NO. R13-_____

RESOLUTION OF INTENT TO TERMINATE INTERLOCAL AGREEMENT REGARDING THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES.

RECITALS

WHEREAS, on April 16, 2009 Leon County and the City of Tallahassee entered into an Interlocal Agreement to administer the provision of fire suppression, fire prevention, and emergency medical services on a county-wide basis; and

WHEREAS, the Interlocal Agreement by and between Leon County and the City of Tallahassee provides for the funding and payment for fire rescue services by means of the levy and collection of special assessments upon benefited property; and

WHEREAS, the City and the County developed a rate study pursuant to the Interlocal Agreement and levied an annual fire services special assessment on each parcel or subdivided lot within the jurisdictional boundaries of the Parties for the provision of fire services consistent with the rate study; and

WHEREAS, pursuant to the Interlocal Agreement, the Current Term shall commence on October 1, 2009 and continue for a period of five (5) years or until terminated in accordance therewith; and

WHEREAS, the Interlocal Agreement provides that the agreement shall be extended automatically for an unlimited number of additional five (5) year terms unless either Party adopts a Resolution declaring its intent to terminate the agreement not later than eighteen (18) months before the expiration of the then Current Term.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, assembled in regular session this 12th day of March, 2013, and in accordance with the Interlocal Agreement Regarding the Provisions of Fire and Emergency

Medical Services by and between Leon County, Florida and the City of Tallahassee, dated April 16, 2009, hereby states and declares it intent to terminate said Agreement on September 30, 2014.

Proposed, presented and passed by the Board of County Commissioners of Leon County, Florida, this 12th day of March, 2013.

LEON COUNTY, FLORIDA

BY:_____
NICHOLAS MADDOX, CHAIRMAN
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

BY:_____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

CITY OF TALLAHASSEE

June 13, 2007

Parwez Alam, County Administrator
Leon County Courthouse
301 South Monroe Street, 5th Floor
Tallahassee, FL. 32301

Dear Mr. Alam: PA

As you are aware, the City of Tallahassee and Leon County have been under contractual agreement for the provision of fire services by the Tallahassee Fire Department within the unincorporated area of Leon County since March 31, 1988. Over the years, the original interlocal agreement has been amended a number of times, most recently on May 10, 2005. Under provisions of the last contract amendment, the expiration date of the contract was extended for a period of six months with an amended expiration date of June 30, 2009.

The City and County are also under contractual agreement for the provision of advanced life support services since February 3, 2004. The expiration date of this interlocal agreement was also extended to June 30, 2009 through an amendment signed by both parties on May 10, 2005.

The fire services interlocal agreement indicates the following as it relates to the term of contract:

> "The Agreement shall be extended automatically for an unlimited number of additional five (5) year periods unless written notice is provided by either party at least twenty-four (24) months prior to the end of the original or any extended agreement period."

This letter will serve as written notice of the City's intent to renegotiate the terms of the existing fire services interlocal agreement. This notice is provided in accordance with the interlocal agreement and within the twenty-four month notification deadline date of June 30, 2007. As the advance life support services interlocal agreement also expires at the same time, we would like to include this agreement in the renegotiation process.

Both of these services are critical to the welfare and safety of our community and as a result, we would like to expedite the renegotiation process so a revised interlocal agreement can be agreed upon quickly and taken to both the City Commission and County Board for ratification. I would like to recommend that we appoint a team comprised of City and County staff to begin working on renegotiation of both of these interlocal agreements.

CITY HALL
300 South Adams Street
Tallahassee, FL 32301-1731
850-891-0000

JOHN R. MARKS, III
Mayor

ANITA F. THOMPSON
City Manager

MARK MUSTIAN
Mayor Pro Tem

JAMES R. ENGLISH
City Attorney

ANDREW D. GILLUM
Commissioner

GARY HERNDON
City Treasurer-Clerk

ALLAN J. KATZ
Commissioner

SAM M. McCALL
City Auditor

DEBBIE LIGHTSEY
Commissioner

Parwez Alam
June 13, 2007
Page Two

I am confident that we can successfully resolve any issues associated with these agreements so our citizens can continue to receive the high level of fire and EMS services we have been providing. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

Anita F. Thompson

Anita Favors Thompson
City Manager

AFT/rl

cc: Mayor & City Commissioners
Leon County Board of Commissioners
James English, City Attorney

INTERLOCAL AGREEMENT REGARDING THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES

This Interlocal Agreement ("Agreement") is made and entered into as of this 16th day of April, 2009, by and between Leon County, Florida, a charter county and political subdivision of the State of Florida (the "County"), and the City of Tallahassee, Florida, a Florida municipal corporation (the "City"), collectively the Parties.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the Parties do hereby agree as follows:

Section 1. Administrative Management Committee.

An Administrative Management Committee (AMC), which shall consist only of the County Administrator and City Manager, shall make recommendations on policy to the Parties and execute the terms and conditions of this Agreement. The AMC shall appoint a Fire Chief and an EMS Chief who shall serve until said appointee shall resign or shall be terminated either by the County Administrator or the City Manager. The current Fire Chief and EMS Chief are hereby deemed appointed to their respective positions.

Section 2. Provision of Services.

A. Emergency Medical Services. The City shall provide Advanced Life Support (ALS) services continuously within the Primary Response Area (PRA) of those fire stations as designated by the AMC in Exhibit A. The County shall provide a Medical Director for ALS and Basic Life Support (BLS) services provided by the City to the County, who shall meet all requirements of, and perform the duties and obligations required of a medical director under, Chapter 401, Florida Statutes.

B. Fire Services. The City shall provide Fire Services continuously within the PRA of all fifteen (15) fire stations as designated in Exhibit B, and shall provide a level of services and maintain both minimum staffing and apparatus in accordance with a fire services five-year rate study (Rate Study), which upon adoption by the Parties will be made a part of this Agreement as Exhibit C. Fire stations may change from time to time to meet changing needs, but in no event shall the location change nor the number of fire stations decrease without the prior approval of the County.

Section 3. Funding of and Payment for Services.

The Rate Study, Exhibit C, shall be utilized to determine the amount of a special assessment and fire services fee to be imposed by the Parties during the period of the study. The AMC shall authorize development of a new Rate Study, including both Fire and Emergency Medical Services, not less than 18 months prior to expiration of the then Current Term, subject to the provisions of Section 4. Each such Rate Study, the cost of which shall be paid equally from Fire Services funds and Emergency Medical Services funds, shall be made a part of this Agreement upon adoption by the Parties.

The Parties may levy an annual fire services special assessment on each parcel or subdivided lot within the jurisdictional boundaries of the Parties for the provision of Fire Services consistent with the Rate Study, Exhibit C, and the City shall collect the same, including in the unincorporated area unless otherwise collected utilizing the provisions of §197.3632, Florida Statutes. The Parties shall levy and the City shall collect an annual fire services fee on each parcel or subdivided lot within the jurisdictional boundaries of the Parties for the provision of Fire Services consistent with the Rate Study, Exhibit C, which are not otherwise assessed.

The EMS MSTU Ordinance shall be revised or amended by the City prior to the Commencement Date hereof, so that the subject ordinance shall expire not earlier than the last day of the then Current Term. Payment for services shall be as provided in Exhibit D.

Section 4. Exhibits and Supplemental Provisions.

Exhibits A, B, C, D and E are attached hereto and incorporated herein as if fully set forth below. The Parties shall comply with the provisions set forth in Exhibits D and E.

IN WITNESS WHEREOF, the Parties cause this Agreement to be executed by their duly authorized representatives this 16th day of April, 2009.

LEON COUNTY, FLORIDA

By: _____
Bryan Desloge, Chairman
Board of County Commissioners

Date: 4/16/09

Attested by:
Bob Inzer, Clerk of the Court

By: John Stott, Deputy Clerk
Bob Inzer, Clerk

Approved as to form:
County Attorney's Office

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

CITY OF TALLAHASSEE, FLORIDA

By: _____
John R. Marks, III
Mayor, City of Tallahassee

Date: 4/16/09

Attested by:
Gary Herndon, City Treasurer-Clerk

By: _____

Approved as to form:
City Attorney's Office

By: _____ for
James R. English, Esq.
City Attorney

F08-00051
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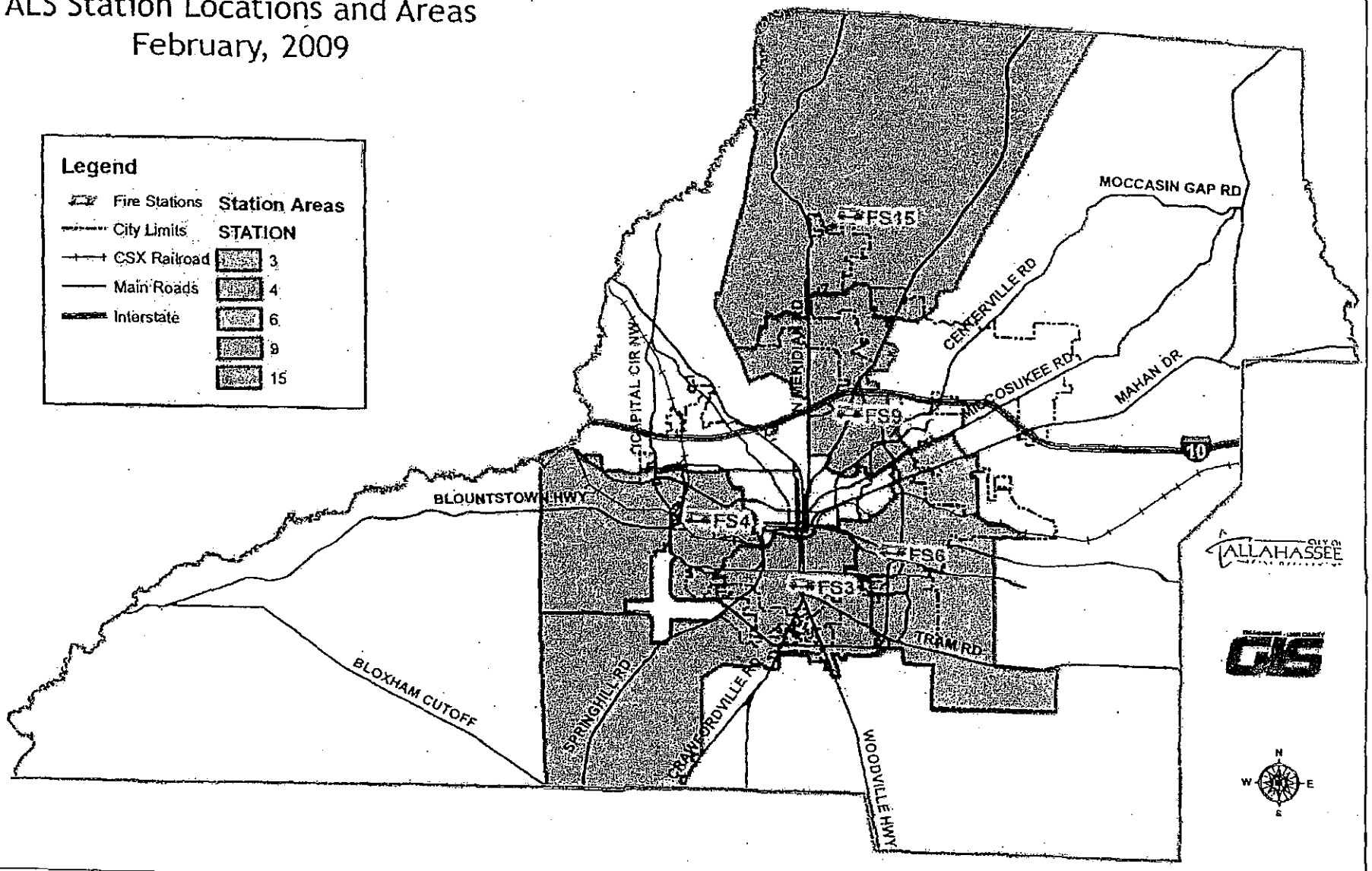
Tallahassee Fire Department

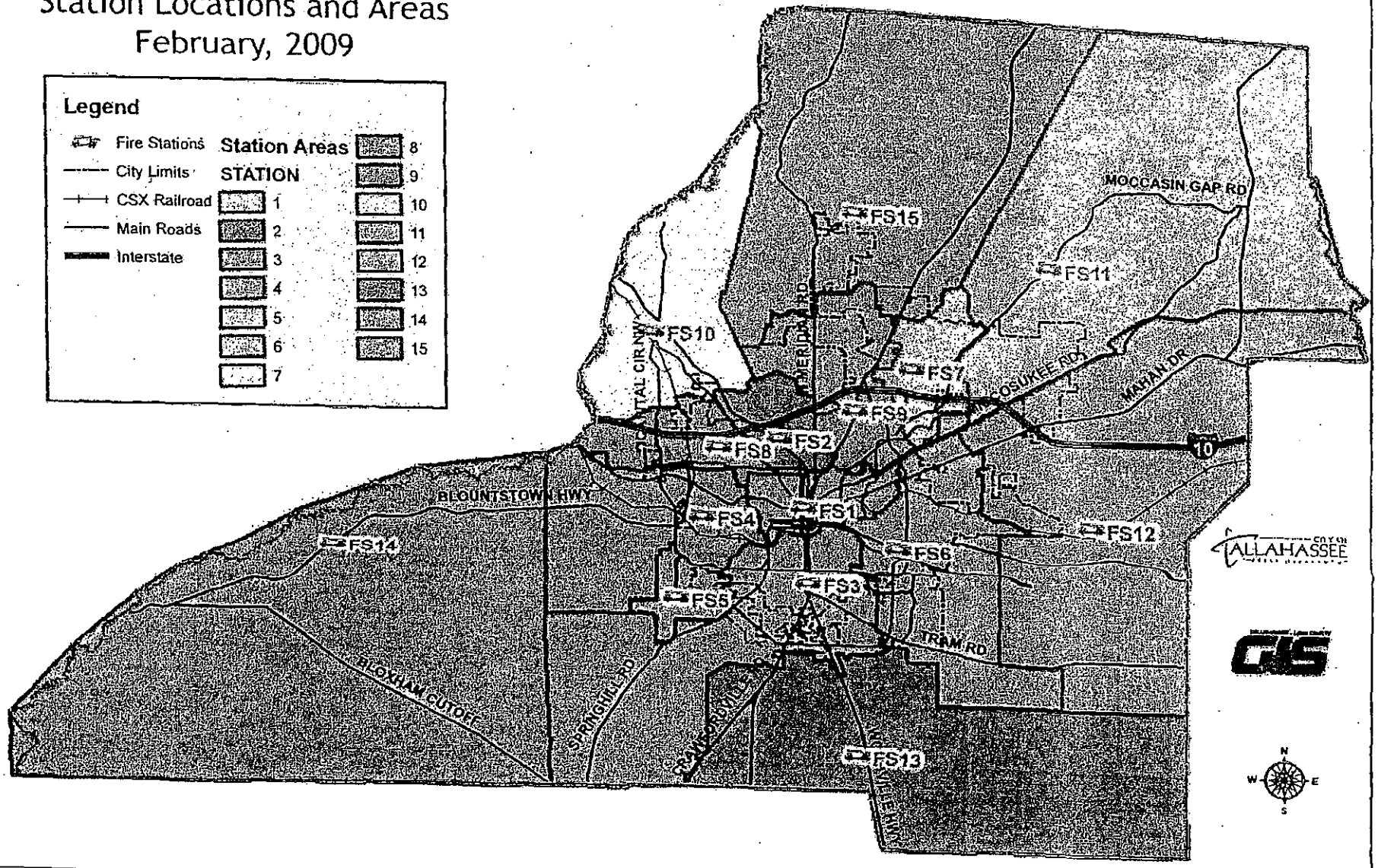
Interlocal Agreement - Exhibit A: ALS Station Locations and Areas February, 2009



Source: Tallahassee Fire Department, FireView for ArcGIS.
Created on 2/20/2009 by Patrick.Pence@talgov.com

Tallahassee Fire Department

Interlocal Agreement - Exhibit B: Station Locations and Areas February, 2009



Source: Tallahassee Fire Department, FireView for ArcGIS.
Created on 2/20/2009 by Patrick.Pence@talgov.com

Exhibit D

Payment for Services

1. The City shall collect all fire services fees and assessments imposed by the Parties, in both the incorporated and unincorporated areas of Leon County. The City hereby acknowledges that its collection of any fire services fees and assessments imposed by the County shall constitute full payment by the County to the City for all Fire Services provided under the Agreement, subject to the provisions of paragraph 7. Revenues from the unincorporated area will be accounted for in a separate revenue line within the Fire Services Fund.

2. On a quarterly basis and at the end of each fiscal year, the City will provide the County reports identifying total fire services fee revenue collections in the unincorporated area.

3. On or before the 10th day of October of each fiscal year, the City will remit to the County the amount included in the Rate Study for that fiscal year for the support of Volunteer Fire Departments.

4. The County agrees to pay the City the following amounts for all ALS services, as follows:

On or before the 10th day of each quarter (October, January, April and July), the County shall pay the City the amount of $675,503 for FY2010, $690,364 for FY2011, $705,552 for FY2012, $721,074 for FY2013 and $736,938 for FY2014.

5. Both the City and County recognize that fire services fee rates are based on an average assessable five-year budget. Possible surplus revenues collected in the early years are intended to offset probable increased costs in the latter years of the five-year rate study period. Any excess funds at the end of each fiscal year will be transferred into a Fire Services Reserve fund for future appropriation.

6. Increases in annual appropriations to the Fire Services Fund shall be restricted to the growth rates in expenditures as identified in the Rate Study. Deviation from these growth rates will need to be approved by the AMC and ratified by the City Commission.

7. Within six months of the end of each fiscal year, both Parties shall make a financial determination as to the percentage of fire services fees and assessments collected in proportion to the amounts billed for Fire Services for that fiscal year. In the event the amount collected is less than 95% of the amount billed by or on behalf of that Party for such fiscal year, that Party shall be responsible for remitting funds necessary to equal 95% of the amount billed, to the Fire Fund. If an annual shortfall occurs in the Fire Services Fund the AMC shall determine whether Fire Services Reserve funds should be released to address the deficiency. If Fire Services Reserve funds are not adequate, the AMC may make a recommendation on how to address the shortfall to the Parties and may authorize a new rate study be undertaken.

Exhibit E

1. Effective Date; Term; Termination; Default.

A. This Agreement shall be effective on the Effective Date. The initial Current term shall commence on October 1, 2009 ("Commencement Date") and continue for a term of five years or until terminated in accordance with this Exhibit. This Agreement shall be extended automatically for an unlimited number of additional five (5) year terms, subject to the provisions of this Exhibit.

B. 1. Should either Party desire to terminate this Agreement, it may do so by adopting the appropriate resolution so declaring its intent to terminate and notify the other Party not later than eighteen (18) months before expiration of the then Current Term. In such event, this Agreement shall terminate at the end of the then Current Term.

2. Should both Parties desire to terminate the Agreement before expiration of the then Current Term, the Agreement shall be deemed terminated upon the effective date of such termination.

C. 1. Should the City repeal or in any manner amend the EMS MSTU Ordinance without the prior written consent of the County except as otherwise provided herein, the City shall be deemed in default and the County may at its option forthwith terminate this Agreement.

2. If either Party fails to comply with any of the material terms or conditions of this Agreement or defaults in any of its material obligations under this Agreement and shall fail, within thirty (30) calendar days after written notice from the other Party, to correct such default or noncompliance, the non-defaulting Party may, at its option, forthwith terminate this Agreement.

D. 1. If this Agreement is terminated, the ownership of all equipment, all vehicles, and all medical supplies provided by the County or purchased by the City solely with funding provided by the County under this Agreement, shall revert to the County. The City shall convey such property to the County, "AS IS" AND WITHOUT WARRANTY OF ANY KIND and without further liability therefore, no later than thirty (30) days after the effective date of such termination.

2. (a) Upon termination of this Agreement, the City agrees to sell, at the sole option of the County: (1) fire stations 10 through 14, inclusive of land, or any interest therein, and the structures attached thereto, to the County at a price equal to the City's investment in same, but in no event to exceed $525,000; and/or (2) fire station 15, inclusive of land, or any interest therein, and the structure attached thereto, to the County at a price equal to the City's investment in same; and

(b) Upon termination of this Agreement, the City agrees to sell to the County, at the sole option of the County, all firefighting apparatus and vehicles located in stations 10-14 for a price equal to the unamortized portion of the equipment cost using a 15 year depreciation schedule for each tanker/pumper and engine and a 10 year depreciation schedule for each quick response vehicles and brush truck. In the event that the County does not elect to purchase any station which is constructed on land provided by the County, the City shall have the option to purchase the land from the County at its Fair Market Value.

E. The grounds for termination and the remedies set forth in this Exhibit are intended to be cumulative with those set forth in other paragraphs of the Agreement, as well as those otherwise available to the parties at law or in equity.

2. ALS Equipment and Supplies.

The County shall provide to the City all non-capital equipment, all repair services and replacements for such equipment, and all medical supplies and medications, as specified by the Medical Director or otherwise provided for in the Medical Protocols for use by the City in providing ALS Services; provided, however, that such obligation shall not include providing any of the following items: long spine boards, Kendrick Extrication Device, Sager Traction Splint, portable suction device, or Basic Life Support bandaging supplies not being routinely purchased by the City on the date first written above. All equipment, medical supplies, and medications furnished by the County to the City shall be of the same type, brand, and kind as used by the County in relation to its provision of Emergency Medical Services. Upon termination of this Agreement, the City shall return to the County all such equipment, supplies and medications, which was provided by the County and is then in possession of the City.

3. Definitions.

Unless otherwise defined in this Agreement, the following words and phrases shall have the following meanings:

A. "Advanced Life Support" or "ALS" shall mean treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, pursuant to rules of the FDOH.

B. "Agreement" shall mean this Agreement and all exhibits and documents that are expressly incorporated therein by reference.

C. "Basic Life Support" or "BLS" shall mean treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, CPR, splinting, obstetrical assistance, bandaging, administrative oxygen, administration of a subcutaneous injection using a pre-measured auto-injector of epinephrine to a person suffering an anaphylactic reaction, and other techniques

described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation.

D. "City" shall mean the City of Tallahassee, a Florida municipal corporation.

E. "County" shall mean Leon County, Florida, a Political Subdivision of the State of Florida, a Charter County.

F. "Current Term" shall mean the five (5) year term of this Agreement in effect at a particular point in time.

G. "Effective Date" shall mean the date upon which the last Party has fully executed this Agreement in accordance with the formalities imposed upon such entity required by Florida Law.

H. "Emergency Medical Services" or "EMS" shall mean the provision of ALS and BLS services.

I. "EMS Chief" shall mean the County employee primarily responsible for the administration and operation of the Leon County Emergency Medical Services Department.

J. "EMS MSTU Ordinance" shall mean City Ordinance No. 03-O-36AA adopted by the City on June 25, 2003, and all amendments thereto.

K. "FDOH" shall mean the Florida Department of Health.

L. "Fire Chief" shall mean the City employee primarily responsible for administration and operation of the Tallahassee Fire Department.

M. "Fire Services" shall mean the provision of the fire suppression and related services, facilities and programs. The term "Fire Services" does not include BLS or ALS services.

N. "Medical Director" shall mean the licensed emergency physician designated by the County to serve as the Medical Director with regard to the provision of Emergency Medical Services by the County and by the City, all in accordance with Chapter 401, Florida Statutes.

O. "Medical Protocol" shall mean any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the Medical Director as the medically appropriate standard of out-of-hospital care for a given clinical condition.

P. "Party(ies)" means either the City or County, or both.

Q. "Primary Response Area" shall mean the area, within which City vehicles and personnel from a specified fire station shall have primary duties for response to requests for services.

R. "Volunteer Fire Department" or "VFD" shall mean volunteer firefighters who are members of existing and future County approved volunteer firefighting organizations in the unincorporated area of the County.

4. Leon County Volunteer Fire Departments.

A. The City shall establish mutual aid agreements with all Volunteer Fire Departments. Such agreements shall include dispatching, required training, on-scene command and control, communications, co-location, and VFD procurement of supplies and equipment using City contracts.

B. Surplus Apparatus Property: As determined by the Fire Chief, serviceable apparatus that has been phased out of Tallahassee Fire Department inventory by the City shall be offered for lease to the VFD at a cost of one (1) dollar per year.

5. Conditions Precedent.

The effectiveness of this Agreement shall be specifically conditioned upon both Parties approving the Rate Study, and by addendum incorporating same into this Agreement as Exhibit C, not later than September 30, 2009.

6. Miscellaneous Provisions.

A. Amendments. The Parties hereby acknowledge that the terms hereof constitute the entire understanding and agreement of the Parties with respect to the subject matter hereof. No modification hereof shall be effective unless in writing, executed with the same formalities as this Agreement, in accordance with general law.

B. Assignment. The Parties agree not to assign any of the services specified by this Agreement to a third-party without the prior written consent of the other Party.

C. Indemnification. Each party agrees to indemnify, defend and hold harmless the other party, its officials, officers, and employees, from and against all liabilities, damages, costs and expenses, including but not limited to a reasonable attorney's fee, to the extent the same are caused by the negligent or wrongful acts or omissions of the indemnifying party, or its officials, officers, or employees, in the performance of this Agreement. The liability of each party, as set forth in this Paragraph, is intended to be consistent with limitations of Florida law, including the state's waiver of sovereign immunity pursuant to Section 768.28, Florida Statutes. No obligation imposed by this Paragraph shall be deemed to alter said waiver or to extend the liability of a party beyond such limits, nor shall any such obligation be deemed or construed as a waiver of any defense of sovereign immunity to which the indemnifying party may be entitled.

D. Conflict Resolution.

1. The Parties shall attempt to resolve any disputes that arise under this Agreement in good faith and in accordance with this Paragraph. The provision of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this section. The aggrieved Party shall give written notice to the other Party in writing, setting forth the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."

2. Should the Parties be unable to reconcile any dispute, the appropriate City and County personnel shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of both, they shall report their decision, in writing, to the City Manager and County Administrator. If they are unable to reconcile their dispute, they shall report their impasse to the City Manager and the County Administrator who shall then convene a meeting of the City Manager and County Administrator at their earliest opportunity, but in any event within 20 days following receipt of a Dispute Notice, to attempt to reconcile the dispute.

3. If a dispute is not resolved by the foregoing steps within thirty (30) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then either Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Party. The mediator shall meet the qualifications set forth in Rule 10.010(c), Florida Rules for Mediators, and shall be selected by the Parties within 10 days following receipt of the Mediation Notice. The mediation shall also with sufficient knowledge and experience in Fire and Emergency Medical Service matters. If agreement on a mediator cannot be reached in that 10-day period, then either Party can request that a mediator be selected by an independent conflict resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

4. If an amicable resolution of a dispute has not been reached within 60 calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then such dispute may be referred to binding arbitration by either Party. Such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

(a) Such arbitration shall be initiated by delivery, from one Party (the "Claimant") to the other (the "Respondent"), or a written demand therefore containing a statement of the nature of the dispute and the amount, if any, involved. The Respondent, within ten (10) days following its receipt of such demand, shall deliver an answering statement to the Claimant. After the delivery of such statements, either

Party may make new or different claims by providing the other with written notice thereof specifying the nature of such claims and the amount, if any, involved.

(b) Within ten (10) days following the delivery of such demand, each Party shall select an arbitrator and shall delivery written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select a third arbitrator.

(c) The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the third arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

E. Reporting Requirement and Billing for Services. The City shall not be entitled to bill or otherwise charge, in any manner whatsoever, recipients of Emergency Medical Services provided under this Agreement, such authority hereby being reserved to the County. The City hereby assigns to the County any and all rights to recover the costs, expenses, charges or fees to be imposed upon recipients of such Emergency Medical Services provided by the City under this Agreement. The City shall promptly input and provide to the County all recipient patient and billing data received in the course of providing Emergency Medical Services under this Agreement.

F. Notice. If written notice to a Party is required under this Agreement, such notice shall be given by hand delivery, recognized overnight delivery service, or by first class mail, registered and return receipt requested, to the County as follows:

County Administrator
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

With a copy to –

Chief, Emergency Medical Services
2290 Miccosukee Road
Tallahassee, FL 32308

and to the City as follows:

City Manager
City Hall
300 S. Adams Street, Box A-21
Tallahassee, FL 32301

With a copy to –

Fire Chief
327 N. Adams Street
Tallahassee, FL 32301

G. Choice of Law, Venue, and Severability. This Agreement shall be construed and interpreted in accordance with Florida Law. Venue for any action brought in relation to this Agreement shall be placed in a court of competent jurisdiction in Leon County, Florida. If any provision of this Agreement is subsequently held invalid, the remaining provisions shall continue ineffect.

H. Force Majeure. A party's timely performance of its obligations under this Agreement, only to the extent it is specifically affected thereby, shall be suspended, without forfeiture of any performance bond or the incurring of any financial liability, when and only for as long as performance of such obligations is prevented by reason of any of the following cases: (i) acts of God, including without limitation severe weather events, (ii) operation of law, and (iii) any other event beyond the reasonable control of the party whose performance is affected, to the extent not caused by such party's willful or negligent acts or omissions, except in those cases where that party could have reasonably foreseen and reasonably avoided the occurrence. The party affected by any such event shall give written notice thereof to the other party as soon as practicable after it becomes aware of such an event and, to the extent practicable, shall specify the anticipated length of the delay. The affected party shall use reasonable efforts to minimize the impact of that delay on that party's performance. Neither party shall be liable to the other for damages caused by such events.

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RESOLUTION NO. R09-11

RESOLUTION OF INTENT TO UTILIZE THE UNIFORM METHOD OF COLLECTING SPECIAL ASSESSMENTS

WHEREAS, it is mutually beneficial for Leon County and the City of Tallahassee County to cooperate in providing fire rescue services in the most efficient manner possible in order to promote the health, safety and general welfare of its citizenry; and

WHEREAS, the County and City desire to create a uniform administrative and financial mechanism for the provision of such fire rescue services to the citizens of Leon County on an equitable basis; and

WHEREAS, the City of Tallahassee and Leon County intend to enter into an Interlocal Agreement to administer the provision of fire suppression, fire prevention, and emergency medical services countywide; and

WHEREAS, the Interlocal Agreement by and between Leon County and the City of Tallahassee provides for the funding and payment for fire rescue services by means of the levy and collection of special assessments upon benefited property; and

WHEREAS, the Board of County Commissioners has determined that the properties which are specially benefited by the provision of fire rescue services shall be equitably assessed the costs of providing such fire rescue services; and

WHEREAS, Leon County has published its intent to utilize the Uniform Method for levying, collecting and enforcing such assessments and future assessments, pursuant to Section 197.3632, Florida Statutes, weekly in a newspaper of general circulation within Leon County for four consecutive weeks preceding the hearing; and

WHEREAS, Leon County wishes to utilize the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments for fire rescue services for properties located in

the unincorporated area of the County to be imposed pursuant to special law, general law, or municipal or county ordinance now and in the future.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, assembled in regular session this 26th day of February, 2009, pursuant to Chapter 197, Florida Statutes, hereby states its intention to utilize the Uniform Method of levying and collecting any and all non-ad valorem assessments for fire rescue services, and hereby finds it in the best interests of the County to levy, collect, and enforce all non-ad valorem assessments for fire rescue services imposed upon properties located in the unincorporated area of Leon County in the future.

Proposed, presented and passed by the Board of County Commissioners of Leon County, Florida, this 26th day of February, 2009.

LEON COUNTY, FLORIDA

BY: Bob Rackleff, Vice Chairman
BRYAN DESLOGE, CHAIRMAN
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

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

F08-00051
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BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Vincent S. Long, County Administrator

From: Patrick T. Kinni, Deputy County Attorney

Date: February 20, 2013

Subject: Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services

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The purpose of this memorandum is to provide information to you as a member of the Administrative Management Committee ("AMC"). As you are aware, the Interlocal Agreement Regarding the Provisions of Fire and Emergency Medical Services states that "[t]he AMC shall authorize development of a new Rate Study, including both Fire and Emergency Medical Services, not less than 18 months prior to expiration of the then Current Term, subject to the provisions of Section 4." Each Rate Study shall be paid for equally from Fire Services funds and Emergency Medical Services funds, thus the County Administrator and the City Manager are required to authorize a new rate study not later than April 1, 2013.

Further, Exhibit E to the Interlocal Agreement Regarding the Provisions of Fire and Emergency Services provides at paragraph 1.A. that "[t]he initial Current term shall commence on October 1, 2009 ("Commencement Date") and continue for a term of five years or until terminated in accordance with this Exhibit." Paragraph B.1. of Exhibit E states that, "[s]hould either Party desire to terminate this Agreement, it may do so by *adopting the appropriate resolution* so declaring its intent to terminate and notify the other Party not later than eighteen (18) months before expiration of the then Current Term." [emphasis added] Thus, any such intent to terminate must be provided not later than April 1, 2013 upon Resolution of the Board of County Commissioners. We have included a draft Notice of Intent to Terminate letter should you wish to consider same.

PTK/kam

Attachment: Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services
Correspondence from Tallahassee City Manager dated January 10, 2012
Draft letter to City Manager

cc: Alan Rosenzweig, Deputy County Administrator

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RECEIVED JAN 17 2012

CITY OF TALLAHASSEE

January 10, 2012

Mr. Vince Long
County Administrator
Leon County
301 S. Monroe Street
Tallahassee, FL 32301

Dear Vince,

Thank you for your letter of December 20, 2011, expressing your satisfaction with the progress made by our senior staff in discussions about solid waste in the city and the unincorporated area. I, too, am pleased and believe the discussions have been productive and would like to see them continue in their current form and format. Further, I believe we should continue discussions like these on all topics of mutual interest.

I know you and I both recognize the complexities facing both our solid waste businesses this coming year. Complexities that will challenge us but will also bring very unique opportunities to lower costs and increase service levels. Just a few items that the City must address are the expiration of the Transfer Station Agreement, the expiration of the collection services agreement, and new disposal options that were not previously available.

To that end, the Transfer Station Agreement between the City and County expires next year in April. The agreement was a commitment by the City in support of, and to ensure the financial viability of, the new transfer station. The purpose of the agreement has now ended. It was one of many agreements that have served to strengthen the relationship between the City and County. To officially terminate the agreement, either party must provide at least a 12-month termination notice. So that we can work through the solid waste challenges that face us and achieve the most efficient and effective results for our citizens, we intend to let the agreement expire. Please accept this as our official notice to allow the existing contract to expire on April 2, 2013. We do this with full anticipation that we will be able to come to mutually beneficial resolutions that benefit our community.

I am looking forward to working with you on these very important issues.

Sincerely,

Anita

Anita Favors Thompson
City Manager

AFT/

CITY HALL
300 South Adams Street
Tallahassee, FL 32301-1731
850-891-0000
TDD: 711 • Talgov.com

JOHN R. MARKS, III
Mayor

ANITA F. THOMPSON
City Manager

ANDREW GILLUM
Commissioner

JAMES R. ENGLISH
City Attorney

NANCY MILLER
Commissioner

JAMES O. COOKE, IV
Interim City Treasurer-Clerk

MARK MUSTIAN
Commissioner

SAM M. McCALL
City Auditor

GIL D. ZIFFER
Commissioner

Leon County
Board of County Commissioners

Notes for Agenda Item #20

Leon County
Board of County Commissioners

Cover Sheet for Agenda #20

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Consideration of 2013 Operation Thank You – Welcome Home Vietnam Veterans and Florida Veterans Foundation's Homeless Veterans Stand Down

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Shington Lamy, Assistant to the County Administrator Jan Carey, Veteran Services Officer

Fiscal Impact:
This item has a fiscal impact for the proposed 2013 Operation Thank You, which staff estimates will not exceed $15,000. Additionally, the item presents a funding request made by the Florida Veterans Foundation in the amount of $10,000 for the Homeless Veterans Stand Down. Funds are available in the General Fund Contingency to support both events.

Staff Recommendations:

Option #1: Approve the proposed 2013 Operation Thank You -Welcome Home Vietnam Veterans Event, and schedule for Saturday, March 30, 2013, and authorize the County Administrator to expend an amount not to exceed $15,000, and approve the associated Budget Amendment Request (Attachment #1).

Option #2: Direct staff to prepare a proclamation honoring the service of local Vietnam Veterans to be presented at the 2013 Operation Thank You – Welcome Home Vietnam Veterans Event.

Option#3: Approve the Florida Veterans Foundation's funding request in the amount of $10,000 for the Homeless Veterans Stand Down and approve the associated Budget Amendment Request (Attachment #2).

Report and Discussion

Background:

At the February 14, 2012 meeting, as requested by Commissioner John Dailey, the Board directed staff to develop a proposal to hold an event in downtown Tallahassee honoring returning veterans of the Iraq and Afghanistan military campaigns, as well as those currently serving in the armed forces.

Aligned with its Strategic Initiative, on March 13, 2012, the Board approved the Operation Thank You Downtown Block Party for May 18, 2012 to honor the service of post-September 11 local armed forces members and veterans. The Board also authorized the County Administrator to utilize up to $25,000 for Operation Thank You and directed staff to partner with Veterans Events of Tallahassee, Inc. (VET, Inc.).

These events are essential to the following FY 2012 & FY 2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

> "Hold "Operation Thank You!" celebration annually for veterans and service members."

This particular Strategic Initiative aligns with the Board's Strategic Priority – Economy,

> "Focus resources to assist local veterans, especially those returning from tours of duty, in employment and job training opportunities through the efforts of County government and local partners."

Analysis:

Leon County has a long tradition of supporting its local veteran community through an array of programs and services including the Leon County Active Duty Program, which was established to help offset financial obligations for their Service Members that were called to active duty to serve their Country. The Board has held an unwavering commitment to support members of the community that have dedicated their lives in order to protect the basic tenets of freedom. The Leon County Veteran Services Division, veteran members of the U.S. armed services regularly receive counsel and assistance in processing benefit claims, and obtaining other benefits offered by Leon County, the State of Florida, the United States Department of Veterans Affairs, and other federal government agencies.

During the fragile economic recovery, the Board has established additional programs and services tailored to meet the needs of active members and veterans of the U.S. military. To address the influx of troops returning home following the end of U.S. involvement in Iraq the Board established the Direct Emergency Assistance Program for Veterans in October 2012 and partnered with Workforce *Plus* to open the Leon County Veterans Resource Center, a service devoted to connecting veterans with employment opportunities, education benefits, counseling, and onsite training.

Despite its many efforts and commitment to veterans in the community, the County continually explores additional opportunities to support and recognize the dedication of local military service members and veterans. The following provides detailed information on the first Operation Thank You held last year and the proposed 2013 Operation Thank You. Information is also provided regarding the Florida Veterans Foundation's Homeless Veterans Stand Down of which the County's Veteran Services Division has been an active partner.

Operation Thank You 2012
The first Operation Thank You was held on May 18, 2012 on Adams Street, between Park Avenue and Jefferson Street; and on College Avenue between Duval Street and Monroe Street. In preparation for the event, the County Administrator formed the Operation Thank You Planning Team, comprised of County employees, to plan, coordinate, and execute the logistics for the occasion.

As previously mentioned, staff worked closely with VET, Inc. to secure entertainment, contact and meet with veteran organizations, and to promote the event to the community through media and advertising. Part of the promotion of the event included the "30 Days of Thanks" Public Services Announcement Campaign that featured messages of appreciation from family members of local military men and women, County Commissioners, the County Administrator, and the County Attorney.

According to the Tallahassee Police Department, more than 400 people attended Operation Thank You. The program of the event included the singing the National Anthem, a moment of silence for local armed forces loss in the Afghanistan or Iraq War, and live performance by Tom and the Cats. Approximately 40 vendors participated in the event, including military and veteran organizations, which provided information to the community about the programs and services available to military and veterans in Leon County.

Operation Thank You 2013 – "Welcome Home Vietnam Veterans"
This year marks the 40th anniversary of the order to withdraw U.S. troops from Vietnam. Staff recently learned, during a presentation by Lieutenant Governor Jennifer Carroll to a Senate Committee, that Governor Rick Scott will declare Saturday, March 30 as "Welcome Home Vietnam Veterans' Day," and subsequently, encourage all 67 counties to recognize the day in some form to honor the service of Vietnam veterans.

After learning of the Governor's intent, staff met with representatives of the local veteran organizations to discuss holding Operation Thank You 2013 as a more intimate and focused morning event on Saturday, March 30, 2013. The event would recognize local veterans that served in the Vietnam War, and raise public awareness of the day dedicated to honor a very important segment of the community. The local veteran organizations expressed considerable support to the proposed event and committed to providing assistance in promoting Operation Thank You to Vietnam veterans and the community.

Operation Thank You 2013 would consist of a morning ceremony at the Vietnam Veterans Memorial. The Vietnam Veterans Memorial is located near the corner of South Monroe Street and Apalachee Parkway, directly across from the Old Capitol Building. The program for the event would commence at 8:30 a.m. with a 30-minute ceremony that would include the presentation of colors, performance of the National Anthem, a moment of reflection for those soldiers loss during the Vietnam War, and brief remarks from Vietnam Veteran and former Prisoner of War, Bruce Archer. The local veteran organizations have estimated that approximately 100 Vietnam veterans are expected to attend the event.

Immediately following the ceremony, Vietnam veterans and guests would be served breakfast in the parking lot directly behind the Vietnam Veterans Memorial (corner of Apalachee Parkway and Calhoun Street) by County Commissioners, County staff, and volunteers. The event would end at 11 a.m. and is expected to not exceed a cost of approximately $15,000. Additionally, it is recommended that the Board direct staff to prepare a proclamation honoring the service of Vietnam Veterans to be presented at the Operation Thank You event.

Future annual Operation Thank You events would follow a similar format as proposed for this year. Such a format would provide the Board the opportunity to recognize military and/or veteran occasions significant to the Leon County community, such as the deployment of local troops, and properly honor the service of veterans.

Homeless Veterans Stand Down
During the February 12, 2013 Board meeting, a representative of the Florida Veterans Foundation, Inc. (Foundation) presented information on Homeless Veterans Stand Down event, which is scheduled to take place April 5-7 at the North Florida Fairgrounds (Fairgrounds). Homeless Veterans Stand Down is a national initiative that seeks to assist homeless veterans. Homeless veterans from around the Big Bend area would be brought to the Fairground to receive meals, clothing, and medical supplies. The County's Veteran Services Division would be stationed at the Fairgrounds for the duration of the event to provide information to veterans on the programs and services offered by the County. In addition to the County's current support for the event, the Foundation has requested financial assistance in the amount of $10,000 (Attachment #3).

Options:

1. Approve the proposed 2013 Operation Thank You -Welcome Home Vietnam Veterans, and schedule the event for Saturday, March 30, 2013; authorize the County Administrator to expend an amount not to exceed $15,000; and, approve the associated Budget Amendment Request.
2. Direct staff to prepare a proclamation honoring the service of local Vietnam Veterans to be presented at Operation Thank You – Welcome Home Vietnam Veterans.
3. Approve the Florida Veterans Foundation funding request in the amount of $10,000 for the Homeless Veterans Stand Down event and approve the associated Budget Amendment request.
4. Do not approve the proposed 2103 Operation Thank You -Welcome Home Vietnam Veterans, do not schedule the event for Saturday, March 30, 2013, and do not authorize the County Administrator to expend an amount not to exceed $15,000.
5. Do not approve the Florida Veterans Foundation funding request in the amount of $10,000 for the Homeless Veterans Stand Down event and approve the associated Budget Amendment Request.
6. Board direction.

Recommendations:
Options #1, #2, and #3.

Attachments:
1. Budget Amendment Request for Operation Thank You
2. Budget Amendment Request for Homeless Veterans Stand Down
3. Florida Veterans Foundation's Letter Requesting County funding in the amount of $10,000

FISCAL YEAR 2012/2013
BUDGET AMENDMENT REQUEST

No: BAB13019
Date: 2/28/2013

Agenda Item No:
Agenda Item Date: 3/12/2013

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
							-
				Subtotal:		-	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	990	59900	599	General Fund Contingency Reserves	215,300	(15,000)	200,300
001	390	54900	553	Other Current Charges	-	15,000	15,000
				Subtotal:		-	

Purpose of Request:

This budget amendment provides funding for Operation Thank You! - Welcome Home Vietnam Veterans which will honor local veterans that served in the Vietnam campaign. This event will be held on March 30, 2013. Staff estimates that the cost of the event will not exceed $15,000. Funds are available in the General Fund Contingency Reserves.

Group/Program Director

Principal Management & Budget Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: ☐ **Resolution** ☒ **Motion** ☐ **Administrator**

FISCAL YEAR 2012/2013
BUDGET AMENDMENT REQUEST

No: BAB13020
Date: 2/27/2013

Agenda Item No:
Agenda Item Date: 3/12/2013

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
							-
				Subtotal:		-	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	990	59900	599	General Fund Contingency Reserves	215,300	(10,000)	205,300
001	390	54900	553	Other Current Charges	-	10,000	10,000
				Subtotal:		-	

Purpose of Request:

This budget amendment provides $10,000 to help fund the Florida Veterans Foundation's Homeless Veterans Stand Down. Funds are available in the General Fund Contingency Reserves.

Group/Program Director

Principal Management & Budget Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: ☐ **Resolution** ☒ **Motion** ☐ **Administrator**

FLORIDA VETERANS FOUNDATION, INC.
The Capitol, Suite 2105D
400 South Monroe Street
Tallahassee, Florida 32399-0001

John Haynes
Chairman

Robert E. Creger
Vice Chairman

Sharon Richie-Melvan
Secretary

Washington J. Sanchez, Jr.
Director/Treasurer/COO

Regional Directors
Thomas G. Bowman
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Board of Directors
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Gary Clark
Michael Coker
Antonio Colmenares
Bill Vagianos
Col. Mike Prendergast
ex-officio

February 22, 2013

Nick Maddox, Chairman
Leon County Commission
301 South Monroe Street
Tallahassee, FL 32301

Dear Commissioner Maddox:

Subject: Support for the North Florida Homeless Veterans Stand Down

The Florida Veterans Foundation is hosting a 3-day Homeless Veterans Stand Down at the North Florida Fair Grounds on April 5-7, 2013. This is an awesome task and we look forward to working closely with the Department of Veterans Affairs, our Veterans Service organizations and partnering with community organizations.

The term Stand Down was used in the military, during times of war, to remove exhausted combat units requiring time to rest and recover from the battlefields to a place of relative security and safety. Today, Stand Down refers to a grassroots, community-based intervention program designed to help the nation's estimated 67,000 homeless veterans "combat" life on the streets. We have 400-500 homeless veterans in the North Florida area.

The Foundation is a 501 (c)(3) not-for-profit organization. Our entire staff is comprised of volunteers who are business leaders and former military. We have retired Admirals, Generals, Colonels, Majors, Sergeants, Corporals, lawyers, and doctors, all successful leaders in their own right. The Foundation only employs one person, who serves in a part-time position. During Fiscal Year 2011-2012, we provided financial assistance to approximately 144 Florida veterans in the amount of $87,000.00. These emergency fund requests paid for vital services such as rent due to an eviction notice, utility payments to prevent services from being turned off, and rent and utility deposits for homeless veterans to obtain Section 8 type housing.

Sponsoring the North Florida Homeless Veterans Stand Down is an attempt to get ahead of these emergency requests and to offer an array of services to homeless and at-risk veterans. We are closely following the very successful "Stand Down" model started in San Diego 25 years ago and featured on "60 Minutes" in 2010 at:
http://www.cbsnews.com/video/watch/?id=6966795n

Nationwide, one in three homeless men are veterans. In addition to the complex set of factors affecting all homeless individuals… job layoffs, substance abuse, a shortage of affordable housing and lack of access to health care, veterans often live with the effects of combat-related post-traumatic stress disorder (PTSD). The Stand Down provides them the opportunity to get involved in programs that can begin addressing these issues, help them to get access to housing, and break the cycle of homelessness.

We will furnish approximately 4,800 meals; provide new clothing for 500 veterans plus family members. We are responsible for the transportation of equipment, tentage, etc. to and from supply points. We will also be required to pay for transportation to Tallahassee and return for many homeless veterans from their present location. There will be last minute requirements that will arrive which will require expenditure of funds. We can assure all concerned that all Stand Down funds will be strictly accounted for, legers and receipts will be available, and we will have a financial accounting and a report made at the completion of the Stand Down.

It is the intent of the Florida Veterans Foundation to hold 4 or 5 Stand Downs a year throughout different regions in the state on a rotating basis in different cities i.e., Jacksonville and Pensacola.

The North Florida Homeless Veterans Stand Down respectfully requests a grant in the amount of $10,000.00 from the Leon County Commission. . Please refer to the Website at: https://northfloridastanddown.org.

Thanks in advance for your support

Sincerely

Major John Haynes, USMC, Ret.
Chairman

jh/br
c: Vincent S. Long, County Administrator

Leon County
Board of County Commissioners

Notes for Agenda Item #21

Leon County
Board of County Commissioners

Cover Sheet for Agenda #21

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Establishment of the FY 2014 Maximum Discretionary Funding Levels for Outside Agencies

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Damion Warren, Management & Budget Technician

Fiscal Impact:

This item has no current fiscal impact to the County. However, the maximum discretionary funding amount established by the Board would be used in the development of the FY 2014 budget.

Staff Recommendation:

Option #1: Establish the maximum discretionary funding levels for the FY 2014 as recommended in Table 4 (page 2), and send line item funding applications where appropriate.

Option #2: Authorize the County Administrator to notify the City of Tallahassee, via letter, regarding Leon County's intent to terminate its participation in the Memorandum of Agreement for funding the Palmer Monroe Teen Center at the conclusion of the County's original three-year commitment.

Table 4: FY 2014 Recommended Discretionary Funding Levels

Agency/Category	FY 2012	FY 2013	FY2014 Recommended
Human Services Funding			
Community Human Service Partnership	$865,000	$865,000	$865,000
Line Item Funding for Agencies			
DISC Village	185,759	185,759	185,759
Whole Child Leon	38,000	38,000	38,000
United Partners for Human Services	23,750	23,750	23,750
Palmer Monroe Teen Center	150,000	150,000	0
Subtotal Line Item Funding for Agencies	*$397,509*	*$397,509*	*$247,509*
Subtotal Human Services Funding	***$1,262,509***	***$1,262,509***	***$1,112,509***
Cultural Funding			
Keep Tallahassee-Leon County Beautiful	21,375	21,375	21,375
Tallahassee Trust for Historic Preservation	63,175	63,175	63,175
COCA - Administrative Costs	150,000	150,000	150,000
Subtotal Cultural Funding (Line Item Funding)	***$234,550***	***$234,550***	***$234,550***
Other Cultural Funding			
COCA - Cultural Grant Funding	504,500	504,500	354,000
Red Hills International Horse Trials	0	36,350	36,350
Subtotal Other Non-General Revenue	***$504,500***	***$540,850***	***$390,350***
Special Event Funding			
Celebrate America 4th of July Celebration	$2,500	$2,500	$2,500
Dr. MLK Celebration (Inter Civic Southern Leadership Council of Tallahassee)	4,500	4,500	4,500
Capital City Classic	5,000	5,000	5,000
Friends of the Leroy Collins Public Library	3,000	3,000	3,000
NAACP Freedom Funds Award (Tallahassee Branch NAACP)	1,000	1,000	1,000
New Years Eve Celebration (Downtown Business Association)	0	10,000	10,000
After School Jazz Jam (The Women's Club)	2,000	2,000	2,000
Soul Santa (Frenchtown $2,500 and Walker Ford $1,500)	4,000	4,000	4,000
Veterans Parade	2,500	2,500	2,500
Subtotal Special Event Funding	***$24,500***	***$34,500***	***$34,500***
Other Funding			
Youth Sports Teams	4,750	*4,750*	*4,750*
Economic Development Council	199,500	*199,500*	*199,500*
Tallahassee Memorial Hospital	200,000	*200,000*	*200,000*
Oasis Center	10,000	*20,000*	*10,000*
Operation Thank You!	25,000	*$0*	*15,000*
Subtotal Other	***$439,250***	***$424,250***	***$429,250***
Grand Total	**$2,465,309**	**$2,496,659**	**$2,201,159**

Report and Discussion

Background:

This agenda item addresses the specific requirements of County Ordinance No. 2006-34 "Discretionary Funding Guidelines", which requires that, prior to March 31, the Board of County Commissioners will (Attachment #1):

1. Determine the maximum amount of line item funding to be considered for the budget.
2. Determine the list of permanent line item funded agencies that can submit applications for funding during the current budget cycle.
3. Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

Analysis:

Based on the Discretionary Funding Ordinance, the Board is to establish maximum funding levels for a series of categories. In addition, the Board is to determine which agencies are to receive applications for funding requests.

Table 1 shows the amount of discretionary funding allocated during the past three fiscal years, FY 2011 thru FY 2013. Except for the Commissioner District budget fund (not shown and currently set at $9,500 per Commissioner) and special event funding, the categories in the table are covered by Ordinance 2006-034.

Table 1: FY 2011 – FY 2013 Discretionary Funding

Discretionary Funding Category/Fiscal Year	FY 2011	FY 2012	FY 2013
Community Human Service Partnership	$ 825,000	$865,000	$865,000
Line Item Agency Funding	1,136,559	1,136,559	1,172,909
Event Sponsorships	24,500	24,500	34,500
Youth Sports Teams	4,750	4,750	4,750
Economic Development Council	199,500	199,500	199,500
Tallahassee Memorial Hospital	200,000	200,000	200,000
Oasis Center	1,667	10,000	20,000
Operation Thank You!	0	25,000	0
Total	**$2,391,976**	**$2,465,309**	**$2,496,659**

Community Human Service Partnership (CHSP) Funding

Since FY 2012, the Board has allocated $865,000 for the CHSP process.

Line Item Agency Funding

Table 2 depicts agencies that received line item funding during FY13 and were projected to receive funding in out-year budgets.

In addition, the proposed expenditure impact depending whether the agency is categorized in the human service, cultural, or other category is reflected in the table. Staff is prepared to send line item funding applications to these agencies for FY 2014, when directed by the Board.

Table 2: FY 2013 Funding and FY 2014 Projected Maximum Funding Levels

Permanent Line Item Funding	**FY13 Funding**	**FY14 Recommendation**
Human Services Funding		
DISC Village	$185,759	$185,759
Whole Child Leon (United Way of the Big Bend) (1)	38,000	38,000
United Partners for Human Services (UPHS) (1)	23,750	23,750
Palmer Monroe Teen Center (2)	150,000	0
Subtotal – Human Services	*$397,509*	*$247,509*
Cultural Services Funding		
Keep Tallahassee-Leon County Beautiful	21,375	21,375
Tallahassee Trust for Historic Preservation	63,175	63,175
Current Cultural -Administrative Costs	150,000	150,000
Subtotal Cultural and Other Services	*$234,550*	*$234,550*
Total General Revenue Permanent Funding	**$632,059**	**$482,059**
Other Non-General Revenue Line Items (TDC)		
COCA - Grant Program	504,500	354,000
Red Hills International Horse Trials	36,350	36,350
Total Other Non-General Revenue Line Items Funding	**$540,850**	**$390,350**
Grand Total	**$1,172,909**	**$872,409**

(1) Whole Child Leon and UPHS are not 503(c) organizations and are not eligible for CHSP money. These agencies are coalition organizations that refer clients for services to other human service agencies.
(2) FY 2013 is the last year of contracted services for the Palmer Monroe Teen Center.

Council on Culture and Arts Cultural (COCA) Re-granting Funds
Historically, the County has provided COCA funding for re-granting to cultural entities. including the Tallahassee Museum and the former Mary Brogan Museum of Arts and Sciences. The County historically earmarked $150,000 of this funding for the Brogan Museum. Since the Brogan Museum has dissolved, staff recommends reducing the COCA re-granting funding level by $150,000.

Palmer Monroe Teen Center
In FY 2011, the Board made a three-year commitment to provide funding to the City of Tallahassee's Palmer Monroe Teen Center (Center)in the amount of $150,000 annually, for a total of $450,000. This commitment, to assist in the start up of the center is completed in FY 13.

The concept plan for the Center requested level funding commitments of the government partners for three years to ensure the success of the center. The plan alludes to the fact that the Center could partner with other agencies and non profits, and possibly utilize the CHSP process for funding. Since the Center should have successfully been transferred to a community-based organization by its third year of operation, it would now be eligible for CHSP funding. Given the intent of the Center to be more self-sufficient at the end of its third year, staff is recommending no further direct County support for the facility.

The current Memorandum of Agreement with the City of Tallahassee has an automatic renewal for additional one-year terms, unless a six-month notification is provided by the effective date of the agreement, January 10, 2010 (Attachment #3). Based on this, Leon County would need to provide notification to the City to terminate the memorandum by July 2013. Staff is recommending that the Board authorize the County Administrator to terminate its participation in the funding of the center to the City of Tallahassee.

Special Event, and Youth Sports Funding
During the FY 2013 budget process, and through subsequent budget amendments, the Board allocated funding for special events as detailed in Table 3. The following events are not required to submit applications, but are included in the budget as direct event sponsorships at the direction of the Board.

Table 3: FY 2013 Maximum Event Sponsorship Funding
(Amounts Based on Historical Level of Board Support)

Event Sponsorships(Organization)	FY 13 Funding	FY 14 Recommendation
Celebrate America 4th of July Celebration (Celebrate America)	$2,500	$2,500
Dr. Martin Luther King Celebration (Inter Civic Southern Leadership Council of Tallahassee)	4,500	4,500
Capital City Classic (Capital City Classic)	5,000	5,000
Friends of the Leroy Collins Public Library (The Friends of the Library)	3,000	3,000
NAACP Freedom Funds Award (Tallahassee Branch NAACP)	1,000	1,000
New Years Eve Celebration (Downtown Business Association) (1)	10,000	10,000
After School Jazz Jam (The Women's Club)	2,000	2,000
Soul Santa (Frenchtown $2,500 and Walker Ford $1,500)	4,000	4,000
Veterans Parade	2,500	2,500
Total	**$34,500**	**$34,500**

(1) FY 13 Budget Amended to provide support in the amount of $10,000

The Board amended the FY 13 budget to support the Downtown New Years Eve Celebration in the amount of $10,000. As directed by the Board at the December 11, 2012 meeting, annual funding will be considered for this event during the FY 14 budget process.

Since FY 2007, the funding level for Youth Sports Teams has been set at $4,750 annually. Staff recommends that this amount be maintained in the FY 14 budget.

Proposed Discretionary Funding Ordinance Revisions
The COCA Management Review, presented to the Board at the November 13, 2012 meeting, revealed that a number of organizations had received funding from two or more County grant programs. Subsequently, the Board directed staff to revise the Discretionary Funding Ordinance to allow agencies to apply for programs or specific events as allowed through CHSP, Non-departmental funding, and the COCA Leon County Grant Program, as long as the organization does not receive multiple County Awards for the same program or event.

The revision to Ordinance 2006-034 is on the Public Hearing section of the March 12 agenda (Attachment #2). If the proposed Ordinance revision is not adopted, agencies that distribute funds to outside agencies for Leon County would be required to take measures to ensure that organizations are not receiving multiple funding awards in conflict with Leon County's Discretionary Funding Ordinance. Organizations eligible for multiple grants would have to choose which grants to apply for; possibly, causing some organizations to have to eliminate programs, especially with regard to those that receive both human service program and cultural program funds. Amending the Discretionary Funding Ordinance in this manner does not affect the maximum funding level for outside agencies that the Board is establishing as part of this agenda item.

Additional Policy Guidance

In addition, staff is recommending the following be considered as part of the FY 2014 tentative budget process; where appropriate, applications will be sought from the outside agency.

1. Request that Tallahassee Memorial Healthcare submit an application for the operation of the regional trauma center and/or primary health care matching funds. In FY 2013, Tallahassee Memorial requested that the County allow TMH to use funds allocated for the Trauma Center, for available primary health care state matching funds. Funding for the Trauma Center was provided by other hospital resources, and matching funds were allocated to TMH from the Agency for Health Care Administration.

   This arrangement allowed TMH to leverage an additional $1,253,248 in health care funding from the state in FY 2013 of which $75,000 was allocated to the Trauma Center and $238,143 to the Neighborhood Medical Center. Comparatively, since FY 2009, the City of Tallahassee has reduced funding from $250,000 in FY 2009 to $75,000 in FY 2013, a reduction of $175,000.

2. Request the Economic Development Council (EDC) submit an application for funding. Since FY 2008, the Board has provided $199,500 for the EDC contract.

3. Consider providing continued funding for the Oasis Center for Women in the amount of $10,000. The Board provided funding for the Oasis Center this amount in FY12 and FY13 for administrative costs. An additional $10,000 was provided during FY13 for additional research and data collection.

4. During FY12, the Board amended the budget to provide funding to host the "Operation Thank You!" event in the amount of $25,000. Direct staff to include $15,000 in the Veterans Services Division budget, consistent with the Board's Strategic Initiative to hold the "Operation Thanks You!" event annually.

5. At the January 29, 2013 meeting, the Board approved a funding request to support the 2013 Red Hills International Horse Trials (RHIHT) in the amount of $36,350. The Board directed staff to prepare a budget discussion item for the budget workshop to consider providing funding the RHIHT in the FY 14 budget.

Options:

1. Establish the maximum discretionary funding levels for the FY 2014 as recommended in Table 4, and send line item funding applications where appropriate.

Table 4: FY 2014 Recommended Discretionary Funding Levels

Agency/Category	FY 2012	FY 2013	FY 2014 Recommended
Human Services Funding			
Community Human Service Partnership	$865,000	$865,000	$865,000
Line Item Funding for Agencies			
DISC Village	185,759	185,759	185,759
Whole Child Leon	38,000	38,000	38,000
United Partners for Human Services	23,750	23,750	23,750
Palmer Monroe Teen Center	150,000	150,000	0
Subtotal Line Item Funding for Agencies	*$397,509*	*$397,509*	*$247,509*
Subtotal Human Services Funding	***$1,262,509***	***$1,262,509***	***$1,112,509***
Cultural Funding			
Keep Tallahassee-Leon County Beautiful	21,375	21,375	21,375
Tallahassee Trust for Historic Preservation	63,175	63,175	63,175
COCA - Administrative Costs	150,000	150,000	150,000
Subtotal Cultural Funding (Line Item Funding)	***$234,550***	***$234,550***	***$234,550***
Other Cultural Funding			
COCA - Cultural Grant Funding	504,500	504,500	354,000
Red Hills International Horse Trials	0	36,350	36,350
Subtotal Other Non-General Revenue	***$504,500***	***$540,850***	***$390,350***
Special Event Funding			
Celebrate America 4th of July Celebration	$2,500	$2,500	$2,500
Dr. MLK Celebration (Inter Civic Southern Leadership Council of Tallahassee)	4,500	4,500	4,500
Capital City Classic	5,000	5,000	5,000
Friends of the Leroy Collins Public Library	3,000	3,000	3,000
NAACP Freedom Funds Award (Tallahassee Branch NAACP)	1,000	1,000	1,000
New Years Eve Celebration (Downtown Business Association)	0	10,000	10,000
After School Jazz Jam (The Women's Club)	2,000	2,000	2,000
Soul Santa (Frenchtown $2,500 and Walker Ford $1,500)	4,000	4,000	4,000
Veterans Parade	2,500	2,500	2,500
Subtotal Special Event Funding	***$24,500***	***$34,500***	***$34,500***
Other Funding			
Youth Sports Teams	4,750	*4,750*	*4,750*
Economic Development Council	199,500	*199,500*	*199,500*
Tallahassee Memorial Hospital	200,000	*200,000*	*200,000*
Oasis Center	10,000	*20,000*	*10,000*
Operation Thank You!	25,000	*$0*	*15,000*
Subtotal Other	***$439,250***	***$424,250***	***$429,250***
Grand Total	**$2,465,309**	**$2,496,659**	**$2,201,159**

2. Authorize the County Administrator to notify the City of Tallahassee, via letter, regarding Leon County's intent to terminate its participation in the Memorandum of Agreement for funding the Palmer Monroe Teen Center at the conclusion of the County's original three year commitment.

3. Establish the maximum discretionary funding levels for the FY 2014 at a level determined by the Board.

4. Board direction.

Staff Recommendation:
Options #1 and #2.

Attachments:
1. Leon County Ordinance 2006-34, Discretionary Funding Guidelines
2. Proposed revisions to the Discretionary Funding Ordinance
3. Memorandum of Agreement between Leon County and the City of Tallahassee regarding the Funding of the Palmer Monroe Teen Center

ARTICLE XI. - DISCRETIONARY FUNDING GUIDELINES

Sec. 2-600. - Application of article.
Sec. 2-601. - Annual appropriation.
Sec. 2-602. - Definitions.
Sec. 2-603. - Application process.
Sec. 2-604. - Funding category guidelines.
Secs. 2-605—2-699. - Reserved.

Sec. 2-600. - Application of article.

This article shall govern the allocation of discretionary funds and provide the board a maximum amount of annual funding available in each of the following fund categories:

(a) Community human services partnership fund;
(b) Community human services partnership—Emergency fund;
(c) Commissioner district budget fund;
(d) Midyear fund;
(e) Non-departmental fund; and
(f) Youth sports teams fund.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-601. - Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the board in accordance with this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-602. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community human services partnership fund shall mean funds eligible for allocation to social service programs.

Community human services partnership—Emergency fund shall mean funds eligible for allocation for one time funding to meet an emergency situation.

Commissioner district budget fund shall mean funds eligible for allocation to each commissioner for activities relating to his or her district or the county at large.

Emergency situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded community human services partnership (CHSP) agency to provide services.

Midyear fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-departmental fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S. Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth sports teams fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-603. - Application process.

(a) The county administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or

individual when submitting a request for funding consistent with the provisions herein.

(b) The county administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-604. - Funding category guidelines.

(a) *Community human services partnership program fund.*

(1) Non-profits eligible for community human service partnership (CHSP) funding are not eligible for funding in any other county government funding category, except when requesting funding for an activity that is not CHSP eligible, such as capital improvements.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services program.

(b) *Community human services partnership program—Emergency fund.*

(1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one time funding through the community human services partnership program—Emergency fund.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services partnership program—Emergency fund.

(3) These funds are available to any agency that is currently funded through the CHSP process.

(4) The request for emergency funding shall be made at a regular meeting of the board. If deemed appropriate, the request for emergency funding shall then go before a CHSP sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an emergency situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the county administrator, who is authorized to approve the recommendation for funding.

(5) In the event the board does not meet in a timely manner, as it relates to an agency's request, the county administrator shall have the authority to appropriate expenditures from this account.

(c) *Commissioner district budget fund.*

(1) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the commissioner district budget fund.

(2) Expenditures shall only be authorized from this account for approved travel, and office expenses.

(d) *Midyear fund.*

(1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the midyear fund.

(3) In the event the board does not meet in a timely manner, as it relates to a funding request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(e) *Non-departmental fund.*

(1) Non-profits eligible for non-departmental funding are not eligible for funding in any other category. Eligible funding activities in this category are festivals and events and outside service agencies.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the non-departmental fund.

(3) Non-profits eligible for funding through the cultural resources commission (CRC) Leon County Grant Program (funded through the non-departmental process) are not eligible for funding in any other category.

(f) *Youth sports teams fund.*

(1) Non-profits or athletic teams of the Leon County School System that are eligible for the county's youth athletic scholarship program are not eligible for funding pursuant to this article.

(2) Annually, as part of the budget process, the board shall determine the amount of funding pursuant to this article.

(3) The award for youth sports teams shall not exceed $500.00 per team.

(4) Youth sports teams requesting funding from the Board shall first submit their requests in writing to the county administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.

(5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to $500.00, the remaining $500.00 will be divided equally among the applicants meeting the evaluation criteria.

(6) Applicants must have participated in a city, county, or school athletic program during the year in which funding is sought.

(7) Team participants must be 19 years of age or younger.

(8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.

(9) In the event the board does not meet in a timely manner, as it relates to a youth sports teams' request, the county

administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(g) *Appropriation process.* Annually, prior to March 31, the board shall:

(1) Determine the amount of funding set aside for each funding category identified in this article;

(2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and

(3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

(Ord. No. 06-34, § 1, 11-14-06; Ord. No. 11-04, § 1, 2-8-11; Ord. No. 11-08, § 1, 5-24-11)

Secs. 2-605—2-699. - Reserved.

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE XI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "DISCRETIONARY FUNDING GUIDELINES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 2, Article XI of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE XI. DISCRETIONARY FUNDING GUIDELINES

Sec. 2-600. Application of article.

This article shall govern the allocation of discretionary funds and provide the board a maximum amount of annual funding available in each of the following fund categories:

(a) Community human services partnership fund;

(b) Community human services partnership – Emergency fund;

(c) Commissioner district budget fund;

(d) Midyear fund;

(e) Non-departmental fund; and

(f) Youth sports teams fund.

Sec. 2-601. Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the board in accordance with this article.

Sec. 2-602. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community human services partnership fund shall mean funds eligible for allocation to social service programs.

Community human services partnership - Emergency fund shall mean funds eligible for allocation for one time funding to meet an emergency situation.

Commissioner district budget fund shall mean funds eligible for allocation to each commissioner for activities relating to his or her district or the county at large.

Emergency situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded community human services partnership (CHSP) agency to provide services.

Midyear fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-departmental fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth sports teams fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

Sec. 2-603. Application process.

(a) The county administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or individual when submitting a request for funding consistent with the provisions herein.

(b) The county administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

Sec. 2-604. Funding category guidelines.

(a) *Community human services partnership program fund.*

(1) Non-profits eligible for community human service partnership (CHSP) funding are ~~not~~ eligible to apply for funding for other programs or specific event ~~any other county government funding~~ category~~y~~ies as long as the organization does not receive multiple County awards for the same program or event, or ~~except~~ when requesting funding for an activity that is not CHSP eligible, such as capital improvements.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services program.

(b) *Community human services partnership program - Emergency fund.*

(1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one time funding through the community human services partnership program - Emergency fund.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services partnership program - Emergency fund.

(3) These funds are available to any agency that is currently funded through the CHSP process.

(4) The request for emergency funding shall be made at a regular meeting of the board. If deemed appropriate, the request for emergency funding shall then go before a CHSP sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an emergency situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the county administrator, who is authorized to approve the recommendation for funding.

(5) In the event the board does not meet in a timely manner, as it relates to an agency's request, the county administrator shall have the authority to appropriate expenditures from this account.

(c) *Commissioner district budget fund.*

(1) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the commissioner district budget fund.

(2) Expenditures shall only be authorized from this account for approved travel, and office expenses.

(d) *Midyear fund.*

(1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the midyear fund.

(3) In the event the board does not meet in a timely manner, as it relates to a funding request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(e) *Non-departmental fund.*

(1) Non-profits eligible for non-departmental funding are ~~not~~ eligible to apply for funding in any other ~~category~~ program or specific event categories as long as the organization does not receive multiple County awards for the same program or event. Eligible funding activities in this category are festivals and events and outside service agencies.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the non-departmental fund.

(3) Non-profits eligible for funding through the cultural resources commission (CRC) Leon County Grant Program (funded through the non-departmental process) are ~~not~~ eligible for funding in ~~any~~ other ~~category~~ program or

specific event categories as long as the organization does not receive multiple County awards for the same program or event.

(f) *Youth sports teams fund.*

(1) Non-profits or athletic teams of the Leon County School System that are eligible for the county's youth athletic scholarship program are not eligible for funding pursuant to this article.

(2) Annually, as part of the budget process, the board shall determine the amount of funding pursuant to this article.

(3) The award for youth sports teams shall not exceed $500.00 per team.

(4) Youth sports teams requesting funding from the Board shall first submit their requests in writing to the county administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.

(5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to $500.00, the remaining $500.00 will be divided equally among the applicants meeting the evaluation criteria.

(6) Applicants must have participated in a city, county, or school athletic program during the year in which funding is sought.

(7) Team participants must be 19 years of age or younger.

(8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.

(9) ~~In the event the board does not meet in a timely manner, as it relates to a youth sports teams' request,~~ After the Youth Sports Team funding level is established by the Board during the budget process, the County Administrator shall have the authority to appropriate expenditures from this account. ~~Such action is thereafter required to be ratified by the board.~~

(g) *Appropriation process.* Annually, prior to March 31, the board shall:

(1) Determine the amount of funding set aside for each funding category identified in this article;

(2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and

(3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

<u>Section 4.</u> **Effective Date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY:_____
NICHOLAS MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY:_____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY:_____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

998511

MEMORANDUM OF UNDERSTANDING

City of Tallahassee and Leon County,
For Funding and Participation in the
Palmer Munroe Youth Center and Restorative Justice Program

This Memorandum of Understanding ("MOU") is entered into this 10th day of January, 2010, by the City of Tallahassee, a Florida municipal corporation ("City") and Leon County, Florida, a charter county and a political subdivision of the State of Florida ("County"), collectively, the "Parties".

RECITALS

WHEREAS, the Parties desire to create a positive environment for the youth of the Tallahassee and Leon County community and to help alleviate conflict in the community;

WHEREAS, a "Youth Center Development Team" of community members was organized to prepare and present a "Concept Report" outlining the proposed vision and operational structure for a Youth Center ("Center") and including a restorative justice program ("Program");

WHEREAS, based on the management and operation structure as outlined in the Concept Report, on file with the City Treasurer-Clerk and incorporated herein by reference, the Parties desire to implement the Center and the Program at the City-owned Palmer Munroe Community Center located at 1900 Jackson Bluff Road ("Palmer Munroe"); and

WHEREAS, the Parties desire to establish the organization, support structure, and client and customer programming to initiate the Center and the Program; and

WHEREAS, the Parties desire that the City be responsible for the Center and Program for the first year and that a community-based organization ("CBO") be selected,

through the City's Request for Proposal ("RFP") process, to assume this responsibility for subsequent years;

NOW, THEREFORE, in consideration of the above Recitals, and the covenants and promises hereinafter made, the Parties agree that:

1. Facilities. The City shall provide space for the Center and the Program at Palmer Munroe for a minimum of three (3) years, including property management and maintenance services, with no rental payment required for the first year of operations. Beginning with the second year of operations and the selection of a CBO, the City shall enter into a use agreement with the CBO that considers charging rent at a negotiated rate as approved by the City Manager.

2. Services and Funding. The Parties shall provide the following:

   a. City shall provide (1) management and operation services for the Center by the City's Parks, Recreation and Neighborhood Affairs Department for the first year; and (2) funding in the amount of $150,000 annually for up to three (3) years beginning in FY2010.

   b. City shall provide additional funding in the amount of $100,000, contingent upon its receipt of such grant funds from the State of Florida Division of Juvenile Justice.

   c. City (Police Department) shall provide one time funding in the amount of $75,000 from Byrne Grant funds for the Program, for FY 2010. In future grant cycles, the City may consider including Program funding in their funding requests for Byrne Grants to be used to support the Center.

d. County shall provide funding equal to the amount provided by the City under section 2a, not to exceed $150,000 annually for up to three (3) years beginning in FY2010 subject to Board appropriation.

e. All first year funds shall be delivered to the City's Treasurer-Clerk to be deposited in a specifically designated account for the purposes of this Agreement within ten (10) days after notified of full execution of this Agreement by all parties. Funds for subsequent years shall be provided annually within thirty (30) days of the beginning of each fiscal year. However, this MOU is specifically contingent upon the appropriation of sufficient funds by the Parties and the Division of Juvenile Justice.

f. Funding and services shall be used by staff for the Center and the Program as outlined in the Concept Report with the exception that County contributions will not be used to pay for any facility rent payments if charged by the City for use of said facility.

3. Committees: In addition to the established Community Executive Committee, a Youth Advisory Board shall be organized by the Parties in order to carry out the activities and programs addressed in the Concept Report. The Community Executive Committee's purpose is to provide strategic direction, guidance, policies and procedures consistent with the Concept Report and with regular program update reports from the Executive Director or CBO. Additional committees may be established as necessary and according to bylaws to be adopted by the Community Executive Committee. All committees shall operate in accord with applicable statutes, including public records and Sunshine laws.

4. Management and Reporting: Management services shall be as provided herein until such time as a CBO is selected by the RFP process to assume

these responsibilities. Unless otherwise agreed to by the Parties, until such time as management of the Center and Program are turned over to a CBO and the following reporting activities assumed by the CBO, the City agrees to:

a. Establish and maintain books, records and documents (including electronic storage media) sufficient to reflect all receipts and expenditures of funds provided by the Parties, or by other sources, under this MOU.

b. Upon demand, facilitate the duplication and transfer of any records or documents during the required retention period, to ensure that these records shall be subject at all reasonable times to inspection, review, copying, or audit by Federal, State, or other personnel duly authorized by any of the Parties.

c. To comply and cooperate with any inspections, reviews, investigations, or audits, when deemed necessary by the Parties.

5. Contacts: The following persons will serve as the point of contact for each of the Parties to this MOU, unless changed in writing:

County: Leon County
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL 32301
Attn: Ken Morris

City: City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301
Attn: Dee Crumpler

6. Amendment: Mutual cooperation is essential, and the Parties will work cooperatively to the successful completion of all obligations herein contained. Any changes in responsibilities under this MOU must be agreed upon by the Parties in writing.

7. Authority: Each party hereby represents that its execution, delivery, and performance of this MOU have been duly authorized by all requisite action, that the MOU has been duly and validly executed and delivered by the party, and that the MOU constitutes the legal, valid, and binding obligation of the party enforceable in accordance with its terms.

8. Term: The Effective Date shall be the date first written above and shall be the date upon which the last of the Parties executes this MOU. The terms of this MOU shall expire three (3) years from the Effective Date, except as provided herein. The term shall automatically renew for additional one (1) year terms. The MOU shall continue in effect until such time as terminated by mutual agreement of all parties. However, any party may terminate its participation, by giving written notice to the other parties, six (6) months prior to the end of any term or extension thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

Attest:

By: _____
Gary Herndon, City Treasurer-Clerk

CITY OF TALLAHASSEE

By: _____
Anita Favors Thompson, City Manager

Approved as to form:

By: _____
City Attorney

Attest: Robert B. Inzer, Clerk

By: _____
Leon County Clerk of Court

LEON COUNTY

By: _____
Parwez Alam, County Administrator

Approved as to form:

_____
Herbert W.A. Thiele
County Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #22

Leon County
Board of County Commissioners

Cover Sheet for Agenda #22

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Status Report on the Adult Civil Citation Program

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Director, Office of Intervention and Detention Alternatives
Lead Staff/ Project Team:	Nicholas Chaviano, Diversion Alternatives Analyst

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the Adult Civil Citation Program.

Report and Discussion

Background:

At the January 29, 2013 meeting of the Board of County Commissioners, staff was directed to provide a status report on the Adult Civil Citation Program. To address this request, staff spoke with the CEO of DISC Village, the State Attorney, and the staff of the Tallahassee Police Department, instrumental in developing the criteria for participation. Information and documents referenced in the report were obtained from DISC Village and The Office of the Court Administrator. Provided below is an analysis of the program and status of implementation.

Analysis:

The Adult Civil Citation (ACC) Program is 36-month pilot project initiated by DISC Village, Inc. The Program was designed with a primarily two-fold objective in mind: first, to offer law enforcement an additional tool and alternative to arrest while still promoting accountability and public safety, and secondly, to promote the use of additional cost effective alternatives to the formal criminal justice process from arrest through case disposition. Officials of DISC Village, The Smart Justice Alliance, Attorney General, State Attorney, Public Defender, Leon County Sherriff's Office, and Tallahassee Police Department worked collaboratively in the design of the Leon County Adult Civil Citation Program. In addition, the proposal was shared with the Public Safety Coordinating Council during its January 15, 2013 meeting. The ACC Program design mirrors many aspects of the Juvenile Civil Citation Program that is currently utilized as a statewide model to divert youth from the criminal justice system. Information outlining the success of the Juvenile Civil Citation Program and its applicable principles in the design of the Adult Program is described in the "*Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanor*" white paper written by Tom Olk, CEO of DISC Village, and included as Attachment #1.

Eligibility requirements for participation in the ACC Program include the following:

- must be 18 years or older,
- must reside in the 2nd Judicial Circuit,
- must be a first time [adult]offender

An adult may be eligible even if he or she received a Juvenile Civil Citation in the past. Eligible offenses include non-domestic battery and assault, petit theft (restitution may not exceed $50), criminal mischief (restitution may not exceed $50), possession of alcohol by person under 21, trespass offenses, possession of marijuana less than 20 grams/paraphernalia, disorderly conduct, house party, and alcoholic beverage selling/selling to a minor.

The process of issuing a civil citation as described in the ACC Program Process and Procedure Review and included as Attachment #2 is as follows:

The police officer will

1. Investigate the incident
2. Determine the existence of probable cause
3. Advise Miranda Warnings
4. Obtain an admission of guilt from the offender
5. Determine eligibility of diversion for the offender
6. Use his/her discretion to choose whether to offer the offender the choice of diversion

Participants of the Adult Civil Citation Program are required to pay a $200 fee. There are additional fees if the participant is required to submit to random urinalysis testing. In addition, there is a $25 fee for printed material, if the participant does not complete services online. However, the CEO of DISC Village stressed that participants would not be screened for participation based on their ability to pay. Options for addressing those who do not have the ability to pay are being considered. If an individual meets all of the eligibility requirements and elects to participate, he or she must contact the Central Intake Center within seven days of referral, and follow the guidelines of rules and requirements. If those who are referred fail to call Intake within seven days, the case is referred back to the local law enforcement agency, which will make a determination on how to proceed.

Program participants are required to

1. call and schedule an appointment with the Central Intake Center within seven days of referral.
2. complete comprehensive behavioral assessments where he/she receives an individual diversion plan.
3. take online educational courses,
4. complete a minimum of 25 hours of community service,
5. attend a work group.
6. attend job and life skills training, and participate in counseling.
7. complete a mid-term review.
8. refrain from using alcohol, drugs, or other mood altering substances during the duration of the program.
9. pay all associated fees.
10. complete an exit interview where the program milestones are reviewed.
11. complete a client satisfaction survey.

Participants must complete all requirements within 120 days of enrollment to be considered successful. If successful, the participant will not have a criminal record. If an individual completes all of these steps, he or she will receive a certification of completion, and their record will be closed. Failure to complete all of these steps will result in the issuance of a notice to appear.

Sheriff Larry Campbell indicated that he is in support of the concept of the ACC program, but wants to ensure that it is administered fairly. Further, he indicated that he wants to ensure that other service providers have a chance to participate.

Barney Bishop, representative for the Florida Smart Justice Alliance, has stated that the ACC Program is the smarter way to approach non-violent first time misdemeanor offenders. He explained that currently, law enforcement has three choices to address these types of issues:

(1) law enforcement may choose to take no action;

(2) they may issue a notice to appear which may dispose of the case by using one of the currently available diversion alternatives; or

(3) the Adult Civil Citation Program.

The third option includes immediate referral to treatment; a component lacking in the first two options. In this scenario, the officer makes an assessment that there is an underlying issue that led to the behavior and offers a remedy to immediately address the behavior. The goal of assigning individuals to the ACC Program is the possibility of avoiding repeated or more severe criminal behavior. By participating in and successfully completing the Adult Civil Citation Program, the person has not only avoided a criminal record, but has received treatment for the underlying cause of the offense.

If the participant does not successfully complete the program, the ACC Program Coordinator for DISC Village will notify the State Attorney for resolution. The State Attorney has indicated that its long-standing Diversion Program will continue to be an available option for minor offenses of these types. First time misdemeanor offenders who participate in the Diversion Program must pay a fee of $170, participate in an orientation/counseling session, and complete a minimum of 10 hours in the Leon County Work Program within 90 days to be considered successful. Upon completion, the participant's record is expunged.

Mr. Dale Landry, President of the local chapter of the NAACP, has stated that the ACC Program is needed in the community. Although he originally expressed concerns regarding the lack of opportunity for other local service providers to participate, he recently stated he is satisfied that a meeting is planned with representatives from local government, DISC Village and other community interest groups to address these concerns. DISC Village recently posted a notice on their website that solicits interest among other service providers to join the ACC provider network for substance abuse or mental health services.

An independent Program evaluation will be conducted by the Juvenile Research Center at the end of the pilot to determine whether the program reduces recidivism and lowers costs in comparison to other methods of processing like offenders. Program assessment involves three components: process evaluation, outcome evaluation, and cost analysis. All costs associated with the evaluation will be born solely by DISC Village, Inc. Constitutional officers who participated in the program's design also approved the evaluation process. Details of the Program's process flow are outlined in the Adult Civil Citation Program Process and Procedure Review document.

The Juvenile Justice Steering Committee will provide local oversight of the ACC Program. This Committee is comprised of the Juvenile Assessment Center director, the Chair of the Juvenile Service Providers, community providers, representatives from the Leon County Sherriff's Department, Tallahassee Police Department, Leon County Clerk of Courts, State Attorney, Public Defender, and the Henry and Rilla White Youth Foundation. Key stakeholders and partners include the State Attorney, Public Defender, Circuit Trial Court, local law enforcement agencies, local community service providers, Tallahassee DISC Village, and Associated Industries of Florida Foundation; other key stakeholders and partners are referenced in DISC Village's Adult Civil Citation Brochure (Attachment #3).

A Memorandum of Understanding (MOU) was signed by the Court Administrator on September 7, 2012 authorizing DISC Village as the designated community-based agency to provide services to pre-arrest Civil Citation and Diversion adults. The MOU is included in this item as Attachment #4. Further, Tallahassee Police Department Chief of Police executed a Memorandum of Understanding with DISC Village on October 12, 2012 (Attachment #5), and Sheriff Larry Campbell signed a Memorandum of Understanding with DISC Village on November 30, 2012 (Attachment #6).

Implementation of the ACC Pilot Program is pending. In the January PSCC meeting, Tom Olk indicated that the pilot program is ready for implementation. During the pilot, a quarterly report will be generated and made available to all the stakeholders who assist in ensuring the success of the program.

Options:

1. Accept the status report on the Adult Civil Citation Program.
2. Do not accept the status report on the Adult Civil Citation Program.
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanors white paper
2. Adult Civil Citation Program Process and Procedure Review
3. DISC Village, Inc. Adult Civil Citation Program Brochure
4. Pre-Arrest Adult Civil Citation and Diversion Program Memorandum of Understanding between DISC Village and the Trial Court Administrator, 2nd Judicial Circuit
5. Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Chief of Police, Tallahassee Police Department
6. Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Larry Campbell, Leon County Sheriff

VSL/AR/WH/NC/nc

Florida Adult Civil Citation Network

Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanors

Tom Olk, CAP
Chief Executive Officer
DISC Village, Inc.

Telephone: (850) 488-6700
Email: TO1995@aol.com

January 2013

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Florida Adult Civil Citation Network
Executive Summary

The U.S. prison system is now the largest in the world costing taxpayers over $32 billion annually. In Florida, taxpayers spend over $2.3 billion a year to supervise and incarcerate offenders. Over the past several years legislators, business leaders and others have been discussing smart justice alternatives – ways to ensure public safety by intervening earlier with measured responses that correlate with the criminal activity. The concept of adult civil citation meets these criteria and should be considered as a smart justice alternative.

An alternative for the adult criminal justice system can be found in the Florida Juvenile Justice System's remarkable success over the past two years expanding Civil Citation Models. An outgrowth of this success is the development of a Statewide network of not-for-profit community-based licensed and accredited behavioral health agencies, each with 20+ years of experience that have come together to form an adult civil citation initiative targeting adults who commit a misdemeanor alcohol, drug or other non-violent misdemeanor offence to receive sanctions through an Adult Civil Citation Program in lieu of criminal arrest.

Moving this population from the current arrest model to an alternative sanctions model involving intensive intervention strategies targeting specific offences and behaviors could be the single most significant change in the criminal justice system in 30 years. A priority population will be first time drug or alcohol related offenders since most national studies indicate the preponderance of crime is related to factors tied to alcohol and drug use.

The same core principles and intervention strategies used successfully by the juvenile justice system will be modified and implemented for adults. These fundamental principles and strategies are outlined in a document developed in conjunction with the Miami-Dade County Juvenile Services Department, Tallahassee DISC Village Civil Citation Program and Associated Industries of Florida Foundation entitled, "*Getting Smart on Juvenile Crime in Florida: Reducing Juvenile arrests by 40%.*"[1]

The elements of an Adult Civil Citation include:

- The entire cost of the program is borne by the offender.
- Based on the offence and the circumstances surrounding the alleged violation, the law enforcement officer, at their discretion, may offer a Civil Citation in lieu of arrest.
- Law enforcement can maximize patrol officer time.
- The burden is reduced at all levels of the criminal justice system.
- Early intervention is highly effective at treating issues identified early and more cost effectively.
- An unnecessary criminal record and the related collateral damage can be eliminated to improve prospects of becoming a productive member of society.

With successful completion of a comprehensive assessment, followed by individualized and intensive education, or substance abuse, mental health, or other identified intervention including community service hours, a criminal record can be avoided. Avoidance of a criminal record is an important benefit, since an arrest record follows an individual and hinders them from employment, education, and military service opportunities for the remainder of their lives. Failure to successfully complete these requirements or a subsequent offense while participating in the alternative sanction program will result in the individual's immediate arrest and criminal prosecution.

An important element for building credibility of this model will be the establishment of a comprehensive data collection, analysis, and evaluation system for all participating agencies. This statewide data system, www.FloridaCivilCitationNetwork.com, will provide all law enforcement agencies real time information regarding an individual's eligibility to participate in the Adult Civil Citation program. This system will also provide a single uniform data and reporting system which will track all key data sets including demographic, programmatic, and comparative and outcome information. The proposed statewide data system will ensure transparency and accountability.

The primary goals of a Civil Citation program are to intervene and provide the services, assistance and tools needed to extinguish criminal behavior and reduce the barriers that inhibit an individual's ability to function as a responsible and contributing member of society.

Integrated into this program are evidence and web-based intervention and educational strategies that will target very specific behaviors and criminal offenses. These targeted, evidence-based strategies are being developed by a team of national and state behavioral health and subject matter experts and will be part of the intervention requirements as identified during the program's assessment phase. A few intervention examples include drug education, anger management, and interventions that address retail theft, and gambling and increase understanding about Florida laws. Additionally, the Adult Civil Citation program will include local capacity in each jurisdiction to track, monitor and evaluate offender compliance with program requirements as well as their individual outcomes. A quarterly report will be generated and made available to all the key stakeholders of the criminal justice system in each participating jurisdiction to assist their efforts to ensure the program is enhancing public safety and meeting its stated goals and objectives.

A unique feature of this model is that each jurisdiction can define the eligibility requirements for the program in their area. All referrals are based solely on the discretion of law enforcement and based upon the protocols established in each community by the local criminal justice professionals.

Implementing a Civil Citation programs for adults and allowing for alternative sanctions will place the focus on improving outcomes of the individuals who interact with the system – injecting appropriate, research-proven methods that shift the focus from solely retribution to "correction" when public safety will actually improve and cost-savings will be realized. It is now time to apply this effective model to first time adult offenders with drug or alcohol or other non-violent misdemeanors. Reliance on non-incarceration intervention is both more effective and more cost-efficient than traditionally invasive methods and will allow Florida to redirect valuable resources from prosecuting non-violent misdemeanors to more vital and pressing public safety concerns.

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[i] This document can be found on the Florida Juvenile Justice Association web site: www.fjja.com

Adult Civil Citation Program

Process and Procedure Review

Program Overview

Civil Citation Issued

As with the JCC the process, the officer will:

- Investigate the incident
- Determine existence of probable cause
- Advise Miranda Warnings & obtain an admission
- Determine eligibility of diversion for the offender
- Offer the offender the choice of diversion with information (pamphlet to be supplied by DISC Village)

Civil Citation Issued

- **Officer Discretion**
- Eligibility
  - Primary: www.FloridaCivilCitationNetwork.com
  - Secondary: JAC 850-575-2851 (24/7, 365)
- Assign Community Service Hours (25)
- Refer case to Central Intake
- Case Profile is created by provider

Eligibility

- Eligibility for ACC
  - Adult 18 years or older, no age cap.
  - Must reside within the 2nd Judicial Circuit.
  - First time offender, Officers must check NCIC, JIS and the ACC website for eligibility. Any previous history will make them ineligible, including cases that have been "nolle prossed".
  - An adult who has received a JCC in the past is eligible.

Eligibility

- Eligible Offenses
  - Non-Domestic battery and assault.
  - Petit Theft (restitution may not exceed $50.00)
  - Criminal Mischief (restitution may not exceed $50.00)
  - Possession of Alcohol by person under 21
  - Trespass offenses
- Eligible Offenses
  - Possession of Marijuana less than 20 grams/paraphernalia
  - Disorderly Conduct
  - House Party
  - Alcoholic Beverage selling/giving to minor

Eligibility

- Ineligible Offenses
  - Traffic Offenses
  - Domestic violence related offenses
  - Stalking
  - Exhibition Sexual Organs
  - Loitering and Prowling
  - Theft/Criminal Mischief in excess of $50.00 restitution

Eligibility

- If offender does not wish to participate in ACC program, determine if a NTA or detention is best course of action.
- **As in the JCC process, please document in narrative why the ACC was not utilized.**
- The narrative for both ACCs and JCCs should follow the same reporting format and process including the elements of the crime subject to diversion

Offender Calls & Schedules Appointment

- Offender contacts Central Intake Center within 7 days of referral
- Assessment is scheduled
- If offender is unresponsive in communication, case is referred back.
  - Documented attempts in offender case file.

Assessment & Individualized Diversion Plan

- Comprehensive Behavioral Assessment
- Online Educational Courses
- Participation Agreement (No Drugs or Alcohol)
- Community Service
- Work Group
- Payment of Fees
- Job and Life Skills*
- Counseling*

Mid Term Review

- Progress Report
- Follow up of Community Service
- Drug Screen-as appropriate
- Follow up with Payment Plan-as appropriate

Milestones of Success

- Complete Comprehensive Behavioral Assessment
- Complete Online Educational Course- Post Test
- No Drug or Alcohol Use during participation
- Complete Community Service
- Complete Work Group
- Payment of Fees
- Complete Job and Life Skills*
- Completion/Continued Participation of Counseling*

Exit Interview

- Review of Program Milestones
- Client Satisfaction Survey
- Certification of Completion

Program Completion

- Complete Case File
- Notify referring LEA of case status
- Transfer Case File to Program Evaluation

Program Completion

- The ACC process will be monitored by the State Attorney Liaison as a starting point.
- When the offender completes the ACC program, the State Attorney Liaison will ensure a supplemental report has been completed closing the cases with an exceptional clearance.

Program Completion

- If the offender fails to meet ACC program requirements, the State Attorney Liaison will be contacted by the provider and advised of the failed compliance.
- The State Attorney Liaison will contact the offender and attempt to issue a NTA.
- For those offender(s) who do not comply with arrangements to receive a NTA, an arrest affidavit and warrant will be submitted to the court.

Program Completion

- The State Attorney Liaison will document the issuance of an arrest warrant and the case will remain open pending the service of the arrest warrant.
- The case will be closed and cleared by arrest by the State Attorney Liaison upon notification of the arrest.

17

Evaluation

Purpose: Assess whether the program reduces recidivism and system costs compared to standard methods of processing offenders.

- Process Evaluation
  - Documented Implementation Fidelity
- Outcome Evaluation
  - Offender Outcomes equals Cost Effectiveness
- 3 Year Time Period
  - Year1: Initial implementation; designated services
  - Years 2&3: Formal outcome evaluation; cost analysis following completed outcome evaluation in final 3rd year.

18

Questions?

Captain Chris Summers
Chris.Summers@talgov.com

Training and Development Division
In cooperation with DISC Village, Inc.

Tom Olle-Executive Director
(850)597-9700
TO1555@aol.com

Jordan Cowart-Project Development
(850)575-5555
Jcowart@discvillage.com

19

ADVANTAGES OF PARTICIPATING IN THE CIVIL CITATION PROGRAM:

- Diverts misdemeanant arrests from the criminal justice system; eliminating and reducing the overall time and costs involved.
- Eliminates an unnecessary arrest record that can follow individuals and hinder them from prospective job opportunities their ENTIRE life.
- Allows law enforcement to remain on the streets to be available for more serious and/or violent crimes, increasing the overall public safety of the community.

DISC Village, Inc. prohibits discrimination in employment, or program services and activities on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference. DISC Village, Inc. also affirms its commitment to providing equal opportunities and equal access to agency facilities. For additional information contact the Human Resources at (850) 575-4388.

KEY STAKEHOLDERS AND PARTNERS

This program is a cooperative effort between community stakeholders in the criminal justice system: State Attorney; Public Defender; Circuit Trial Court; local law enforcement agencies; and local community service providers.

DISC Village, Inc.

Adult Civil Citation Program

1000 W. Tharpe St., Suite 17
Tallahassee, FL 32303
Telephone: (850) 487-0432
FAX: (850) 487-0431
Web: www.discvillage.com

Revised: December 2012

WHAT IS THE ADULT CIVIL CITATION PROGRAM?

Adult Civil Citation is an alternative to first time, misdemeanor arrest. Adult Civil Citation is not a post-arrest diversion program. It is based on an intervention and diversion model that provides law enforcement a discretionary tool to divert adults from an arrest while still ensuring public safety and accountability. Only Law Enforcement Officers has the discretion to issuing a Civil Citation. If you complete the program, you will not have a criminal record.

WHO IS ELIGIBLE?

Any adult who commits an eligible misdemeanor or violates a county or municipal ordinance. You will not be eligible if you have a prior arrest or Civil Citation.

WHAT HAPPENS IF YOU DO NOT FOLLOW THE RULES OR COMPLETE THE PROGRAM?

If you fail to meet program rules and guidelines, you will be terminated from the program and arrested for the original offense resulting in a criminal record.

WHAT ARE THE REQUIREMENTS OF THE PROGRAM?

The Law Enforcement Officer issues the Civil Citation at the scene, giving you seven (7) days to contact the program office [850-487-0432] to schedule an appointment for the initial assessment.

You must agree to participate in the program and follow the rules and requirements of the program. You are not to use any alcohol, drugs or other mood altering substances during the duration of the program.

Based upon your assessed needs, the Case Manager will determine program services and sanctions you will be required to complete. You will be assigned a **minimum of 25 community service hours**. Staff will assist you in determining where you will complete the hours and set a due date. Program fee is $300.00. There are additional fees if you are required to submit to random urinalysis testing. There is a $25.00 fee for printed materials if you do not complete services online. Fees may be paid by cash, credit card or money order.

You must complete all community services hours, interventions and sanctions, and pay all program fees to be considered successful. You will have up to 120 days to complete the program.

For example: If you are issued a Civil Citation due to a drug or alcohol offense, you would be given a **minimum of 25 hours** of community services, be required to complete the online Chemical Education educational module and/or counseling, as well as submit a drug screen at the beginning and randomly throughout the end of program services.

I. PURPOSE

This Memorandum of Understanding (MOU) is a collaborative partnership and is entered into by DISC Village, Inc. and the following community partners to operate a pre-arrest diversion program: Office of the State Attorney, City of Tallahassee, and the Leon County Sheriff's Office.

DISC Village, Inc. may receive client referrals from law enforcement to provide an assessment and assigned services for clients residing in Leon County and have a local address.

II. AUTHORITY

This MOU authorizes DISC Village, Inc. as the designated community-based agency to provide services to pre-arrest Civil Citation and Diversion adults.

III. AGREEMENT.

EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

IV. SERVICES PROVIDED BY DISC VILLAGE, INC.

Clients who commit a misdemeanor offense or who violate a county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC Village, Inc. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to section 948.036, Florida Statutes. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

V. TERM OF AGREEMENT

This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice.

This agreement shall take effect upon receipt of signatures and may be terminated or revised at the request of either party.

Tom Olk
CEO
DISC Village, Inc.

9-10-12
Date

Grant C. Slayden
Trial Court Administrator
2d Judicial Circuit of Florida

7 SEPTEMBER 2012
Date

PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING

I. PURPOSE

This Memorandum of Understanding (MOU) is entered into by the Tallahassee Police Department and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Tallahassee Police Department.

II. AGREEMENT

EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
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Quarterly reports will be provided to all concerned parties.

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This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.

Tom Olk, CEO DSC Village, Inc. — 10-15-2012 Date

Dennis Jones, Chief of Tallahassee Police Department — 10/12/2012 Date

PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING

I. PURPOSE

This Memorandum of Understanding (MOU) is entered into by the Leon County Sheriff's Office and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Leon County Sheriff's Office.

II. AGREEMENT

EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
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Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

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This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.

Tom Olk, CEO Disc Village, Inc. — 10-23-12 Date

Larry Campbell, Leon County Sheriff — 11-30-12 Date

Leon County
Board of County Commissioners

Notes for Agenda Item #23

Leon County
Board of County Commissioners

Cover Sheet for Agenda #23

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of the Status Report on the Feral Cat Workgroup

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andrew Seltz, Director, Animal Control Cristina L. Paredes, Intergovernmental Affairs and Special Projects Coordinator Laura Youmans, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the Feral Cat Workgroup.

Report and Discussion

Background:

During the August 23, 2011 meeting, the Board approved the amendments to the Leon County Code of Laws, Chapter 4 "Animals." Prior to that, the last major revision to the Ordinance was February 1, 2005, with minor technical adjustments in 2007. The Board directed staff to establish two working groups to address issues regarding feral cats and tethering dogs, and bring back any recommendations to modify the Ordinance.

Subsequently, the Board approved the November 8, 2011 status report, identifying groups of citizens to meet and discuss the issues affecting feral cats and tethering. Members include representatives from the City of Tallahassee's Animal Services, Humane Society, rescue group volunteers, concerned citizens, and the Leon County Animal Control Director.

During the June 26, 2012 meeting, the Board agreed to defer action on the feral cat and tethering modifications, and asked the respective workgroups to further discuss and evaluate unresolved issues and report back to the Board in the future (Attachment #1). Subsequently, staff convened both workgroups to further discuss the modifications to the Animal Control Ordinance (Attachment #2). Previous Board action has addressed the efforts of the tethering dog work group.

Analysis:

Subsequent to June 26, 2012, the Feral Cat Workgroup (Workgroup) was reconvened to continue the conversation on identifying modifications to the Animal Control Ordinance regarding feral cats. In addition to the Workgroup, representatives from County Administration, the County Attorney's office, and officers from the County's Animal Control department attended and actively participated in the meetings. During the meetings, the citizens brought forth numerous suggestions and ideas for consideration (Attachment #3). The Workgroup discussed several aspects of feral cats, including community issues regarding feral cats, trap-neuter-release (TNR) programs, and other County ordinances. The Workgroup met once a month for the past six months to discuss the recommendations of the Feral Cat Workgroup. Several conversations were regarding the caregiver's responsibility, private property rights, and the development of a TNR program.

Based on these meetings, staff researched the success of TNR programs within Florida. Two of the programs that claim the most success are in Duval and Alachua Counties. Both of these programs have active third-party organizations that help fund and manage the TNR of feral cats. Sarasota County has a program that requires the caregiver to register a colony with Animal Control for a small fee and maintain a record of the number of cats in the colony, monitor the cats' health, and provide a signed agreement that they are the caregiver of record.

Since 1999, Brevard County has a TNR program that is managed by a third-party organization, and part of the program requires caregivers to register feral cat colonies with Animal Control. During the past year, this program has fallen under heavy scrutiny. It is estimated that Brevard County has more than 100,000 "community cats"; probably living in 500+ colonies in Brevard County, because not all caregivers are registering their colonies.

During the May 15, 2012 meeting, the Brevard County Commission agreed to place a moratorium on the registering of feral cat colonies and asked staff to bring back modifications to the existing ordinances. In addition, the Commission asked that the Brevard County Health Department report back on the potential health risks of feral cat colonies. On May 24, 2012, the response from the Brevard County Health Department stated:

> "The concept of managing free-roaming/feral domestic cats (felis catus) is not tenable on public health grounds because of the persistent threat posed to communities from injury and disease. While the risk for disease transmission from cats to people is generally low when these animals are maintained indoors and routinely cared for, free-roaming cats pose a continuous concern to communities… Allowing cats to roam free is not in the best interests of the community's health and deliberate release or abandonment of feral or domestic cats is not sanctioned under Florida's conservation and cruelty laws. Domestic cats are not "indigenous" or native to Florida, and relocating and releasing non-native species into the wild is a violation of Florida Statute 379.231 and the Florida Administrative Code 68A-4.005 (Attachment #4)."

Brevard County has not yet lifted its moratorium on the registering of feral cat colonies. Recently, Indian Harbour Beach, a municipality in Brevard County, passed a resolution to modify the city ordinance on feral cats. The new ordinance prohibits the establishment of feral cat colonies on city property, as well as prohibits feral cat colonies on private property located within the city without the approval of the City Council (Attachment #5).

Subsequent to researching TNR programs across the state, staff was contacted by St. Francis Wildlife Refuge and the local chapter of the Audubon Society regarding possible modifications to the feral cat section of the Animal Control ordinance. Both of these organizations expressed concern about the (re)releasing of cats within the community because domestic cats are not "indigenous" or native to Florida. In addition, both organizations stated that cats have an adverse impact on wildlife. In addition, the Florida Fish and Wildlife Conservation Commission has the authority to curtail adverse impacts that non-native animals cause to native species. Therefore, it is the policy of the FWC to protect native wildlife from predators, disease, and other impacts presented by feral and free-ranging cats.

On December 5, 2012, the Workgroup met and additional stakeholders within the community were brought into the discussion including St. Francis Wildlife Refuge Association, the Audubon of Florida, and a concerned citizen. St. Francis Wildlife Refuge Association and the Audubon of Florida both cited concerns with the destruction of wildlife should colonies of feral cats be allowed within the County. Concerned citizens residing next to an existing feral cat colony cited possible noise and odor nuisances, as well as health concerns due to the abundance of cats and the resulting cat excrement. The discussion provided for the requirement of a smaller group discussion in which one person from each stakeholder group would be able to represent their organization to help facilitate conversation due to the volume of citizens at the meeting.

Based upon discussion that occurred at the December 5, 2012 meeting, and the research conducted during the Fall, staff identified areas in the current Ordinance that could possibly be altered to provide for an equitable solution to all stakeholders within the community. Animal Control developed proposed Ordinance modifications that were presented to the Workgroup at the February 5, 2013 meeting (Attachment #6).

During this meeting, the Workgroup members were briefed on the potential Ordinance changes on a line-by-line basis, with ensuing conversation. However, representatives from the TNR programs and Its Meow or Never expressed concern that these proposed modifications required the caregiver of the feral cats to assume a large burden of the responsibility and that these caregivers would be reluctant to share the location of the feral cat colonies with Animal Control. Staff encouraged each of the representatives to discuss the proposed Ordinance revisions with their respective entities prior to the next Workgroup meeting. The Director of the Leon County Health Department was also present at this meeting.

Subsequent to this meeting, the Health Department reviewed the proposed changes to the Ordinance and the Health Department Director sent a letter to the Deputy County Administrator stating that he opposes changing the Ordinance to recognize feral cat colonies and does not support TNR programs (Attachment #7). In addition, the letter states that the modification of the existing County Ordinance to allow for the creation and maintenance of feral cat colonies may create a significant risk to the health and safety of the citizens of Leon County, while placing the County in violation of existing State statutes and administrative codes. The Florida Department of Health (Rabies Prevention and Control in Florida, 2012) states that free-roaming cats can be vaccinated against rabies, but this does not address the ongoing need to provide them health care, medications, and prevention of other zoonotic diseases.

On February 17, 2013, the members for the Feral Cat Workgroup sent a letter to the Deputy County Administrator with recommendations (Attachment #8). These recommendations included the following:

- Do not attribute ownership of community cats to individuals or organizations that do TNR of the cat… To imply ownership by the act of TNR will prohibit individuals and organization from TNR.
- Requiring colonies to be registered is a deal breaker with the TNR community. Again, it attributes ownership to people.
- The care and feeding of community cats on property not owned by the caregiver should be prohibited unless the caregiver has verbal permission of the property owner and is actively involved in TNR of the cats cared for. There should be provisions in the Ordinance that prohibits any citizen from feeding community cats unless they TNR the cats being fed.
- Use “community cats” as the broader term for “free roaming cats.” Feral cats are community cats; however, not all community cats are feral.
- The County Ordinance should be compatible with the City ordinance.

A letter from the Humane Society of the United States (HSUS) was received on February 27, 2013 (Attachment #9). This letter outlined the position that the HSUS provides in reference to feral cat management and in particular, TNR. The HSUS recommends allowing provisions for TNR and TNR-affiliated activities.

In summary, modifications to the existing County Ordinance that would allow for the creation and maintenance of feral cat colonies would be in conflict with the provisions of the Florida Department of Health, Florida Fish and Wildlife Conservation Commission, Florida Statutes and Florida Administrative Codes. Additionally, it may have a negative impact on the health and welfare of the citizens of Leon County. The Leon County Health Department does not support changing the Ordinance or TNR programs because of the persistent threat posed to communities from injury and disease. Further, the St. Francis Wildlife Refuge (a County partner agency) and the Audubon Society do not support any changes to the Ordinance. Therefore, at this time, staff does not recommend modifying the Animal Control Ordinance as it relates to feral cats.

Options:

1. Accept the status report on the Feral Cat Workgroup.
2. Direct staff to revise the Animal Control Ordinance, consistent with the recommendations of the Workgroup.
3. Do not accept the status report on the Feral Cat Workgroup.
4. Board direction.

Recommendation:
Option #1.

Attachments:
1. June 26, 2012 Agenda Item
2. Leon County Animal Control Ordinance
3. August 2012 Recommendations by the Feral Cat Workgroup
4. May 24, 2012 Letter from Brevard County Health Department
5. January 8, 2013 Indian Harbour Beach Resolution
6. February 5, 2013 Staff Proposed Modifications to the Animal Control Ordinance
7. February 12, 2013 Letter from the Leon County Health Department
8. February 17, 2013 Letter from the Original Feral Cat Workgroup
9. February 27, 2013 Letter from the Humane Society of the United States

VSL/AR/AS

Back Print

Leon County
Board of County Commissioners
Cover Sheet for Agenda #13

June 26, 2012

To:	Honorable Chairman and Members of the Board
From:	Vincent S. Long, County Administrator
Title:	Request to Schedule the First and Only Public Hearing for Modifications to the Animal Control Ordinance for Tuesday, July 10, 2012 at 6:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review and Approval:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Laura Youmans, Assistant County Attorney Cristina L. Paredes, Intergovernmental Affairs and Special Projects Coordinator Richard Ziegler, Director, Animal Control

Fiscal Impact:
This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Schedule the first and only Public Hearing for modifications to the Animal Control Ordinance for July 10, 2012 at 6:00 p.m.

Report and Discussion

Background:

During the August 23, 2011 meeting, the Board approved the amendments to the Leon County Code of Laws, Chapter 4 'Animals.' The last major revision to the Ordinance was February 1, 2005, with minor technical adjustments in 2007. The Board directed staff to establish two working groups to address issues regarding feral cats and tethering and bring back any recommendations to modify the Ordinance during the August 23rd meeting. In addition, the Board requested that staff continue to review the Ordinance and bring back any modifications.

Subsequently, the Board approved the November 8, 2011 status report identifying groups of citizens to meet and discuss the issues affecting feral cats and tethering. Members include representatives from the City of Tallahassee's Animal Services, Meow or Never, the Leon County Humane Society, and various animal rescue group volunteers.

Analysis:

Based on Board direction and input from the community, staff and the citizens groups reviewed the Ordinance. Staff is recommending modifications to the Ordinance, specifically relating to feral cats, tethering of animals, and dangerous dogs. The following is a discussion of the recommendations.

Feral Cat Work Group and Recommended Ordinance Modifications

The Animal Control Division hosted two meetings with the Feral Cats Work Group (Work Group), and discussed modifications that may be needed to the recently amended Animal Ordinance. During the Feral Cat meetings, the group discussed and compared other county and city ordinances that specifically dealt with feral cat issues. According to the City of Tallahassee ordinance, feral animals are not required to be held (i.e. they can be euthanized) at the Animal Shelter, unless they are microchipped, wearing identification or other marks that would suggest that they might be owned. Similar to the County's Ordinance, the City prohibits the feeding of feral animals, unless the animal is spayed or neutered, and a person accepts legal responsibility for the animal. Additionally, the current County Ordinance states that a person may feed a feral animal, while on private property, with written approval from the property owner.

The group raised concerns regarding the Ordinance definition of 'feral cat caregiver', 'feral', and 'public nuisance'. In order to address these concerns, the group recommends new and revised language to the current Ordinance to address the feral cat population, and Trap-Neuter-Release (TNR) programs (Attachment #2). These recommendations allow: 1) the feral cat caregiver to feed feral cats, 2) redefine the classification of 'abandoned' - not to consider cats, released during TNR, as abandoned, 3) one-time rabies vaccination of TNR cats, and, 4) feral cat caregivers to be exempt from sections of the Ordinance. As follows, staff supports elements of the recommendations, but does not recommend implementing all of them.

Under the County Ordinance, an animal is not considered abandoned, so long as a person is caring for the animal. County staff does not support releasing responsibility of an animal's action, such as running loose, as it relates to feral animals. Ferals that travel off the approved property on to un-authorized property are in violation. The caretaker is responsible for the animal's action, as would a pet owner.

Based on the committee's discussion, and the evaluation of other ordinances, staff is recommending that the following changes be made to the County's Animal Control Ordinance on feral animals:

- Presuming a feral animal has a left ear tip (the ear is notched to indicate the animal is spayed or neutered), this means it has had a rabies vaccination, at least once, and is exempt from displaying a rabies tag (*which is a current requirement*);
- Allowing a person to feed or harbor a feral animal, with either verbal or written approval of the authorized tenant or property manager or property owner (*the current Ordinance states that the person must have written authorization from only the property owner).*
- Allowing a person to feed or harbor a feral animal, only if there is a good faith effort to humanely capture the animal for the purpose of spay, neuter, or surrender to Animal Control.

The Feral Cat Working Group does realize that some of their other specific suggestions, not included in the draft Ordinance, such as the one-time rabies vaccination may conflict with Florida Statutes that requires annual vaccinations. After receiving the final recommendations from the Work Group, staff, in conjunction with the American Society for the Prevention of Cruelty to Animals (ASPCA) Partnership, is looking into different options on feral cat programs, throughout the country and Florida, to match the needs of the community. Based on this effort, staff may bring back additional Ordinance modifications in the future.

Tethering Work Group and Recommended Ordinance Modifications
The Animal Control Division hosted two meetings with the Tethering Work Group (Work Group), and discussed modifications that may be needed to the recently amended Animal Ordinance. During the Tethering meetings, the group discussed, and compared 19 Florida cities' and counties' animal ordinance sections that specifically dealt with tethering. The City of Tallahassee ordinance is very similar to the County's Ordinance. Both ordinances allow tethering, and define proper tethering as "attached to a properly fitted collar or harness"; prohibits the use of a choker collar; tether must be a minimum of six feet and allows the animal to move about comfortably; and, limits the weight of the tether. Both ordinances prohibit tethering that is 1) injurious to the animal's health, safety, well-being; 2) during severe weather occurrences (such as natural disasters, extreme heat/cold, flood, fire, and hail); and, 3) the use of logging and vehicle tow chains.

The Work Group discussed several aspects of tethering that included making the life of an animal on a tether more favorable to the pet, while protecting the public, and banning tethering entirely. Most dog owners use tethering as a means to secure a dog. If tethering were to be completely banned, there would most likely be increased incidents of stray dogs, with owners, being sent to the shelter as a stray. In addition, other property owners would be required to incur the cost of fencing their yard, as opposed to the cost of the tethering. The Work Group agreed that puppies, sick, and injured dogs should not be tethered, and the Ordinance should be strengthened to prevent entanglement of and heavyweight tethers. The Work Group suggested that, if tethering were prohibited, programs and services for pet owners would need to be provided; such as, affordable fencing and kenneling, humane treatment of animals education, and possible statutory changes (Attachment #3).

Based on the committee's discussion and the evaluation of other county ordinances, staff is recommending that the following changes be made to the Animal Control Ordinance on tethering:

- tether must have a swivel at both ends to prevent entanglement;
- the weight on the tether must not exceed 1/8 of the animal's weight;
- the animal must be at least six (6) months of age; and, puppies and kittens shall not be

tethered;

- the animal must not be sick or injured.

After receiving the final recommendations from the Work Group, staff, in conjunction with the ASPCA Partnership, continues to look, throughout the country and Florida, into different options or alternatives to tethering to match the needs of the Leon County community. Based on this effort, staff may bring back additional Ordinance modifications in the future.

Dangerous Dogs Recommended Ordinance Modifications
Subsequent to the previous Ordinance modifications, staff has continued to review the Ordinance for additional changes that may be required. In addition, staff received substantive input from various citizens who have recently been involved with the dangerous dog classification process. Many of the suggestions were administrative in nature, and would be implemented. Some of the improvements require Ordinance changes. The following provides a summary of the proposed changes ("fixes") to the Ordinance:

1. The draft Ordinance offers an alternative dispute resolution process, prior to initiating the dangerous or aggressive animal classification procedure. The existing Ordinance only allows a formal investigation to occur if a citizen requests that an animal be classified as dangerous or aggressive. This process is highly structured and does not afford any opportunity for a less formal dispute resolution. In some situations, pet owners are trying to resolve a "neighbor versus neighbor" issue through the dangerous dog classification process; and, the "facts" of the case may not necessarily support proceeding. The draft Ordinance provides a preliminary alternative to the complainant in the form of "informal mediation." In this situation, the two parties would agree to an "informal mediation," resulting in a binding agreement, which would be enforceable on both parties. This approach would not prevent a future request for a dangerous or aggressive classification; however, it provides Animal Control and pet owners another approach to addressing neighborhood issues.

2. The draft Ordinance provides that in cases in which the animal classification committee finds that an animal is not dangerous or aggressive (i.e. the committee overturns a preliminary determination), then the County shall reimburse the owner for expenses of boarding the animal at the owner's residence. From the point of the initial determination of dangerous or aggressive through the time of the committee hearing (no more than 21 days), the owner is required to comply with the requirements of the Ordinance to confine in a securely fenced or enclosed area, or be kenneled. Some owners elect to make the necessary modifications to their property to keep their animals at home. The Ordinance currently allows for reimbursement of the kenneling expenses based on the committee not finding the animal dangerous or aggressive. The draft Ordinance now allows for reimbursement of documented homeowner expenses up to the cost of boarding.

3. The draft Ordinance provides a new section that makes it a violation to have three invalid complaints during any one-year period. Given the counties limited staff resources, it is difficult for staff to respond repeatedly to false complaints. The provision provides written notification and a progressive penalty structure for invalid complaints.

4. The draft Ordinance includes revised language in Sec. 4-44 (acreage restrictions) to provide for consistency and clarification purposes.

5. There are other administrative modifications that staff has identified. However, these are

addressed through Animal Control's procedures and guidelines. The existing Ordinance requires a formal citizens committee be formed to make recommendations for modifications to the procedures and guidelines. This process requires formal applications be submitted, the Board to make appointments, and all of the other associated formalities of a Board committee. To ensure citizen input is still included, and allow for a more responsive process, the draft Ordinance requires that staff seek citizen input on modifications to the procedures and guidelines, prior to submission to the Board. If this Ordinance modification is approved, staff will proceed with the process and provide proposed revisions to the Board at the end of the summer.

On April 4, 2012, the County Attorney sent a memorandum to the Board regarding a barking dog complaint (Attachment #4). As noted in the attachment, the situation involved a homeowner that raises/breeds hunting dogs, and wants to be exempted from the public nuisance (i.e. barking) portion of the Ordinance. Currently, the Ordinance does not provide exemptions from the public nuisance section, even for kennels, boarding facilities, rescue groups, and shelters. If the Board considered introducing exemptions, this would most likely cause many entities to seek the new exemption; thereby, creating situations where barking would not be regulated. At present, Animal Control enforces the Ordinance uniformly; thereby, providing assurance to all residents as it relates to barking. If the Board wishes to proceed with introducing exemptions, staff could prepare a future modification to the Ordinance that provides definitions for those entities that might be exempted.

Options:

1. Schedule the first and only Public Hearing for modifications to the Animal Control Ordinance for Tuesday, July 10, 2012 at 6:00 p.m.
2. Schedule the first and only Public Hearing for modifications to the Animal Control Ordinance for an alternate date.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. Draft Ordinance
2. Feral Cat Work Group Information
3. Tethering Dog Work Group Information
4. April 4, 2012 Memorandum from County Attorney

Back Print

Leon County Animal Control Ordinance as Amended July 20, 2012

ARTICLE II. ANIMAL CONTROL

DIVISION 1. GENERALLY

Section 4-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon shall mean the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and/or without adequate food, water, ventilation or shelter, for a period in excess of 24 hours, regardless of where such animal may be found or kept.

Aggressive animal shall mean any animal which has injured or killed a domestic animal in a first unprovoked attack while off of the premises of the owner.

Animal shall mean any living dumb domesticated creature or any captive wild creature.

Animal control officer shall mean any person employed or appointed by the county who is authorized to investigate, on public or private property, violations relating to animal control or cruelty to animals pursuant to state law and this article.

Animal shelter shall mean any facility designated by the county for the purpose of housing and caring for animals held under the authority of this article or state law.

At large shall mean any animal, other than a dog, which is off of the premises of the owner while not under the supervision of the owner, or, in the case of dogs, when any dog is off of the premises of the owner while not under the direct control of the owner.

Attack shall mean the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or a person occurs.

Board shall mean the Board of County Commissioners.

Bite means that the skin has been penetrated by an animal's teeth.

Cat means the domestic cat, *Felis catus.*

Citation shall mean a written notice issued to a person by an animal control officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly-enacted ordinance and that the county court will hear the charge.

Leon County Animal Control Ordinance as Amended July 20, 2012

Domestic animal shall mean any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird.

Endanger shall mean risk of harm or imperil.

Exposure to rabies shall mean contact by any person, domestic animal or captive wild animal with saliva, brain tissue, or other potential infectious material of a rabid animal or of an animal suspected to be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, and bobcats.

Feral animal shall mean any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

Impoundment shall mean the taking up and confining of an animal by the division of animal control in a manner consistent with professionally-recognized standards of humane treatment.

Livestock shall mean all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

Neutered shall mean rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.

Owner shall mean any person, firm, corporation or organization owning, possessing, harboring, or having control, custody and care of an animal. If the animal is owned by a person under 18 years, that person's parent or guardian.

Person shall mean any individual, firm, corporation, partnership, organization, or association.

Potential rabies carrier shall mean any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bobcats, and skunks.

Proper shelter for an outdoor animal (excluding livestock) shall include but is not limited to a permanent structure with three sides, a top and a bottom. The structure shall have a waterproof roof, be structurally sound with three solid sides, top and bottom, and shall protect the animal from the elements, with space to stand up, sit down, turn around and lie down in a normal posture. The structure and surrounding area needs to be free of trash or waste so as not to threaten the physical well being of the animal. Examples of inadequate shelter include, but are not limited to, lean-tos, cardboard boxes, uncovered vented plastic airline carriers, abandoned vehicles, uncovered porches,

Leon County Animal Control Ordinance as Amended July 20, 2012

Section 4-27. Statutory authority.

This article is an exercise of authority under state law.

Section 4-28. Area of enforcement.

This article shall be effective throughout the unincorporated area of the county and within any incorporated area of the county upon execution of an interlocal agreement with the incorporated area specifying the terms for implementation and enforcement of this article within the incorporated area. However, this ordinance shall not be applicable to research and instructional programs conducted in the interest of medical science by universities registered with the United States Department of Agriculture and operated under federal statutes and rules.

Section 4-29. Enforcement Generally; Penalties.

(a) In addition to or in lieu of impounding an animal which any animal control officer or any law enforcement officer has probable cause to believe is in violation of this article the officer may issue a citation to the owner or keeper of the animal, provided, however, that upon a second conviction within the same household of a violation of sections 4-35 through 4-39, the animal shall be confined to the owner's premises by means of an enclosure approved by the division of animal control for restraining the animal and for preventing its escape.

(b) Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date and location designated in the citation.

(c) Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.

(d) Penalties shall be in addition to court costs as established by the county court.

(e) The maximum civil penalty for each violation shall be $500.00.

(f) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.

(g) A mandatory court appearance shall be required for any of the following:

Leon County Animal Control Ordinance as Amended July 20, 2012

4-40	Repeated Invalid Complaints	$50.00	$100.00	$250.00
4-43	Removal of animal waste.	$50.00	$100.00	$250.00
4-44	Number of animals, acreage restrictions/excess animals habitats.	$50.00	$100.00	$250.00
4-45	Permit required for multiple pets.	$50.00	$100.00	$250.00
4-46	Prohibition on feeding feral animals	$50.00	$100.00	$250.00
4-47	Dogs and cats offered for sale; health requirements	$50.00	$100.00	$250.00
4-76	Rabies vaccination required	$50.00	$100.00	$250.00
4-77	Animal Bites	$50.00	$100.00	$250.00
4-78	Potential Rabies Carriers	$50.00	$100.00	$250.00
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the destruction or loss of personal property	$100.00	$250.00	$500.00 and a mandatory court appearance.
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the unprovoked, biting, wounding or attacking of a domestic animal or person	$450.00 (person) $250.00 (animal)	$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to a dangerous animal which does not result in injury to a person or domestic animal.	$250.00	$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to aggressive animals which does not result in injury to a person or domestic animal	$250.00	$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to dangerous animals which does result injury to a	$500.00 and mandatory court		

Leon County Animal Control Ordinance as Amended July 20, 2012

Section 4-33. Right of entry.

(a) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control and/or any animal control officer shall have the authority to enter public or unfenced private property within the county to carry out the duties imposed by this article.

(b) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control, and/or any animal control officer shall have the authority to enter fenced private property, exclusive of buildings, when:

(1) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.

(2) The animal being sought was at large immediately prior to the division of animal control receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.

(3) The division of animal control is taking possession of any animal found neglected or cruelly treated pursuant to §§ 828.27, 828.073, *Florida Statutes*, and 125.01, *Florida Statutes*.

(4) Pursuant to Section 767.12, F.S., and 125.01, F.S., the division of animal control is taking possession of any animal initially determined as dangerous or aggressive.

Section 4-34. Obstructing enforcement.

No person shall:

(1) Refuse to surrender an animal upon lawful demand by the director of animal control or any animal control officer.

(2) Interfere with the director of animal control of any animal control officer who is lawfully performing his or her duties.

Leon County Animal Control Ordinance as Amended July 20, 2012

(3) Any animal that is especially trained to assist or provide personal services for a disabled person, as defined under the American With Disabilities Act.

(4) Government police dogs.

Section 4-36. Public nuisance prohibited.

(a) It shall be unlawful for any person to allow his or her animal to become a public nuisance.

(b) The owner of any domestic or captive wild animal which is a public nuisance shall be subject to the procedures and penalties set forth in section 4-29.

(c) Any animal which is feral shall be classified as a public nuisance and may be impounded and humanely euthanized. Feral animals may not be required to be held for a minimum period of time as is required for other stray animals (as provided in division 2).

(d) Any nuisance complaint may be investigated by animal control or law enforcement. The owner shall first be given written notification by the county of the public nuisance, that the owner is required to make reasonable effort to abate the nuisance within seven (7) calendar days of the written notice of violation, and that subsequent violations or failure to abate the nuisance may result in the issuance of a citation to the owner for allowing his or her animal to become a nuisance.

(e) Subsequent violations, after warning, shall be based on the animal control officer or law enforcement having personal knowledge of the nuisance or at least two (2) affidavits from different parties residing in close proximity to the alleged nuisance must be received. Close proximity shall mean residing within a radius of 200 feet from the residence or location of the offending animal or property but shall not preclude the consideration of evidence and testimony of persons living more than 200 feet from the residence or location of the offending animal. One affidavit may be sufficient to warrant an investigation where there is only one party in close proximity to the alleged nuisance.

Section 4-37. Humane care required.

(a) No owner shall fail to provide his or her animal with sufficient and wholesome food, proper shelter and protection from the weather at all times, veterinary care when needed to prevent suffering, sufficient exercise space, and humane care and

Leon County Animal Control Ordinance as Amended July 20, 2012

expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

(f) Any person who commits any of the following acts shall be in violation of this section:

(i) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

(ii) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals;

(iii) Attending the fighting or baiting of animals;

(iv) Owning, possessing, or selling equipment for the purpose of animal fighting or baiting;

(v) Providing or allowing property for use in the housing, training, transport, fighting or baiting of animals.

Section 4-38. Animals in motor vehicles.

(a) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the cab of the vehicle or protected by a container, cage, cross tethering, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

(b) No person shall transport, place or confine an animal or allow it to be placed or confined in the enclosed trunk of a vehicle.

(c) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain in an un-attended motor vehicle without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may reasonably be expected to cause suffering, disability or death of the animal.

(d) Officers finding an animal under the conditions referenced above may rescue such animal from the vehicle following the policy established by animal control.

Leon County Animal Control Ordinance as Amended July 20, 2012

(e) Any person electing to appear or who is required so to appear shall be deemed to have waived his or her right to pay the minimum civil penalty.

Section 4-42. Fees.

The Board of County Commissioners of Leon County, Florida, may, by resolution, establish and subsequently amend a fee schedule for the division of animal control which shall be administered by the division. All fees collected under this section that are not expended in the current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the division of animal control.

Section 4-43. Removal of animal waste.

(a) It shall be unlawful for any owner of a animal to fail to remove any feces deposited by his or her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.

(b) This section shall not apply to disabled persons accompanied by a service animal used for assistance in accordance with the law.

Section 4-44. Number of animals, acreage restrictions/excess animals habitats.

(a) A person convicted of his or her second violation of sections 4-35, 4-36, 4-37 or 4-76 within a two-year period shall be subject to the provisions of sections 4-44 and 4-45. The second conviction may be of the same section as the initial violation or a subsequent conviction of another listed section. Thereafter, it is a violation of this section if the person harbors a greater number of dogs and/or cats than allowed in the chart below without obtaining a multiple pet permit. The owner must comply with all animal care standards as required in section 4-45 of this chapter.

If you have:	Less than 1.5 acres	1.5 to less than 3 acres	3 to less than 5 acres	5 acres or more
1-10 dogs and/or cats	No permit required	No permit required	No permit required	No permit required
11-20 dogs and/or cats	Prohibited without valid permit	No permit required	No permit required	No permit required
21-30 dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	No permit required	No permit required

Leon County Animal Control Ordinance as Amended July 20, 2012

(4) A permit holder shall use the initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.

(5) It shall be a condition of the issuance of any permit that the division shall be allowed, at any reasonable time, with the owner present, to inspect all dogs and/or cats and all premises where dogs and/or cats are kept.

(6) No permit shall be renewed hereunder if an applicant has had his or her permit revoked within two (2) years of the date of application, or has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

(b) Inspection procedures.

(1) Inspection required - Applicants shall submit to an in-home, property, and out building inspection (where ever the dogs and/or cats will be housed) by a county animal control officer prior to the issuance of a permit.

(2) Initial inspections of multiple pet facilities will be made with advance notice, during normal business hours or at any reasonable time during daylight hours. All inspections will be made in the presence of the owner whenever possible.

(3) Whenever deficiencies are noted or the division receives a complaint from the public, a follow-up inspection of the establishment, may be initiated by the division.

(4) A permit shall not be issued if the inspection determines:

a. That the requested number of dogs and/or cats cannot be maintained without creating noise or odor nuisances;

b. That the requested number of dogs and/or cats cannot be maintained in a healthy and sanitary environment;

c. That any dogs and/or cats at the location are not in compliance with all provisions of this chapter.

(5) The owner shall correct or initiate corrections within seven (7) days of the initial inspection, unless otherwise stated by the inspecting officer. Subsequent inspection is required to confirm corrections.

(6) By notice of adverse action, the division shall deny or revoke any permit if it is determined that:

Leon County Animal Control Ordinance as Amended July 20, 2012

this section. Failure to comply within the stated time will result in a subsequent violation.

(2) A person commits an offense if the person is the holder of a permit and harbors more dogs and/or cats than authorized in the permit. If a citation is issued, the person will then have 14 days from the issue date to comply with this section. Failure to comply within the stated time will result in a subsequent violation.

(3) A person commits an offense if the person is a holder of a permit and the person refuses, upon request by a county animal control officer during reasonable hours, to make his dogs and/or cats, premises, facilities, equipment, and any necessary registrations or permits available for inspection.

(4) A person commits an offense if the person is a holder of a permit and the person refuses to show the permit upon request by a county animal control officer or law enforcement.

(5) A person commits an offense after an inspection has revealed noncompliance with this chapter.

(e) Appeal process.

(1) Any permit holder or applicant who has been denied a permit or whose permit has been revoked may appeal this action to the Division of Animal Control. A written petition for appeal must be filed with the division within ten (10) days of the notice of adverse action. Otherwise, the denial or revocation of the permit shall become final.

(2) The appeal must be heard by the Review Committee within thirty (30) calendar days after the permit holder or applicant has submitted a petition for appeal. The appeal may be delayed by the division beyond the thirty (30) calendar days if the division experiences extenuating circumstances beyond its control.

(3) Such hearing shall be convened by the Review Committee. The Review Committee shall consist of a licensed veterinarian, the Leon County Sheriff or his/her designee, and an informed citizen appointed by the Leon County Board of County Commissioners.

(4) In hearings before the review committee, formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The review committee shall decide the issues based upon the preponderance of the

Leon County Animal Control Ordinance as Amended July 20, 2012

(9) If the county court finds that the denial or revocation of the permit was improper as defined in this chapter, the permit shall be re-issued or issued.

(10) The person receiving the notice of adverse action shall, until final determination of the appeal, take whatever positive measures are necessary to prevent any future incidents from occurring.

Section 4-46. Prohibition on feeding feral animals.

(a) *Prohibited.* Feral animals constitute health and environmental risks to domesticated animals, wildlife, and persons. It is a violation of this article for any person to feed or harbor feral animals.

(b) Any person found in violation of this article shall be fined.

(c) *Exceptions.*

(1) A person may feed or harbor a feral animal if the animal is spayed or neutered; and

(2) A person may feed or harbor a feral animal if they accept legal responsibility for the animal, which includes ensuring compliance with all provisions of this chapter; and

(3) A person may feed or harbor a feral animal while on private property and with the expressed written approval of the property owner.

(d) Animal Control has the right to impound a feral animal if:

(1) The animal creates public health and safety concerns (including rabies, other zoonotic diseases, and certain animal to animal disease); or

(2) The animal creates a public nuisance as defined in section 4-36.

Leon County Animal Control Ordinance as Amended July 20, 2012

certificate must be obtained.

d. No person shall display, give away, or offer for sale any live animal on private property without consent of the owner.

e. No person shall display, give away, or offer for sale any living animal on public land, right of ways, or easements except in areas that have been authorized and permitted by the County for such use.

f. The Division of Animal Control, city-operated animal control agencies and registered nonprofit humane organizations shall be exempt from the provisions of this section. However, registered nonprofit humane organizations may be required to provide health records upon request.

Sections 4-48 – 4-60. Reserved.

DIVISION 2. IMPOUNDMENT, REDEMPTION, ETC.

Section 4-61. Authority of county.

The director of animal control or any animal control officer may pick-up, catch or confine any animal in violation of this article.

Section 4-62. Restraint by property owner.

A property owner or tenant may restrain in a humane manner any animal found in violation of this article on his or her property. When such restraint is made, the property owner or tenant shall immediately notify the division of animal control. The property owner or tenant shall treat the animal humanely and shall exercise due care to ensure the animal's safety and well-being. The director of animal control or any animal control officer may impound any animal delivered by its owner, or may pick up and impound any animal restrained by a property owner as described above, and shall dispose of the animal pursuant to this article.

Section 4-63. Redemption.

Stray animals which are impounded and are not suffering from or suspected of having an infectious disease, shall be held for a period of six (6) calendar days from the date of impound, unless sooner redeemed by the owner. Animals that are ill or injured may be euthanized prior to the

Leon County Animal Control Ordinance as Amended July 20, 2012

(d) Any animal not redeemed by its owner or adopted as a personal pet shall be humanely euthanized.

Section 4-65. Fees.

Impoundment and board fees for animals under this division shall be as follows:

(1) Impound fees for each animal shall be established by resolution of the board.

(2) Boarding fees, for each day the animal is impounded or partial day thereof, shall be established by a resolution of the board.

Section 4-66. Microchip implant.

All animals that are reclaimed shall be implanted with a microchip. The cost of the microchip may be assessed to the owner at the time the animal is redeemed.

Section 4-67. Spayed or neutered on reclaim.

All animals that are reclaimed, upon the second offense, shall be spayed or neutered within 30 days of reclaim. The costs of spaying or neutering shall be the responsibility of the owner. A deposit, determined by County policy, may be required prior to release of the animal to the owner. The deposit will be refunded after receipt of proof of spay or neuter in a manner and time frame determined by County policy.

Sections 4-68 - 4-75. Reserved.

DIVISION 3. RABIES CONTROL

Section 4-76. Rabies vaccination required.

(a) *Frequency; exception.* Every ferret, dog and cat four months of age or older shall be vaccinated against rabies with a U.S. government-approved vaccine. Each animal shall be required to be vaccinated no more frequently than the effective period of the approved vaccine used. Such vaccination is excused only if a licensed veterinarian certifies in writing that a vaccination would be injurious to the ferret's, dog's or cat's health. In such case, the ferret, dog or cat shall be confined in an enclosed building or kennel until the ferret, dog or cat can be safely vaccinated.

Leon County Animal Control Ordinance as Amended July 20, 2012

(b) When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with Chapter 64D-3, ("Control of Communicable Diseases & Conditions which May Significantly Affect Public Health"), Florida Administrative Code.

(c) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies, to report the incident immediately to the division of animal control or to the Department of Health-Leon County public health unit for examination, or for supervised quarantine of the animal at the expense of the owner.

(d) Any ferret, cat or dog which has bitten or exposed a human to rabies shall be quarantined for a period of not less than ten days from the date of exposure.

(e) The procedures for the investigation of animal bites inflicted by animals other than ferrets, dogs and cats shall be followed in accordance with the provisions set forth in Chapter 64D-3, F.A.C.

(f) The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to rabies shall be established by the county health officer, (Chapter 64D-3, F.A.C.).

(g) It shall be unlawful for any person to hide, conceal, or refuse to surrender any animal for examination or quarantine upon lawful demand to do so by the division of animal control or the Department of Health-Leon County public health unit.

(h) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, bats, and bobcats, shall immediately report such bite or exposure to the division of animal control or to the Department of Health-Leon County public health unit for the investigation of such bite or exposure.

Section 4-78. Potential rabies carriers.

No person shall keep, own, possess, or harbor any potential rabies carriers as defined in this article as a personal pet within the county. Owners of potential rabies carriers obtained prior to June 1, 1988 shall be allowed to keep, own, possess, or harbor the animal, provided that they are properly permitted through state or federal agencies, and further provided that the animal was not obtained from

Leon County Animal Control Ordinance as Amended July 20, 2012

"petition for classification of a dangerous or aggressive animal," hereinafter called the "petition," to the division of animal control.

(b) The matter may be referred to mediation at the request of the complainant and with the consent of the owner of the animal subject to classification. Pending petitions for classification will be placed in abeyance until the resolution of the mediation process. Mediation must be held no later than thirty (30) days after receipt of the referral to mediation. Subsequent to receipt of a referral to mediation, the County will initiate an investigation into the matter. Such investigation shall be completed prior to the start of mediation. The parties to the mediation shall be the complainant, the owner of the allegedly dangerous or aggressive animal, and the County. The County shall be responsible for enforcing any agreement reached during mediation. Classification proceedings may be initiated by the County or the complainant upon failure to reach agreement or in the event of a violation of the terms of an agreement.

(c) Upon receipt of a petition, the director of animal control shall notify the owner of the animal that a petition has been filed with the division, and that an investigation in the allegations as set forth in the petition will be conducted. No animal that is the subject of a dangerous or aggressive animal investigation may be re-located or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous or aggressive animal classification. In the event that an animal is to be humanely destroyed, the animal shall not be re-located or ownership transferred prior to euthanasia.

(d) Any animal that is the subject of a dangerous or aggressive animal investigation must be humanely and safely confined by the owner in a securely fenced or enclosed area approved by county animal control pending the outcome of the investigation. If the owner is unable to comply with this requirement, the animal that is the subject of a dangerous or aggressive animal investigation shall be impounded at the owner's expense pending the outcome of the investigation and resolution of any hearings related to the dangerous or aggressive animal classification.

(e) Any animal that continues to violate the county ordinance while under a dangerous or aggressive animal investigation may be impounded pending the animal control director's *initial* determination at the owner's expense.

(f) *Initial determination of classification.* Upon completion of the investigation, the director of Animal Control or his/her designee shall make an *initial* determination as to whether there is sufficient cause to classify an animal as dangerous or aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination.

Leon County Animal Control Ordinance as Amended July 20, 2012

certified hand delivery of the findings of the investigation, the proposed disposition of the animal and the review process.

(5) If the animal classification committee finds that animal is not dangerous or aggressive as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the county shall reimburse the owner or keeper for costs of impoundment or of otherwise harboring the animal. The amount reimbursed shall be limited to the lesser of the cost of boarding at the county's animal control facility or the actual cost incurred at a private facility or at the owner's residence, and shall be calculated from the date that the initial determination was rendered by the Animal Control Director until the date that the Classification Committee decision is rendered.

(h) *Request for Continuance*. If the owner, or Petitioner cannot appear at any hearing scheduled by the animal classification committee, he or she shall contact the division of animal control no later than 48 hours prior to the hearing, requesting a continuance to the next available date.

(i) *Waiver*. If the owner, keeper or Petitioner fails to appear at the rescheduled classification hearing, the owner, keeper or Petitioner of such animal shall be deemed to have waived his or her right to appear at such hearing. In such case, the division of animal control shall proceed with the hearing and shall notify the owner, keeper or Petitioner in writing of the findings of the committee.

Section 4-94. Owner's right to contest final determination in the county court.

(a) If the owner or keeper of an animal classified as dangerous or aggressive disputes the Final Disposition order of the animal classification committee, he or she may file a Complaint seeking relief in the County Court, within ten (10) business days following the date of receipt of the animal classification committee's Final Disposition.

(b) The Complaint shall be served upon the Chairman of the Leon County Board of County Commissioners in accordance with Chapter 48, Florida Statutes. A copy of the Complaint seeking relief shall be served upon the County Attorney's Office.

(c) The Complaint shall comply with the standards and requirements set forth in the *Florida Rules of Civil Procedures* for bringing causes of actions.

Leon County Animal Control Ordinance as Amended July 20, 2012

Section 4-96. Impoundment; permit and tag required for dangerous or aggressive animals.

(a) An animal control officer shall impound any animal which, subsequent to its classification as a dangerous or aggressive animal, bites, wounds, attacks, causes severe injury or kills, or assists in biting, wounding, attacking, causing severe injury, or killing, any person or domestic animal. Such animal shall remain impounded pending a rehearing on the determination of the disposition of the animal by the classification committee pursuant to section 4-93. If the owner elects to contest the committee's disposition to the county court under Section 4-94, Section 4-94 (e) will not apply. The impoundment and care of the animal shall be at the owner's expense.

(b) The owner or keeper of a dangerous or aggressive animal shall, within 14 days of the classification of the animal as dangerous or aggressive, upon a court's upholding of the classification or upon the acquisition of such an animal, obtain a permit from the division of animal control to harbor the animal. No permit shall be issued until sections 4-100, 4-101, 4-102, 4-103, and sub-section (g) below have been completed. The fee for the permit shall be $100.00.

(c) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or aggressive animal.

(d) The permit for maintaining a dangerous or aggressive animal shall be presented to any animal control officer or to any law enforcement officer upon demand.

(e) The permit shall be valid for a period of one year from the date of classification.

(f) An animal control officer shall impound any animal that has not been declared dangerous or aggressive under this section that aggressively attacks and causes severe injury to or death of any human. Such animal shall remain impounded pending a hearing on the determination and of the disposition of the animal by the classification committee pursuant to sections 4-93 and 4-94. The impoundment and care of the animal shall be at the owner's expense.

(g) The owner or keeper of a dangerous animal shall present to the county proof that he or she has procured liability insurance or surety bond in the amount of not less than $100,000.00, covering any damage or injury which may be caused by such dangerous animal. Such insurance policy shall contain a provision requiring that the county be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. Liability insurance or surety

Leon County Animal Control Ordinance as Amended July 20, 2012

(1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or

(2) A licensed veterinarian certifies in writing that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

Section 4-99. Permanent identification.

(a) Any animal classified as dangerous or aggressive shall have a permanent identification by either a tattoo or electronic implant.

(b) Tattoo - Any animal classified as dangerous or aggressive that is tattooed, the tattoo shall be administered by a licensed veterinarian or by a trained tattooist at the expense of the owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a number corresponding to the number of the permit issued to the owner or keeper at the time of the animal's classification as dangerous or aggressive. The tattoo shall be placed on the animal within 14 days of final classification.

(c) Microchip - Any animal classified as dangerous or aggressive shall have a microchip implanted by, or under the supervision of, a licensed veterinarian at the expense of the owner or keeper of such animal. The microchip shall be implanted in the animal within 14 days of final classification. Microchips implanted in animals designated as dangerous shall be properly registered with a company or organization recognized by Animal Control as a legitimate pet data tracking service. Registration shall be at the owner's expense.

Section 4-100. Enclosure required.

(a) All dangerous or aggressive animals that are not humanely destroyed shall be confined in an enclosure. As used in this section, "enclosure" shall mean either the residence or other building owned or leased by the animal's owner, or any other secure enclosure which the division of animal control has approved as suitable for restraining the animal, for preventing it from escaping and/or entry of young children. The dangerous or aggressive animal shall not be permitted to come into contact with animals other than those which reside on the owner's premises. Dangerous animals shall not come into contact with persons other than the owner(s) except as provided in section 4-102.

Leon County Animal Control Ordinance as Amended July 20, 2012

The animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.

However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present.

Section 4-102. Restraint.

Whenever the dangerous or aggressive animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the animal and shall be on a chain of sufficient tensile strength not more than four feet in length.

However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a leash, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present. When being transported, such animals must be safely and securely restrained within a vehicle.

Section 4-103. Signs.

The owner or keeper of a dangerous or aggressive animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous or aggressive animal is maintained warning that a dangerous or aggressive animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous or aggressive animal is maintained. Signs must inform both children and adults of the presence of a dangerous or aggressive animal on the property.

Section 4-104. Public records exemption.

Pursuant to state law, the home addresses and home telephone numbers of county animal control officers are confidential and exempt from the provisions of F.S. § 119.07(1) and the Florida Constitution, Article I, Section 24(a).

Section 4-105. Retroactivity.

All appeals of determinations of classification and/or disposition on or after October 1, 1993, shall be subject to sections 4-93 and 4-94.

Section 4-106— 4-200. Reserved.

ORDINANCE NO. 13-05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, ARTICLE II OF THE LEON COUNTY CODE OF LAWS ENTITLED "ANIMAL CONTROL"; AMENDING SECTION 4-26, DEFINITIONS; AMENDING SECTION 4-37(E), TETHERING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. Chapter 4, Article II, Division 1, Section 4-26 entitled "Definitions" of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 4-26. Definitions.

* * *

Tethering shall mean a rope, leash, pulley run or other means of constraint, which must be attached to the animal by a properly applied commercially available buckle-type collar, halter or harness and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals. This shall not apply to an owner who is walking or exercising their animal.

* * *

SECTION 2. Chapter 4, Article II, Division 1, Section 4-37(e) entitled "Tethering" of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(e) *Tethering*. No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety and well-being. Proper and humane tethering includes, but is not limited to the following:

(1) Collars used to attach an animal should be comfortable and properly fitted. The use of choker collar or chain is prohibited.

(2) The tether shall not extend over an object or edge in such a manner that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of six (6) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick-up truck. The tether must have a swivel at both ends to

prevent entanglement. Restraints should allow the animal to move about and lie down comfortably. Pulley, running line, or trolley systems are must be at least fifteen (15) feet in length and less than seven (7) feet above the ground.

(3) Tethering of an animal is prohibited during severe weather events and natural disasters such as flood, fires, tornadoes, hurricanes or blizzard.

(4) No animal shall be confined to a vacant or abandoned structure or vacant property.

(5) The weight or gauge of any tether or chain shall not be more than 1/8 of the animal's weight ~~necessary to establish direct control~~. Logging chains and vehicle tow chains are ~~expressly~~ prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

(6) Animals are not to be tethered outside during extreme weather events, including, but not limited to, extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms, hurricanes, or snow.

(7) The animal tethered must be at least six (6) months of age. Puppies and kittens shall not be tethered.

(8) The animal tethered must not be sick or injured.

SECTION 10. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 11. Severability. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 12. Effective date. This Ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida this 12th day of February, 2013.

LEON COUNTY, FLORIDA

By: _____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

By: John Stott, Deputy Clerk
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

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RECOMMENDATIONS FOR CHANGES TO THE LEON COUNTY ANIMAL ORDINANCE FROM THE FERAL CAT COMMITTEE AS OF AUGUST 25, 2012

DISCUSSION

Dr. Julie Levy, UF College of Veterinary Medicine, and Dr. Kate Hurley, UC Davis School of Veterinary Medicine (2012), provide the following definition:
"Community cat is an umbrella definition that includes any un-owned cat. These cats may be 'feral' (un-socialized) or friendly, may have been born into the wild or may be lost or abandoned pet cats. Some community cats are routinely fed by one or more community members, while others survive without human intervention. Whatever a cat's individual circumstances, the term 'community cat' reflects the reality that for these cats, "home" is within the community rather than in an individual household. "

Problem

The American Veterinary Medical Association states that for purposes of estimating the size of a community's community cat population, it is reasonable to approximate 0.5 cats/household.[2] Leon County had 109,314 households in the 2010 census, therefore there are an estimated 54,657 community cats in Leon County.

If July 2012 is typical, the Leon County Shelter will receive 3,900 stray (community) cats and kittens in 2012. The shelter will euthanize 86% of those cats (3,336). This destruction challenges the civil society of Leon County.

In January 2012, four animal rights and animal control organizations in Leon County partnered to receive a 3 to 5 year grant from the American Society for the Prevention of Cruelty to Animals (ASPCA). One of the goals of the grant is to increase the number of live releases from the shelter. All of the intake of "stray cats" at the shelter are community cats. A reduction of the number of community cats via Trap-Neuter-Release (TNR) will reduce the intake of "stray cats" to the shelter, thereby reducing the kill rate and promoting the goals of the ASPCA grant.

Dr. Levy (2012) documents the effectiveness of TNR in reducing the community cat population. She states, "Sterilization and return to the colony is a third alternative and represents the most cost-effective and scalable strategy. Those who care for feral cats often have a strong human-animal bond and will not cooperate with programs that threaten these cats. Engaging cat feeders in solutions for feral cats will undoubtedly be more productive and economical than warring against them."

Further, there have been many successful examples of TNR positively impacting entire communities including reducing intakes and burdens on already overcrowded shelters. For example, in Community Cats: A Shelter Director's Evolution (2012), SPCA shelter director Barbara Carr in Erie County, PA discusses how decades of research made her see the err of her thinking regarding euthanizing cats deemed feral. She has served as shelter director for 18 years and now has the full support of the county regarding community cats. Her findings are very much in line with this committee's recommendations.

Ten years ago in Jacksonville, FL, an average of 1,237 cats were euthanized each month (DuCharme, 2012). Due to community cat strategies including a SpayJax program funded by increased adoption fees and a new city policy to no longer euthanize feral and community cats but instead to turn them over to the Feral Freedom program to be sterilized, vaccinated, ear-tipped, and returned to their territory, that number has dropped to 184 per month. The save rate for cats in Jacksonville the first five months of 2012 is a formidable 77%.

Conclusions

Leon County conveys ownership of cats to citizens via adoptions and transfers from the shelter. This is a formal and legal process. It is difficult to understand how the County in their current proposal can assign ownership of a cat the County does not own to individuals that are lawfully providing a humane community service that helps reduce the community cat population. TNRing a cat or feeding a TNRed cat does not convey ownership of the cat to the rescuer or caregiver.

TNR should be promoted by the Leon County Government as a means of reducing community cats. This can be done by making it illegal to feed community cats unless there is an attempt to TNR the cats. TNR can be demonstrated by a "tipped" ear that indicates that the cats have been altered and have received rabies shots. Caregivers of TNRed community cats should not be subjected to citations or fines. The County should make every attempt to return "ear tipped" cats at no charge to caregivers if the latter can be identified. Cat rescue organizations and individuals will TNR cats with permission from an authorized tenant, property manager, or property owner.

RECOMMENDATIONS

The County Feral Cat Committee accepts and endorses the changes recommended in the Cover Sheet for Agenda #13 dated June 26, 2012 which are listed as item 1, 2, and 3 below:

1. Presuming a feral animal has a left ear tip (the ear is notched to indicate the animal is spayed or neutered), this means it has had a rabies vaccination, at least once, and is exempt from displaying a rabies tag (*which is a current requirement*);
2. Allowing a person to feed or harbor a feral animal, with either verbal or written approval of the authorized tenant or property manager or property owner (*the current Ordinance states that the person must have written authorization from only the property owner).*
3. Allowing a person to feed or harbor a feral animal, only if there is a good faith effort to humanely capture the animal for the purpose of spay, neuter, or surrender to Animal Control

The Feral Cat Committee requests the additional three items listed as 4, 5, and 6. These three additional changes are not in violation of any state or local laws.

4. Define Community Cats as cats that are unowned and unconfined in Leon County. Community cats include feral cats, which are unsocialized and

therefore untamed and evasive. Replace the term "feral animal" with the term "community cat" through out the ordinance.

5. TNRing or caring for TNRed community cats does not convey ownership. Those individuals or rescue organizations that are doing either are not subject of the requirements of the ordinance for pet owners. Make all changes to the ordinance that are in conflict with this principle.
6. Delete paragraph (c) of Section 4-36 which states: "Any animal which is feral shall be classified as a public nuisance and may be impounded and humanely euthanized. Feral animals may not be required to be held for a minimum period of time as is required for other stray animals (as provided in divisions 2)."

Current research supports that feral and community cats should not be deemed a public nuisance and can, in fact, control the population of much less desirable rodents and insects that can harm human beings (Carr, 2012).

References

Carr, Barbara (2012). Community Cats: A Shelter Director's Evolution. Retrieved 26 Aug 2012 from http://www.maddiesfund.org/Resource_Library/Community_Cats_A_Shelter_Directors_Evolution.html

DuCharme, R. (Aug 2012). How to Work With Municipalities to Save Community Cats. Maddie's Fund. Retrieved 26 Aug 2012 from http://www.maddiesfund.org/Resource_Library/How_to_Work_with_Municipalities_to_Save_Community_Cats.html

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U.S. Census Bureau (2011). Retrieved 24 Aug 2012 from: http://quickfacts.census.gov/qfd/states/12/12073.html

Rick Scott
Governor

Steven L. Harris, M.D., M.Sc.
Interim State Surgeon General

MEMORANDUM

DATE: May 24, 2012

TO: Mel Scott, Assistant County Manager
Brevard County

FROM: Heidar Heshmati, M.D., M.P.H., Ph.D., Director
Brevard County Health Department

SUBJECT: Item VII.E.I., Citizen Request by Justin Watts – Eliminate/Revise Current Feral Cat Ordinance and Public Health Impacts

The *Florida Department of Health, Bureau of Environmental Public Health Medicine Compendium: Rabies Prevention and Control in Florida, 2012* is a publication developed by a multidisciplinary "Florida Rabies Advisory Committee" that represents the major agencies, institutions and organizations involved with rabies prevention and control in the state.

The Rabies Advisory Committee Position Statement on managing feral/free-roaming/un-owned/stray cats is as follows:

The concept of managing free-roaming/feral domestic cats (*Felis catus*) is not tenable on public health grounds because of the persistent threat posed to communities from injury and disease. While the risk for disease transmission from cats to people is generally low when these animals are maintained indoors and routinely cared for, free-roaming cats pose a continuous concern to communities. Children are among the highest risk for disease transmission from these cats.

While free-roaming cats can be vaccinated against rabies, this does not address the ongoing need to provide them health care, medications and prevention of other zoonotic diseases. Should one of these cats bite or scratch a person, it would need to be captured and observed for 10 days for signs and symptoms of rabies, even if it had been previously vaccinated. If the cat is not found, the person bitten would need to undergo rabies post-exposure treatment (average cost >$3,000 for previously unvaccinated individual).

In the past 10 years, cats were reported with rabies more frequently than dogs in Florida. The overwhelming majority of these cats were free-roaming animals. Human rabies in Florida was largely controlled by the removal of stray dogs when dog rabies was common during the first half of the 1900s.

Ideally, cats should have regular veterinary care and be maintained inside people's homes. Allowing cats to roam free is not in the best interests of the community's health and deliberate release or abandonment of feral or domestic cats is not sanctioned under Florida's conservation and cruelty laws. Domestic cats are not "indigenous" or native to Florida, and relocating and releasing non-native species into the wild is a violation of Florida Statute 379.231 and Florida Administrative Code 68A-4.005. Due to their adverse impact on wildlife, the Florida Fish and Wildlife Conservation Commission does not issue permits to make lawful either the release of cats to the wild or the establishment of feral/free-roaming cat colonies.

Citizen Request by Justin Watts, Item VII.E.1.
Page Two
May 24, 2012

Listed below are common diseases transmitted to humans by cats:

Rabies

- Stray/feral cats are classified as high risk animals in Florida.
- The number of rabid, outside, unvaccinated cats in recent years is similar or greater than the number of rabid foxes.
- In the past 10 years, cats were reported with rabies more frequently than dogs in Florida. The overwhelming majority of these cats were free-roaming animals. Human rabies in Florida was largely controlled by the removal of stray dogs when dog rabies was common during the first half of the 1900s.
- If a human is bitten by a stray/feral cat it must be quarantined and observed for 10 days at the expense of the county or if the cat cannot be located, the victim is recommended to receive post exposure prophylaxis at an average cost exceeding $3000.

Toxoplasmosis

- Cats become infected by eating infected rodents, birds, or other small animals. It is passed in their feces in microscopic form.
- Can contaminate soil or water.
- Passed to people from contaminated cat feces such as cleaning litter boxes.
- Or touching dirt where contaminated cats may have been (gardening or eating unwashed fruits and vegetables from a garden).
- A pregnant woman may not have symptoms but the consequences for the unborn child can cause defects of the nervous system and eyes.

Cat Scratch Disease (CSD)

- Approximately 40% of cats carry the bacteria that causes CSD at some time in their lives – cats exhibit no signs of illness.
- Cat bites and scratches cause CSD in humans and manifests as fever, headache, fatigue, swollen glands, and poor appetite.

Campylobacter

- Cats can transmit campylobacter in their feces without exhibiting any signs of illness.
- In humans the disease causes a mild to severe infection of the gastrointestinal system, including diarrhea, fever, abdominal cramps, nausea and vomiting.
- A rare complication of campylobacter infection is Guillain-Barre Syndrome, a nervous system disease.

Salmonella

- Cats can transmit salmonella in their feces.
- In humans the disease causes a mild to severe infection of the gastrointestinal system, including diarrhea, fever, abdominal cramps, nausea and vomiting.

Cryptosporidium

- This is a parasite transmitted in the cat feces – cats do not have to be ill to pass this parasite to humans.
- In humans the disease causes a mild to severe infection of the gastrointestinal system, including diarrhea, fever, abdominal cramps, nausea and vomiting.

Hookworm

- Infection caused by several species of parasites.
- Kittens are especially likely to have hookworm infections.
- Hookworm eggs are passed in the cat's feces. The eggs can hatch into larvae and both eggs and larvae can be found in dirt where cats have been.
- I.e. walking barefoot or playing in an area where kittens have been.
- In humans this parasite, if ingested, can cause intestinal bleeding, inflammation and abdominal pain. Also can cause painful, itchy skin infections.

Ringworm

- Fungi transmitted from direct contact with an infected animal's skin or hair.
- Kittens are especially likely to have ringworm.
- In humans, causes skin and scalp disease.

Pet cats, especially indoor cats, are less likely to become contaminated and transmit many of these diseases due to decreased exposure.

Please note that the age and health status of people affect their immune system and ability to combat diseases. Infants, children younger than 5 years old, elderly people, organ transplant patients, people receiving cancer treatments, and people with HIV/AIDS are at greater risk for illness.

If you have any further questions related to feral cats and their impacts to public health, please contact me at (321) 454-7111 or Julie Byczek, Rabies Program Coordinator, at (321) 633-2100 Extension 52315. Thank you.

cc: Kathy Beatson, Interim Animal Services and Enforcement Director
Melissa Brock, Environmental Health Director, Brevard County Health Department
Julie Byczek, Rabies Program Coordinator, Brevard County Health Department

ORDINANCE NO. 2012-5

AN ORDINANCE OF THE CITY COUNCIL OF INDIAN HARBOUR BEACH, FLORIDA, RELATING TO ANIMALS; PROVIDING FOR FINDINGS; AMENDING CHAPTER 4, "ANIMALS AND FOWL,"; AMENDING ARTICLE I; PROVIDING FOR THE ADOPTION OF THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14 RELATING TO ANIMALS; PROVIDING FOR EXCEPTIONS TO THE ADOPTED PROVISIONS OF THE BREVARD COUNTY CODE, CHAPTER 14; AMENDING ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY; BY ENACTING NEW SECTION 4-23, "FERAL ANIMALS" ; PROVIDING FOR DEFINITIONS; PROHIBITING THE KEEPING, FEEDING, BREEDING, MAINTAINING OR HARBORING OF FERAL ANIMALS; PROVIDING FOR A GRAND FATHER CLAUSE; PROVIDING FOR A DATE CERTAIN FOR THE AMORTIZATION AND TERMINATION OF EXISTING FERAL CAT COLONIES; PROVIDING FOR CONFLICTS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Indian Harbour Beach, Florida has determined that feral animals within the City limits can create a nuisance disturbance, prey on common and rare species of native wildlife in Florida, including species listed as threatened or endangered by the state and federal governments, carry and spread diseases, destroy property, compete with native wildlife for food and shelter, as well as copious fecal deposits made by said feral animals; and,

WHEREAS, the City Council has determined that prohibiting the feeding, breeding, maintaining, harboring and keeping of feral animals promotes the general welfare of the citizenry by preventing the proliferation of feral animals; and

WHEREAS, permitting the establishment of feral animal colonies on City owned property may result in liability on the part of the City at the expense of the taxpayers of the City, and

WHEREAS, Brevard County has conducted numerous public hearings concerning feral cats and also established a moratorium on the establishment of any new feral cat colonies in the County; however, the County seems to be no closer to resolving this dispute over feral cat colonies and if the moratorium expires it will leave the City open to the creation of additional feral cat colonies being established in the City; and,

WHEREAS, the City Council finds that this ordinance promotes the general health, safety and welfare of the citizens of the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Indian Harbour Beach, Florida, as follows:

SECTION ONE. Article I, Section 4-1 of Chapter 4, "Animals and Fowl," of the Code of Ordinances of the City is hereby amended to read as follows:

"**Sec. 4-1. Findings; Adoption of Brevard County Animal Control Act; alternative provision for enforcement by county authorities and by city authorities. <u>Exceptions.</u>**

<u>The City Council of the City of Indian Harbour Beach has determined that feral animals within the City limits can create a nuisance disturbance, prey on common and rare species of native wildlife in Florida, including species listed as threatened or endangered by the state and federal</u>

governments, carry and spread diseases, destroy property, compete with native wildlife for food and shelter, as well as copious fecal deposits made by said feral animals; and, permitting the establishment of feral animal colonies on City owned property may result in liability on the part of the City at the expense of the taxpayers of the City; and, that prohibiting the feeding, breeding, maintaining, harboring and keeping of feral animals promotes the general welfare of the citizenry by preventing the proliferation of feral animals; and, the City Council finds that this ordinance promotes the general health, safety and welfare of the citizens of the City. In support hereof the City Council has considered the following information:

The Florida Wildlife Commission information; Cats: Free Ranging and Feral; myfwc.com/wildlifehabitats/nonnatives/mammals/feral-cats/ ;

Detailed Discussion of Feral Cat Population control, 2006, Michigan State University College of Law, Anthony E. LaCroix; and

Feral Cats and Their Management; University of Nebraska, Aaron M. Hildreth, Stephen M. Vantassel, and Scott E. Hygnstrom

(a) *County regulations adopted.* Chapter 14 of the Code of Ordinances of Brevard County, Florida~~, as amended by Brevard County Ordinance No. 85-32,~~ which chapter governs the impounding, disposition and control of animals, is hereby adopted by the city and made applicable to all areas within the city. Provided; however, to the extent that there is a conflict between the provisions of this Chapter and Chapter 14 of the Brevard County Code of Ordinances, this Chapter shall control. Further provided that section 14-64 of the Brevard County code of Ordinances is not adopted by the City.

(b) *Enforcement by county authorities.* The city hereby agrees that the provisions of said Chapter 14 of the Code of Ordinances of Brevard County, Florida, may be enforced within the city by the duly appointed officers of Brevard County, as set forth in Section 14-~~83~~41 of the Brevard County Code.

(c) *Alternative enforcement by city officials.* As an alternative to the enforcement of the Brevard County Animal Control Act by county officials as provided in paragraph (b) of this section, the city shall also have the power and authority for such enforcement by officials employed by the city. For purposes of enforcement of the Brevard County Animal Control Act by city officials rather than county officials, Chapter 14 of the Brevard County Code shall be interpreted as follows:

(1) The city manager shall be designated as the animal control director for all purposes set forth in the Brevard County Animal Control Act and shall have all of the powers and duties set forth therein with respect to enforcement of said act. ~~Section 4-4 of the Brevard County Code requiring bonding of the animal control director shall not apply.~~
(2) The code enforcement officer and all sworn police officers of the city shall be designated as animal control officers for all purposes set forth in the Brevard County Animal Control Act. ~~Section 4-6 of the Brevard County Code shall not apply to animal control officers employed by the city.~~

(3) The term "county" and the term "Brevard County" set forth in the Brevard County Animal Control Act shall be deemed to mean the City of Indian Harbour Beach when enforcement of said act is accomplished by employees or officials of the city."

SECTION TWO. Article II, of Chapter 4 of the Code of Ordinances of the City is hereby amended by adding a new section 4-23 to read as follows:

"Sec. 4-23. Feral Animals.
(a) It is hereby declared illegal and unlawful for any person to possess, harbor, feed, breed, maintain or keep any feral animals on the following public property located within the corporate boundaries of the City of Indian Harbour Beach:

1. City Hall 2055 South Patrick Drive, Parcel ID 27-37-11-00-00750.1-0000.00;
2. Triangle Park (Volunteer Firefighter Memorial Park), Fire Dept Property, Parcel ID 27-37-11-07-11110.0-0022.A0;
3. Algonquin Property (Baseball fields, softball & soccer fields, etc.) 100 Crespino Court, Parcel ID 27-37-11-00-00001.0-0000.00:
4. Richard G. Edgeton Park, North Bicentennial Park Area, Parcel ID 27-37-12-00-00260.0-0000.00;
5. Crossover (Prior to Millenium Park), Parcel ID 27-37-12-00-00584.0-0000.00;
6. Jacqueline R. Burns Park, Millenium Park, Parcel ID 27-37-12-00-00587.0-0000.00;
7. South Bicentennial Park Area, Parcel ID 27-37-12-27-0000A.0-0001.00;
8. Park Place Entrance off South Patrick Drive, Parcel ID 27-37-14-00-00004.0-0000.00;
9. Gleason Park, Parcel ID 27-37-11-00-00751.0-0000.00; and
10. Oars and Paddles Park, 1329 Banana river Drive, Parcel ID 27-37-11-53-0000B.5-0000.00.

No feral cat colony shall be allowed on any private property located within the corporate boundaries of the City of Indian Harbour Beach without the approval of the city council.

For purposes of this Chapter, *feral animals* shall mean any cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication and has no known owner. Any violation of this section shall be considered a violation pursuant to Section 1-11 (2).

(b) *Amortization and termination of existing Feral Cat Colonies.*
1. Notwithstanding the provisions of subsection (a) above, the Feral Cat Colony registered with Brevard County as of December 11, 2012 at 1224 Yacht Club Boulevard but effectively occupying and being fed at Gleason Park shall be permitted to remain at Gleason Park, provided; however, that such Feral Cat Colony shall cease and be terminated on or before December 31, 2013. Nothing herein is intended to authorize the addition of any new Feral Cat Colonies within the City nor to authorize the increase of the Feral Cat Colony registered with Brevard County at 1224 Yacht Club Boulevard effectively occupying and being fed at Gleason Park.

2. Notwithstanding the provisions of subsection (a) above, the following Feral Cat Colony registered with Brevard County as of December 11, 2012 shall be permitted to remain at its present location, provided; however, that such Feral Cat Colony shall cease and be terminated on or before December 11, 2017:

(i) 1187 Yacht Club Boulevard.

Nothing herein is intended to authorize the addition of any new Feral Cat Colonies listed above in this subsection (b) 2 within the City nor to authorize the increase of the Feral Cat Colonies listed above in this subsection (b) 2.

3. Except as identified in subsections 1 and 2 above no other Feral Cat colonies are recognized and authorized by the City.

SECTION THREE: SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION FOUR: CONFLICTS. Any and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of the conflict.

SECTION FIVE: EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ON THIS 8th DAY OFJANUARY, 2013.

CITY OF INDIAN HAROUR BEACH
BREVARD COUNTY, FLORIDA

_____
GENE NEWBERRY, MAYOR

ATTEST:

_____
DEBORAH MALISKA
CITY CLERK

First Reading: December 11, 2012
Second Reading: January 8, 2013

Items to Consider:

Feral Cat Workgroup Ordinance Options/Considerations

	Leon County Ordinance	Proposed Changes	Reasoning
1.	Sec. 4-26 Definitions - *Feral Animal* shall mean any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.	Change "wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication" to "Any animal who lives outside a normal home and has to some extent reverted to a wild state"..	1. Derived from the "TNR Handbook.
2.	Sec. 4-36. - Public nuisance prohibited. (c) Any animal which is feral shall be classified as a public nuisance and may be impounded and humanely euthanized. Feral animals may not be required to be held for a minimum period of time as is required for other stray animals (as provided in division 2).	Change "shall" to "may", correlate with existing language.	1. Changing formats will "loosen" the restriction thus allowing colonies to exist and establish a broad field of officer discretion to appropriatley handle problems on an individual basis.
3.	Sec. 4-46. - Prohibition on feeding feral animals. Prohibited. Feral animals constitute health and environmental risks to domesticated animals, wildlife, and persons. It is a violation of this article for any person to feed or harbor feral animals.	Leave as written	1. Leaving as written allows for enforcement of this section if compliance is not obtained/maintained in subsequent sections.
4.	4-46 (c.) Exceptions. (1) A person may feed or harbor a feral animal if the animal is spayed or neutered; and	Remove "; and" and insert "microchipped, has a notched or tipped ear and is vaccinated for rabies by an approved 3 year vaccine."	1. Allows for accoutability of vaccinated/non vaccinated, feral/domestic, spayed/neutered etc.

5.	4-46 (2) A person may feed or harbor a feral animal if they accept legal responsibility for the animal, which includes ensuring compliance with all provisions of this chapter; and	Remove "; and" and insert "registering all colonies with Leon County Animal Control. Colony registration shall consist of paying the applicable fee per colony and abiding by the following colony guidelines: 1. Colonies shall not exceed the allocations as provided in the table specified in Section 4-44. 2. Food shall not be available during the hours of darkness. 3. Colonies shall have a mandatory 3 year mass trapping for purposes of rabies vaccination. 4. New cats residing in the colony shall be trapped, spayed/nuetered, vaccinated, and microchipped within 72 hours. 5. Caretakers shall maintain a logbook with the following information for each cat a. Color Photo of the cat. b. Rabies vaccination certificate. c. Verification of spay/nueter status.	1. Funds received through registration may be used to offset mass vaccinations, etc. 2. Establishing colony caps allows colonies to be maintained at a level so that a public nuisance is not experienced within the range of the colony which will also not conflict with current language. 3. Strict feeding provisions will alleviate cross feeding with nocturnal wildlife thus reducing the potential for cross species encounters and disease spread. 4. Mass trapping and vaccinating can occur every 3 years by eliminating access to food for 36 hours and then conducting the trapping operation. Those maintaining a colony should have access to traps and veterinarians for on-site operations. 4. Mandating a timeline on spay/nueter, vacc etc. with new colony members will ensure no additional litters while also maintaining animals with reduced negative behavior. 5. Logbooks will aid in verifying vaccination status when investigating bite incidents
6.	4-46 (3) A person may feed or harbor a feral animal while on private property and/or with the expressed written approval of the property owner.	Insert "/or" and "Written approvals shall be notarized and placed on file with Leon County Animal Control."	1. Allows for verifying proper ownership of property and establishes an ownership/responsibility chain when civil issues arise (property damage from cats at apartment units)
7.	4-46 (d) [Animal control.] Animal control has the right to impound a feral animal if: 1. The animal creates public health and safety concerns (including rabies, other zoonotic diseases, and certain animal to animal disease); or 2. The animal creates a public nuisance as defined in section 4-36.	Revise 4-46 (d) to read "Animal Control is authorized to seize a community and/or feral cat/colony that has become a public nuisance, which shall be defined as: (1) Constituting a threat to public health and safety concerns (rabies, other zoonotic epidemics and certain animal-to-animal diseases as identified by the County public health unit); (2) Disturbing the peace by habitually or repeatedly destroying, desecrating or soiling public or private property, chasing persons, running at large, or creating objectionable oral noise that such that it interferes with the enjoyment or reasonable use of property.; (3)pose a threat to local wildlife populations".	1. Allows for a mechanism for the removal of a colony if the colony poses a threat to the public safety/health of citizens, poses a threat to the property rights of others and/or poses a threat to the local wildlife populations in the immediate/surrounding area.

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

Rick Scott
Governor

John H. Armstrong, MD, FACS
Surgeon General & Secretary

Florida Department of Health
Leon County
P.O. Box 2965
Tallahassee, Florida 32316
PHONE: 850/606-8150
FAX: 850/922-4361
http://www.leoncountyfl.gov/lchd

www.floridashealth.com
TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fldoh

MEMORANDUM

DATE: February 12, 2013

TO: Alan Rosenzweig, Deputy County Administrator
Leon County

FROM: Homer J. Rice, RS, MPH, PhD
Leon County Health Department

SUBJECT: Feral Cat Ordinance

I have reviewed the proposed changes to the Leon County Animal Control ordinance that include changes to the definitions and handling procedures for feral cats. I respectfully submit that I am in opposition to changing the ordinance to recognize feral cat colonies and support trap and release programs.

Since 2009 the Department of Health has publicly held the position that the concept of managing free-roaming/feral domestic cats (*Felis catus*) is not tenable on public health grounds because of the persistent threat posed to communities from injury and disease. Although the proposal includes a vaccination clause, this does not address the ongoing need to provide them health care, medications and prevention of other zoonotic diseases. Should one of these cats bite or scratch a person, it would need to be captured and observed for 10 days for signs and symptoms of rabies, even if it had been previously vaccinated. If the cat is not found, the person bitten would need to undergo rabies post-exposure treatment (average cost >$3,000 for previously unvaccinated individual).

In addition, domestic cats are not “indigenous” or native to Florida, and relocating and releasing non-native species into the wild is a violation of Florida Statute 379.231 and Florida Administrative Code 68A-4.005. Due to their adverse impact on wildlife, the Florida Fish and Wildlife Conservation Commission does not issue permits to make lawful either the release of cats to the wild or the establishment of feral/free-roaming cat colonies.

My site visit to one of the existing illegal colony sites indicated large amounts of cat feces, two dead cats, untended food containers and multiple injured cats roaming the site. The open food containers attract raccoons, opossums, and more cats. These cats are next to a commercial area where children or adults may come in contact and be scratched or bitten by one of these animals, creating the potential for transmission of *Bartonella henselae* (cat scratch disease), Campylobacter, Salmonella, Toxoplasmosis, Cryptosporidium, Hookworm, or rabies. Pet cats, especially indoor cats, are less likely to become infected and transmit these diseases.

If you have any questions please feel free to contact me.

Thank you.

February 17, 2013

Alan Rosenzweig
Chair of the Feral Cat Work Group
Leon County

Dear Alan,

Community members of the original "Feral Cat Work Group" appointed by Mr. Ziegler have met and or concur with the following findings and recommendations for your guidance to move forward the revision of the Leon County Animal Ordinance regarding community cats:

Leon County has a significant problem with "community cats" (feral) estimated to be in access of 24,000. The problems created by these cats are recognized by all involved and stipulated by the Community Work Group members. The problem of community cats is **your** problem (Leon County) **not** organizations and individuals trying to reduce the problem.

In two meetings, the representatives from St. Francis and the Audubon society have not offered a single suggestion to reduce this problem of community cats except euthenasia. We do not think this is acceptable to the citizens of Leon County nor consistent with the goals of the ASPCA five-year grant to which Leon County is a partner. The only process available to reduce the problem of community cats is TNR. TNR is an eradication program, a **humane** eradication program. It is our recommendation that the representatives from St. Francis and the Audubon Society not be invited to the March 19 meeting unless they will bring solutions to the problems.

Over the past 10 or more years, there has been no significant TNR by Leon County government or the City of Tallahassee. The only significant TNR in Leon County and the City has been undertaken by not-for-profit animal rescue organizations and individuals.

If Leon County is not going to step up with a funded structured TNR program, the least it can do is not discourage those that are doing TNR at their own expense. It is incumbent on you and your staff to promulgate an ordinance that promotes TNR, not inhibits TNR. Therefore, each proposed change to the ordinance must be judged as to whether it promotes TNR by non-governmental efforts or inhibits or destroy those efforts.

Attributes of elements of the ordinance must do the following:
Do not attribute ownership of community cats to individuals or organizations that do TNR of the cat. The requirement to microchip by the individual doing TNR establishes ownership and responsibility. If the County determines that microchiping is necessary to help return a TNRed cat picked up by County Animal

Control in order to track its location, then register the cat to the County and have the County pay for the chip. To imply ownership by the act of TNR will prohibit individuals and organization from TNR.

Requiring colonies to be registered is a **deal breaker** with the TNR community. Again, it attributes ownership to people that are trying to help you reduce **your** problem with community cats.

Most TNR is done at the request of property owners. If not, permission must be obtained from the property owner by those doing TNR, but not in writing and not filed with County Animal Control. This requirement is equal to that of the County in that the County cannot go onto a property to trap unless requested by the property owner. The care and feeding of community cats on property not owned by the care giver should be prohibited unless the care giver has verbal permission of the property owner and is actively involved in TNR of the cats cared for. There should be provisions in the ordinance that prohibits any citizen from feeding community cats unless they are actively TNRing the cats being feed.

Do use "community cats" as the broader term for "free roaming cats". Feral cats are community cats but all community cats are not feral.

Since community cats do not recognize political boundaries, it is critical that the County ordinance be compatible with the City ordinance. A number of the recommendations at the last meeting are not compatible with the City ordinance.

THE BOTTOM LINE IS THAT COMMUNITY CATS ARE LEON COUNTY GOVERNMENT'S PROBLEM, NOT THE RESCUE ORGANIZATION AND INDIVIDUALS DOING TNR. THE QUESTION IS DO YOU WANT OUR HELP WITH <u>YOUR</u> PROBLEM OR NOT?

Signed by:
Mary Bishop White
Kathy Mears
Dr. Gabrielle Gabrielli
Dr. Jim Croushorn

cc: Andy Seltz
Cristina Paredes
Laura Youmans

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OF THE UNITED STATES

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February 27, 2013

County Administration
Attn: Deputy Administrator Alan Rosenzweig
301 S. Monroe Street
Tallahassee, FL 32301

Sent via email to RosenzweigA@leoncountyfl.gov

Dear Deputy Administrator Rosenzweig:

The Humane Society of the United States (HSUS), the nation's largest animal protection organization, supports efforts, including Trap-Neuter-Return (TNR), to make communities safer and healthier. We have been following your community's efforts during the past year and a half to amend your animal control ordinance regarding feral cats. If what we have learned about the new language in Section 4-46, prohibition on feeding feral animals, is accurate, we hope you will consider our comments.

The logic behind bans is that if no one feeds the cats, they will go away. Feeding bans rarely work to manage feral cats for many reasons, including there may be more than one feeder, feeders will resist, enforcement is difficult and unpopular with caring citizens and there are other sources of food, including dumpsters and garbage that initially attract cats to an area.

Spaying and neutering feral cats, not fining feeders, will be more effective in reducing the number of feral cats in Leon County. However, requiring feral cat caretakers to meet the same legal requirements as the owners of pet cats will likely be counter-productive.

We also understand that there are some concerns about the health risks associated with feral cats and TNR. As you know, many animals, both wild and domesticated, can pass diseases to people and although we should be concerned about such diseases, knowing how to prevent them is the best medicine. This includes removing feral cats who are sick, injured or dangerous.

TNR includes vaccinating cats against rabies and should be supported as a preventive measure for the spread of rabies. Studies have shown that feral cats have excellent immune responses when vaccinated once at the time of sterilization surgery. TNR also includes adopting kittens young enough to be

socialized, reuniting lost cats with their owners and rehoming abandoned cats. These actions, along with spaying and neutering feral cats, reduce the number of feral cats and can limit human exposure to rabies and other diseases, such as cat scratch disease, toxoplasmosis, hookworm and roundworm. The potential threat of these and other zoonotic diseases can be minimized with good hygiene per the Centers for Disease Control and Prevention.

Many organizations and municipalities in Florida, including Broward, Collier, Hillsborough, Manatee, Miami-Dade and Palm Beach counties, support TNR. You are fortunate to have the expertise of organizations, such as It's Meow or Never for Ferals, which practice TNR in Leon County. We hope you will work with them and others in the community to help craft your ordinance.

If we can be of further assistance, or if you have questions, please feel free to contact us, or our Florida State Director, Kate MacFall, at kmacfall@humanesociety.org.

Respectfully,

Katie Lisnik
Director of Cat Protection and Policy

Nancy Peterson
Cat Programs Manager

Leon County
Board of County Commissioners

Notes for Agenda Item #24

Leon County
Board of County Commissioners

Cover Sheet for Agenda #24

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Modification of Additional Woodville Sewer Requirements for City of Tallahassee 2030 Masterplan

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E. Director of Public Works and Community Development
Lead Staff/ Project Team:	Kathy Burke, P.E. – Director of Engineering Services

Fiscal Impact:

This item has no direct fiscal impact to the county.

Staff Recommendation:

Option #1: Approve the modification provided to the City of Tallahassee to amend their 2030 Sewer Masterplan, deleting the requirement to include the additional area west of the Woodville Rural Community.

Report and Discussion

Background:

The City of Tallahassee (City) is required by the Interlocal Agreement with the County to provide periodic updates to its Sewer Masterplan (Attachment #1). The Masterplan serves as the guide for the City's annual submittal of their proposed five-year Capital Improvement Program (CIP). The 2005 Water Sewer Agreement (WSA) provides that the County has reserved the right to identify areas to be considered with a higher priority for sewer service. The County is required to construct the collection system within the target area, and the City agrees to provide the conveyance connecting the system to the city. Further, the City agrees to operate and maintain the system once it is built. For each system to be built, there would be a separate Implementation Agreement executed.

Attachment #2 provides an extensive background regarding the County's input to the City's Sewer Masterplan and the associated proposed sewer capital projects. The specific area being addressed in this agenda item relates to the April 12, 2011 workshop when the Board approved the 2030 Master Sewer Plan Phase 2 to include the addition of the area west of the Woodville Rural Community for future sewer (Attachment #3).

Analysis:

Given the Comprehensive Plan designation of the Woodville Rural Community as a development node, combined with the plan's transfer of densities to within this node, it is desired that economic development occur in this designated rural community node. In order for the Comprehensive Plan densities to be possible, central sewer is required. Central sewer within Woodville Rural Community node remains a viable alternative.

However, considering that the densities of the Urban Fringe (areas west of the Woodville Rural Community) may not support central sewer, it may not be prudent to proceed with a central sewer option for the Woodville Urban Fringe. Onsite septic tank technologies continue to improve and it is expected that a cost-effective onsite system that meets Advanced Wastewater Treatment (AWT) standards could be developed in the relatively near future.

The Board's priority/focus has been the development of the Woodville Rural Community node as a vibrant economic center. Central sewer is a key factor to allow the crucial density to occur. This area has been designated in the City's Sewer Masterplan for decades for connection to its system. The Woodville Urban Fringe area, due to its more rural character, has not historically been included in the Masterplan, and staff recommends that the City not be required to amend its Masterplan to include this more rural area.

The removal of the request to amend the Sewer Masterplan to include the Woodville Urban Fringe area is consistent with all of the Board's actions to date. The Sales Tax Project #10 had three components, flood study, Woodville Rural Node Sewer, Woodville Urban Fringe Sewer. The project description is consistent with the approach being recommended in this agenda item to remove the urban fringe area from the City's 2030 Sewer Masterplan: provide central sewer to the Rural Community node and allow other AWT alternatives to be considered for the urban fringe area.

Options:

1. Approve the modification provided to the City of Tallahassee to amend their 2030 Sewer Masterplan deleting the requirement to include the additional area west of the Woodville Rural Community.
2. Do not approve the modification provided to the City of Tallahassee to amend their 2030 Sewer Masterplan to delete the requirement to include the additional area west of the Woodville Rural Community.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. Interlocal Agreement
2. Sewer Master Plan Historical Background
3. Woodville Rural Community and Woodville Urban Fringe Map

VSL/TP/KB/djw

WATER AND SEWER AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of May, 2005, by and between the CITY OF TALLAHASSEE, a Florida municipal corporation (hereinafter referred to as "City"), and LEON COUNTY, a political subdivision of the State of Florida (hereinafter referred to as "County").

WITNESSETH

WHEREAS, the County has determined that it will be the sole local governmental entity to authorize the planning, construction and operation of water systems and sewage disposal systems within the unincorporated area of the County and will provide such services when it deems it appropriate; and

WHEREAS, the County has specifically determined that it is in the best interest of the citizens of the County if the City is granted an exclusive water and sewer franchise to serve all of that part of the County that is not currently served by other water and sewer providers, with conditions thereon; and

WHEREAS, the City, by accepting an exclusive water and sewer franchise pursuant to this Agreement, does not waive or relinquish any rights to which it is entitled under Florida Statutes, Chapter 180; and

WHEREAS, the County recognizes that, until such time as the City has its countywide system in place, there are areas of the County that cannot reasonably, efficiently and economically be served by the City and that other water and sewer providers may be able to provide the necessary service and, accordingly, upon notice from the City that the City cannot serve the area, the County will revoke the City's exclusive franchise for any specific geographic area and grant a franchise to another water and/or sewer provider so that the needs of the citizens of the County will be met.

NOW, THEREFORE, in consideration of the following mutual promises and covenants, and other good and valuable consideration the sufficiency of which is being acknowledged, the City and County hereby agree as follows:

Section 1. Term. The Term of this Agreement shall commence upon full execution hereof and shall continue until September 30, 2030, unless earlier terminated pursuant to the terms of this Agreement. This Agreement shall be extended automatically for an unlimited number of additional five (5) year periods unless written notice is provided by either party at least twenty-four (24) months prior to the end of the original or any extended agreement period.

Section 2. Franchise.

a. The County does hereby grant unto the City, and the City hereby accepts, an exclusive franchise to provide water service to all properties located within the County that are not located within an existing or applied for water franchise area at the time this Agreement becomes effective. Exhibit A identifies all existing water and sewer utility franchise areas at the

time of execution of this Agreement and is attached hereto and incorporated as if fully set forth herein. Further, the County does hereby grant unto the City, and the City does hereby accept, an exclusive franchise to provide sewer service to all properties located within the County that are not located within an existing or applied for sewer franchise at the time this Agreement becomes effective. Both the sewer and water service franchises granted herein shall be subject to and contingent upon the terms and conditions contained in this Agreement.

b. Portions of the sewer franchise granted herein are subject to the Tallahassee-Leon County Comprehensive Plan restrictions prohibiting the installation of municipal sewers. The City shall not be obligated to provide service in these areas until such time as amendments are made to the Tallahassee-Leon County Comprehensive Plan, which shall have the effect of partially or completely removing those restrictions.

Section 3. Target Water and Sewer Service Areas.

a. The City and County agree that, within the franchise area granted herein there are specific geographic areas, the Woodville Community, Centerville Trace Subdivision and Harbinwood Subdivisions, hereinafter referred to as Target Areas. It is agreed that these Target Areas are in need of water and/or sewer service due to the lack of proper utilities or the failure of utilities on which they were developed and that these Target Areas will be prioritized for the provision of water and/or sewer services.

b. Target Areas have been identified by the City and County and are attached hereto and incorporated as if fully set forth herein as Exhibit A. Target Areas will be updated annually by the County no later than December 1 of the preceding fiscal year prior to anticipated action by the City.

c. The City and County agree that, at the time that a Target Area is to be provided with water and/or sewer service by others, the City and County will enter into a Target Area Implementation Agreement. Said Implementation Agreement will specify the rights and responsibilities of each party in the provision of the utility service to the Target Area and the terms and conditions of service. The County agrees that the City is not obligated to participate in the development and construction of the water distribution or sewer collection system within the Target Area. The City agrees to provide some or all of the conveyance to or from the Target Area subject to the Implementation Agreement.

d. The City agrees that it will maintain or plan for treatment and disposal capacity to serve the identified Target Areas.

Section 4. Rights and responsibilities of City.

a. The City is responsible for providing water and/or sewer service to all properties located within the franchise area except as provided in this Agreement. City water and/or sewer service to existing developed properties within the franchise area shall be determined on the basis of a site specific evaluation by the City that includes cost feasibility, availability of easements, and other pertinent factors in a manner similar to that used within the City limits.

b. All City policies, standards, procedures, regulations, rates, fees, and charges for water and sewer services shall be the same, inside and outside City 's corporate limits, with the exception of the rebate policy, and as provided herein. City shall have the exclusive right to manage and operate its water and sewer system in the unincorporated area except as limited by this Agreement.

c. The City may assess a surcharge of up to 50% on water and/or sewer services in accordance with Florida Statutes commencing no sooner than October 1, 2005. Upon termination of the Parks and Recreation Agreement entered into by and between the parties on May 10, 2005 the provisions of this Section 4. paragraph c. shall expire.

d. The City shall not require annexation into the City as a condition for providing water and/or sewer service to any property in the franchise area.

e. The City's rights to require connection of existing properties shall be as prescribed in applicable statutes and codes. This agreement does not add to or detract from those rights.

Section 5. Annual Review of Long Range Master Plan.

a. The City shall, within 18 months of the effective date of this agreement, develop and maintain a long range master plan for the provision of water and sewer service within the franchise area granted herein. Said master plans shall be approved by the County and shall be updated and submitted for County approval every five years.

b. The County shall have the right to provide input to the City's budget process concerning priorities for water and sewer projects in the County. Such input shall be provided no later than December 1 of the preceding fiscal year. The City shall submit no later than June 1 the proposed City five-year capital improvement plan (CIP) for water and sewer projects in the County for annual review and approval by the County. City shall submit no later than October 20 to the County the final approved City CIP for water and sewer projects in the County. The CIP shall be based upon the approved long range master plans described above.

Section 6. Determination of City Sewer Service Availability for New Development

a. City sewer service shall be considered available to new developments which require site and development plan approval or issuance of a development order if it is capable of being connected to by the plumbing of a development, establishment or residence which has adequate permitted capacity to accept the sewage to be generated by the development, establishment or residence; and

1. All references to lots in this section are to developments having an average lot size of 2 acres in area or less.

2. For a new development on an existing parcel which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity

flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection exists in a public easement or right-of-way within100 feet of the property line of the lot, residence, or establishment.

3. For a new development on an existing parcel which has an estimated sewage flow exceeding 1,000 gallons per day, a point of connection to a sewer line exists in a public easement or right-of-way that abuts the property of the establishment or is within 400 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

4. For residential subdivisions with 10 lots or less, and for commercial subdivisions with less than 5 lots, a point of connection to a sewer line exists within 400 feet of the development as measured and accessed via existing easements or rights-of-way.

5. For residential subdivisions with 11-20 lots, a point of connection to a sewer main exists within 800 feet of the development as measured and accessed via existing easements and rights-of-way.

6. For residential subdivisions with greater than 20 lots and for commercial subdivisions with 5 or more lots, a point of connection to a sewer main exists within 1200 feet of the development as measured and accessed via existing easements and rights-of-way.

b. The determination of availability of sewer for any new development shall be made based upon existing conditions at the time of the first Site Development Plan review meeting, as defined under Chapter 10, Leon County Code of Laws, except that the City reserves the right to extend its sewer system at its cost to make sewer available in accordance with the availability criteria set forth herein to existing and developing parcels within six months after the issuance of a site plan approval or development order as may be applicable to the new development.

c. When the City sewer system is available within the respective distances specified above, the property owner will be responsible for extending to the sewer main the remaining distance to their property and also for installing any on-site sewer collection system.

d. If the City Manager and the County Administrator or their designees agree that the connection of a development to City sewer is not economically feasible, regardless of the criteria defined herein, said service shall be determined to be not available.

e. The City reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from these criteria subject to mutual agreement between City and developer.

Section 7. Determination of City Water Service Availability for New Development

a. City water service shall be considered available to new developments which require site and development plan approval or issuance of a development order if it is capable of being connected to the plumbing of a development, establishment or residence and has adequate permitted capacity and pressure to supply water to the development, establishment or residence; and

1. All references to lots in this section are to developments having an average lot size of 2 acres in area or less.

2. For a new development on an existing parcel a water main exists in a public easement or right-of-way within 200 feet of the property line of the lot, residence, or establishment.

3. For residential subdivisions with 10 lots or less, and for commercial subdivisions with less than 5 lots, a point of connection to a water line exists within 400 feet of the development as measured and accessed via existing easements or rights-of-way.

4. For residential subdivisions with 11-20 lots, a point of connection to a water main exists within 800 feet of the development as measured and accessed via existing easements and rights-of-way.

5. For residential subdivisions with 20 or more lots, for commercial subdivisions with 5 lots or more, a water system exists within 1200 feet of the development as measured and accessed via existing easements or rights-of-way.

b. The determination of availability of water for any new development shall be made based upon existing conditions at the time of the first Site Development Plan review meeting, as defined under Chapter 10, Leon County Code of Laws, except that the City reserves the right to extend its water system at its cost to make water available in accordance with the availability criteria set forth herein to existing and developing parcels within six months after the issuance of a site plan approval or development order as may be applicable to the new development.

c. When the City water system is available within the respective distances specified above, the property owner will be responsible for extending the water main the remaining distance to their property and also for installing any on-site water distribution system.

d. If the City Manager and the County Administrator or their designees agree that the connection of a development to City water is not economically feasible, regardless of the criteria defined herein, said service shall be determined to be not available.

e. The City reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from these criteria subject to mutual agreement between City and developer.

Section 8. When City Service is not Available for New Development

a. City shall provide written notification to the County and the property owner within 14 days after the first formal review of the proposed site plan. Said notification shall advise whether service is or is not available, and shall describe the conditions which qualify it as being available. Upon notification that service is not available, property owner shall be allowed to install potable water wells and/or septic sewage systems in accordance with applicable County Codes of Law, or to seek services from another water and/or sewer service provider.

b. If City Service is not available as per notification received by the County described in Paragraph a above, County may, in accordance with Leon County Code and the provisions of this agreement, revoke the franchise for the geographic area in question and grant water and/or sewer franchises to other providers.

Section 9. Standards for Construction and Operation.

a. The City water and sewer construction standards, as they exist or may be modified, shall apply to all City water and sewer franchise area.

b. Standards for the design and construction of water and sewer systems by providers other than City shall be at least equal to those of City. Such standards for water systems shall include minimum requirements for water main sizes, fire hydrant distribution, and flow capacities to provide adequate fire protection.

c. State and Federal regulations relative to the construction and operation of water and sewer facilities shall be adhered to by all utility providers in Leon County.

d. County standards and permit procedures must be adhered to by City and all franchise holders for any water and/or sewer construction that impacts County maintained facilities such as roads or drainage facilities.

Section 10. Termination. If either Party fails to comply with any of the terms or conditions of this Agreement or defaults in any of its obligations under this Agreement and shall fail, within ninety (90) calendar days after written notice from the other Party, to correct such default or noncompliance, the non-defaulting Party may, at its option, forthwith terminate this Agreement after Section 11 provisions have been complied with. Upon termination, geographic areas physically served shall be converted into specific water and/or sewer franchises.

Section 11. Dispute Resolution.

a. The Parties shall attempt to resolve any disputes that arise under this Agreement in good faith and in accordance with this Section. The provisions of the "Florida Governmental

Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process, is hereby encompassed within Section 11. The aggrieved Party shall give written notice to the other Party, setting forth the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice".

b. The appropriate City and County department heads shall meet at the earliest opportunity, but in any event within 10 days from the date the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of both, the department heads shall report their decision, in writing, to the City Manager and the County Administrator.

c. If the department heads are unable to reconcile the dispute, they shall report their impasse to the City Manager and the County Administrator who shall then communicate at their earliest opportunity regarding the dispute, but in any event within 20 days following receipt of the Dispute Notice, to attempt to reconcile the dispute.

d. If a dispute is not resolved by the foregoing steps within thirty (30) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then either Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Party. The mediator shall meet the qualifications set forth in Rule 10.100(c), Florida Rules for Mediators, and shall be selected by the Parties within 10 days following receipt of the Mediation Notice. If agreement on a mediator cannot be reached in that 10-day period, then either Party can request that a mediator be selected by an independent conflict resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

e. If an amicable resolution of a dispute has not been reached within 60 calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then such dispute may be referred to binding arbitration by either Party. Such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

f. Such arbitration shall be initiated by delivery, from one Party (the "Claimant") to the other (the "Respondent"), of a written demand therefor containing a statement of the nature of the dispute and the amount, if any, involved. The Respondent, within ten (10) days following its receipt of such demand, shall deliver an answering statement to the Claimant. After the delivery of such statements, either Party may make new or different claims by providing the other with written notice thereof specifying the nature of such claims and the amount, if any, involved.

g. Within ten (10) days following the delivery of such demand, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer

and shall select a third arbitrator. Each of the arbitrators so appointed shall have experience in local government and/or utility issues.

The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the third arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48, of the Commercial Arbitration Rules of the American Arbitration Association.

Section 12. Indemnification

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.

Section 13. General Provisions.

a. Governing Law and Venue . 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.

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

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

e. Assignment. 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. Entire Agreement. 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 superceded by this Agreement.

g. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

h. Ambiguity. 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. Public Bodies. It is expressly understood between the Parties that the City is a duly incorporated municipal corporation 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. Force Majeure. 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. Cost(s) and Attorney Fees. 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 attorneys fees incurred in maintaining or defending subject litigation. The term litigation shall include appellate proceedings.

l. 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 Party thereof, shall be held to be invalid, the remaining Sections and parts shall continue to be in full force and effect.

m. Subject to Appropriation. 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 dealt with as a dispute under this Agreement.

n. Exceptions to Agreement. All provisions of Chapter 18, of the Leon County Code of Laws, not in conflict with the provisions herein, shall remain in full force and effect. All provisions of the City of Tallahassee Code, particularly Chapter 21 not in conflict with the provisions herein, shall remain in full force and effect. The Water and Sewer Agreement entered into by and between Leon County and the City February 11, 1993 shall be cancelled as of the effective date of this agreement and shall have no effect upon the terms and conditions of this Agreement, nor the Franchise granted herein.

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

LEON COUNTY, FLORIDA

By: _____
CLIFF THAELL, Chairman
of the Board of County Commissioners

ATTESTED TO:

By: _____
ROBERT B. INZER, Clerk
Leon County, Florida

APPROVED AS TO FORM:

By: _____
HERBERT W.A. THIELE, Esq.
COUNTY ATTORNEY

CITY OF TALLAHASSEE, FLORIDA

By: _____
JOHN R. MARKS, III, Mayor
of the City of Tallahassee

ATTESTED TO:

By: _____
GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

By: _____
JAMES R. ENGLISH, Esq.
CITY ATTORNEY

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COMMISSIONERS:

WILLIAM C. PROCTOR, JR.
DISTRICT 1

JAMIE G. BALLS
DISTRICT 2

DAN WINCHESTER
DISTRICT 3

TONY GRIPPA
DISTRICT 4

BOB RACKLEFF
DISTRICT 5

CLIFF THAELL
AT-LARGE

ED DEPUY
AT-LARGE

PARWEZ ALAM
COUNTY ADMINISTRATOR

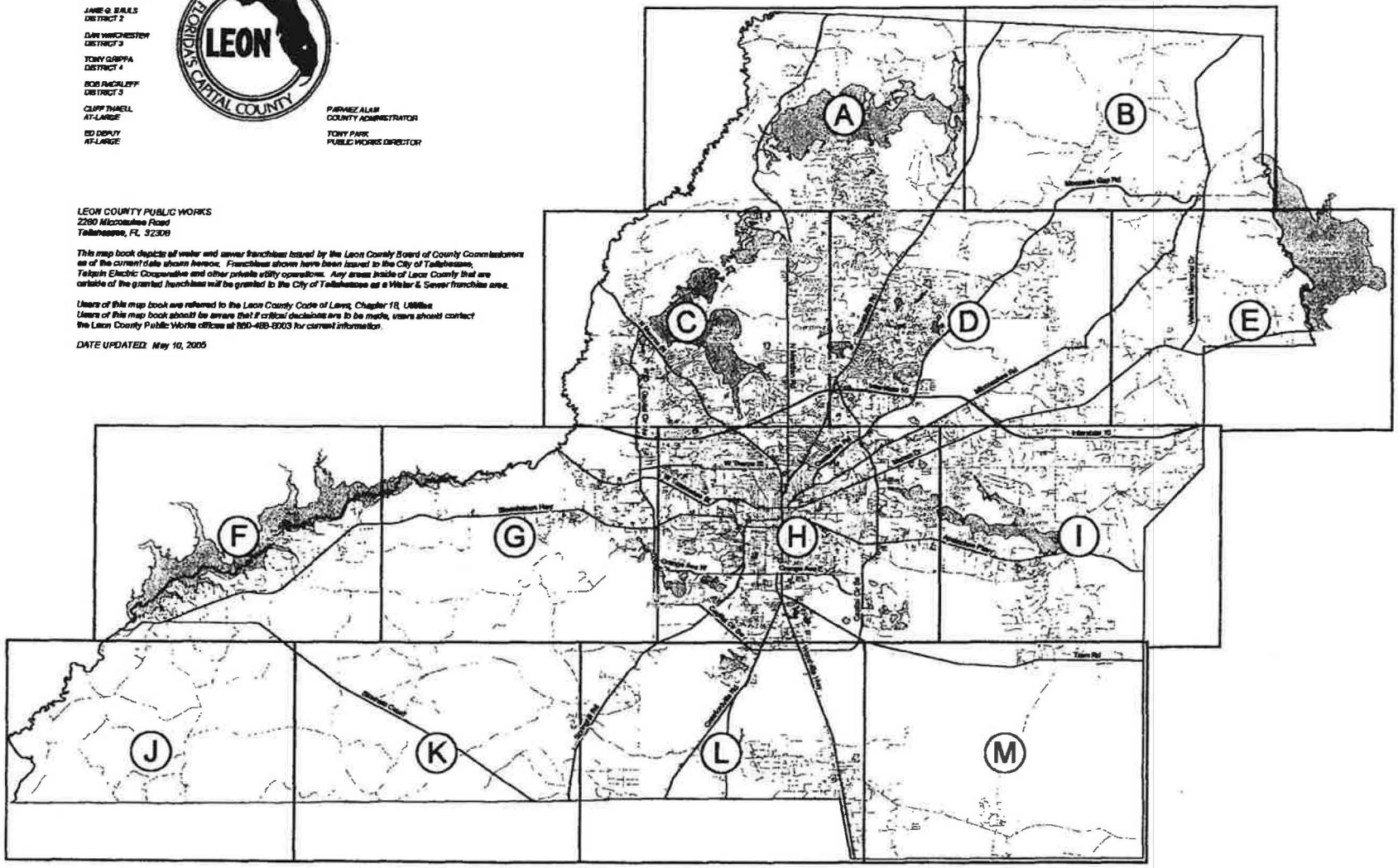
TONY PARK
PUBLIC WORKS DIRECTOR

LEON COUNTY PUBLIC WORKS
2280 Miccosukee Road
Tallahassee, FL 32308

This map book depicts all water and sewer franchises issued by the Leon County Board of County Commissioners as of the current date shown hereon. Franchises shown here been issued to the City of Tallahassee, Talquin Electric Cooperative and other private utility operations. Any areas inside of Leon County that are outside of the granted franchises will be granted to the City of Tallahassee as a Water & Sewer franchise area.

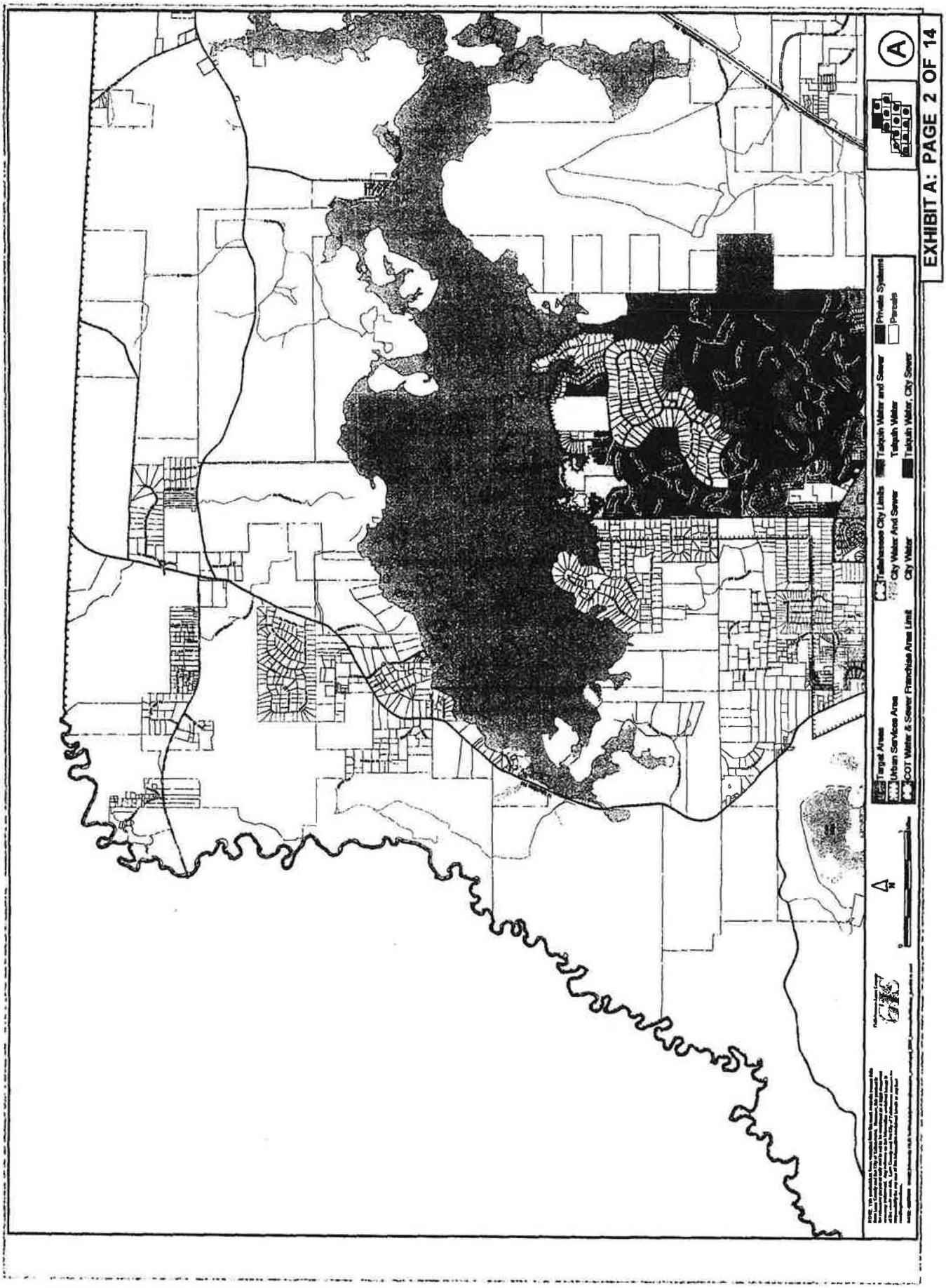
Users of this map book are referred to the Leon County Code of Laws, Chapter 18, Utilities.
Users of this map book should be aware that if critical decisions are to be made, users should contact the Leon County Public Works offices at 850-488-6003 for current information.

DATE UPDATED: May 10, 2005



Water & Sewer Utility Franchise Areas and Target Areas

EXHIBIT A: PAGE 1 OF 14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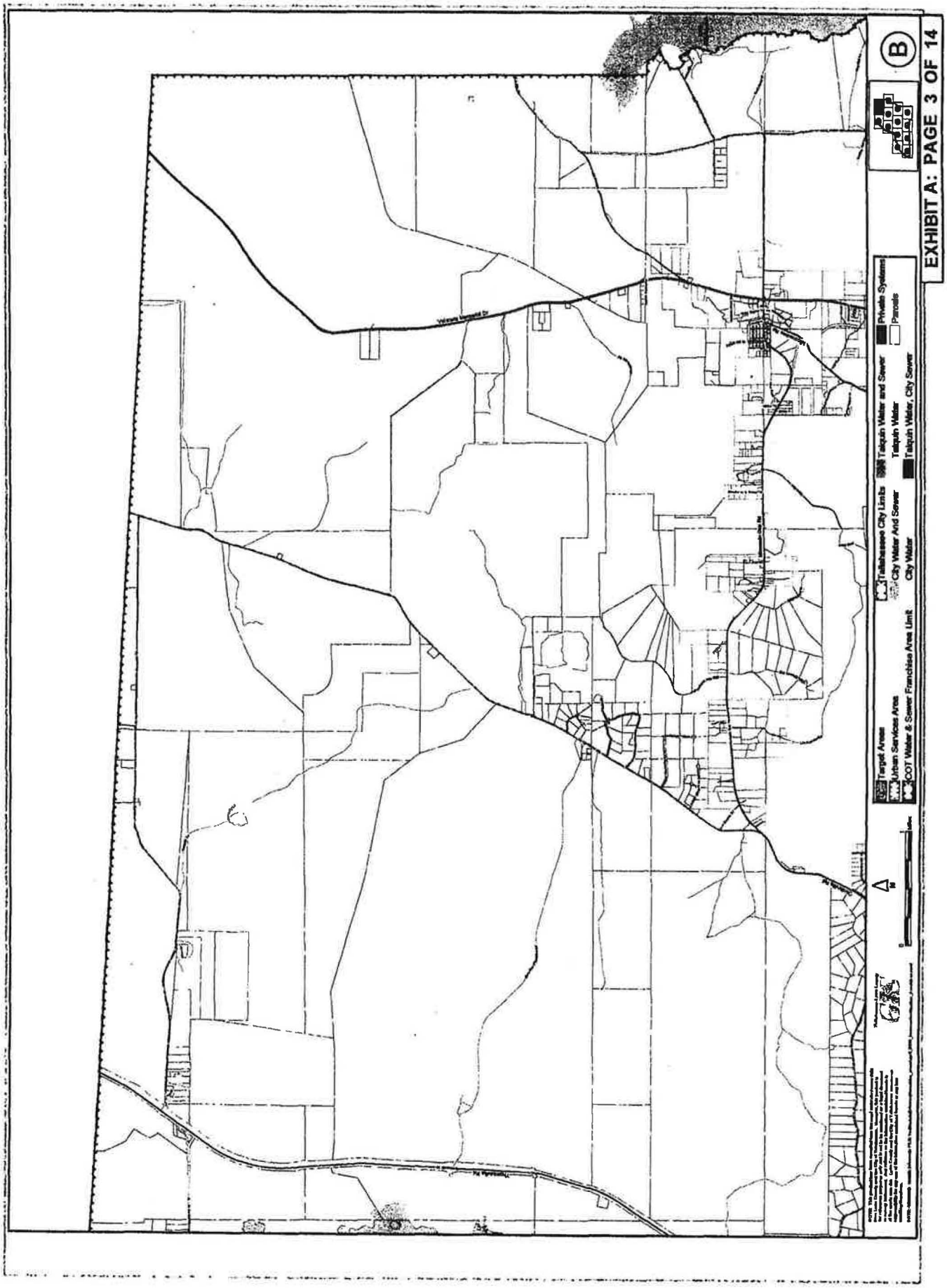
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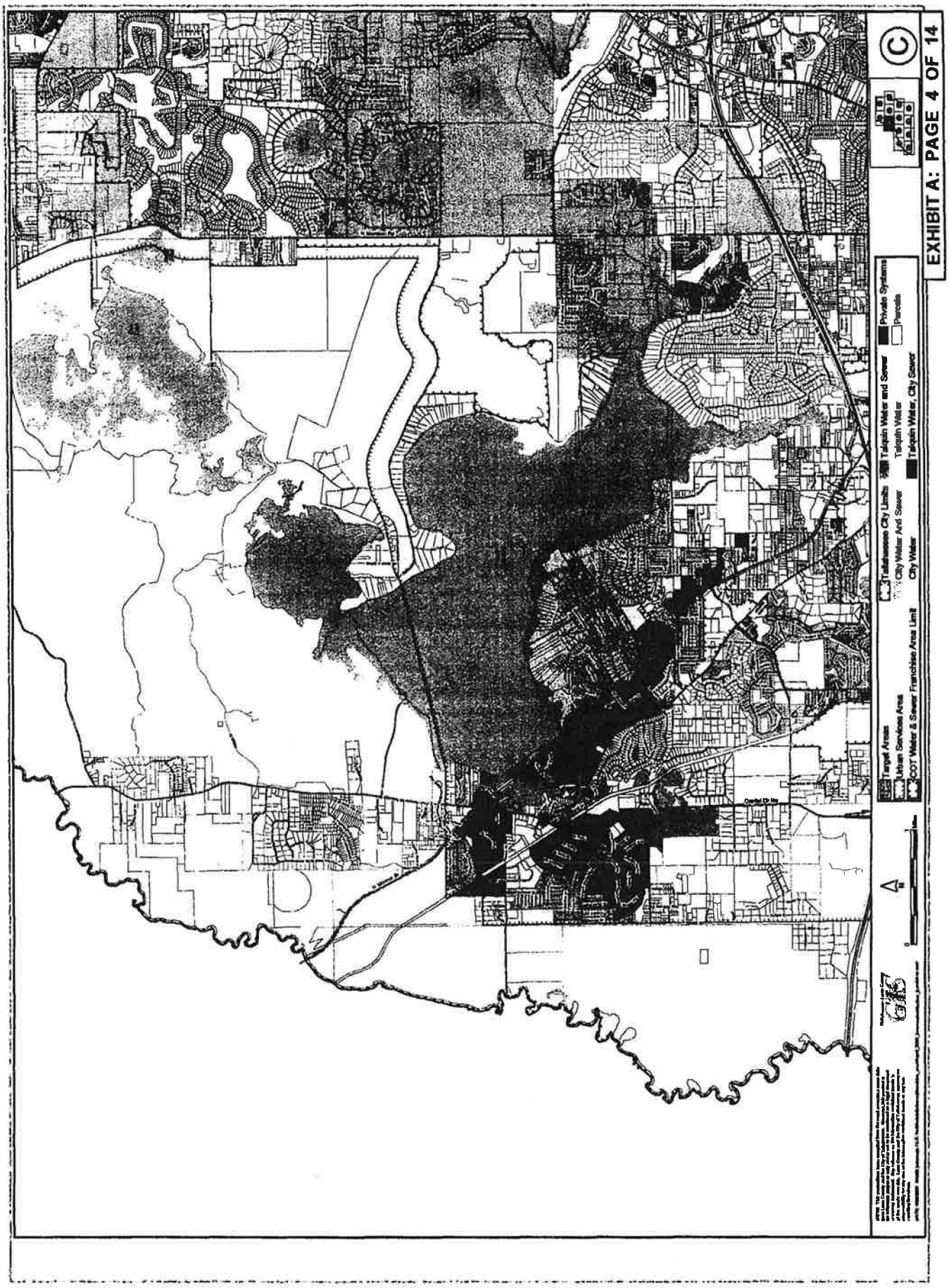
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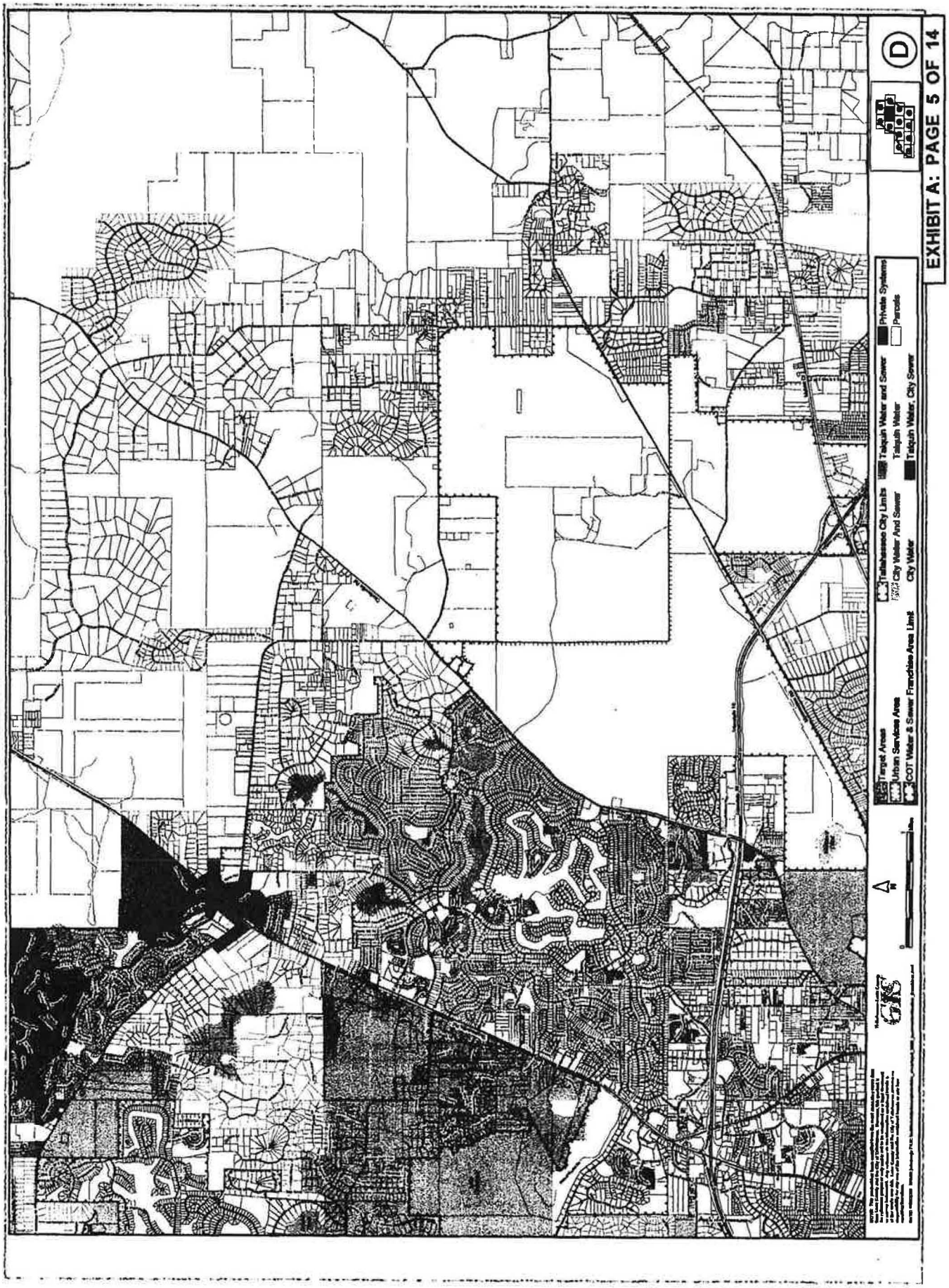
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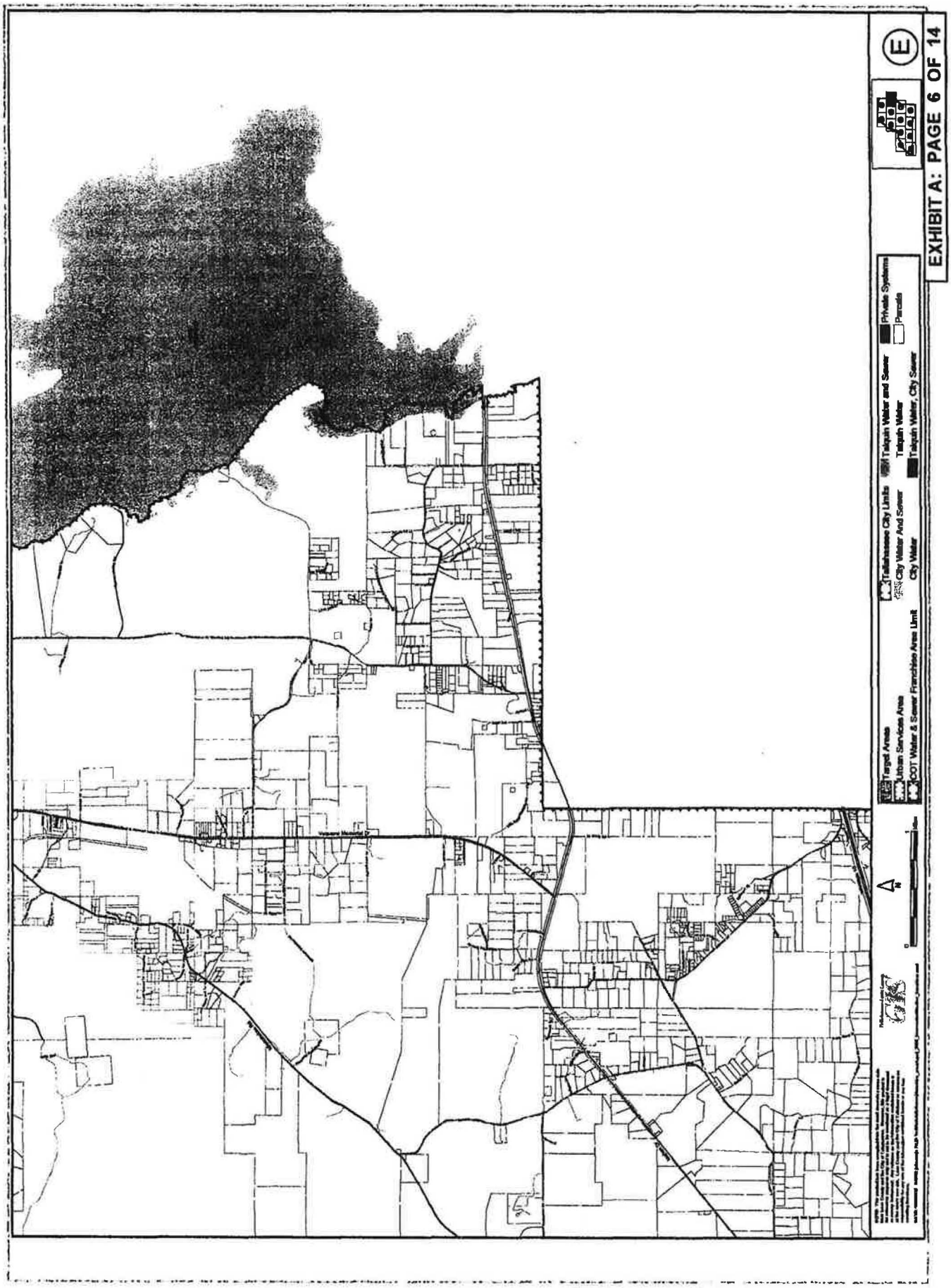
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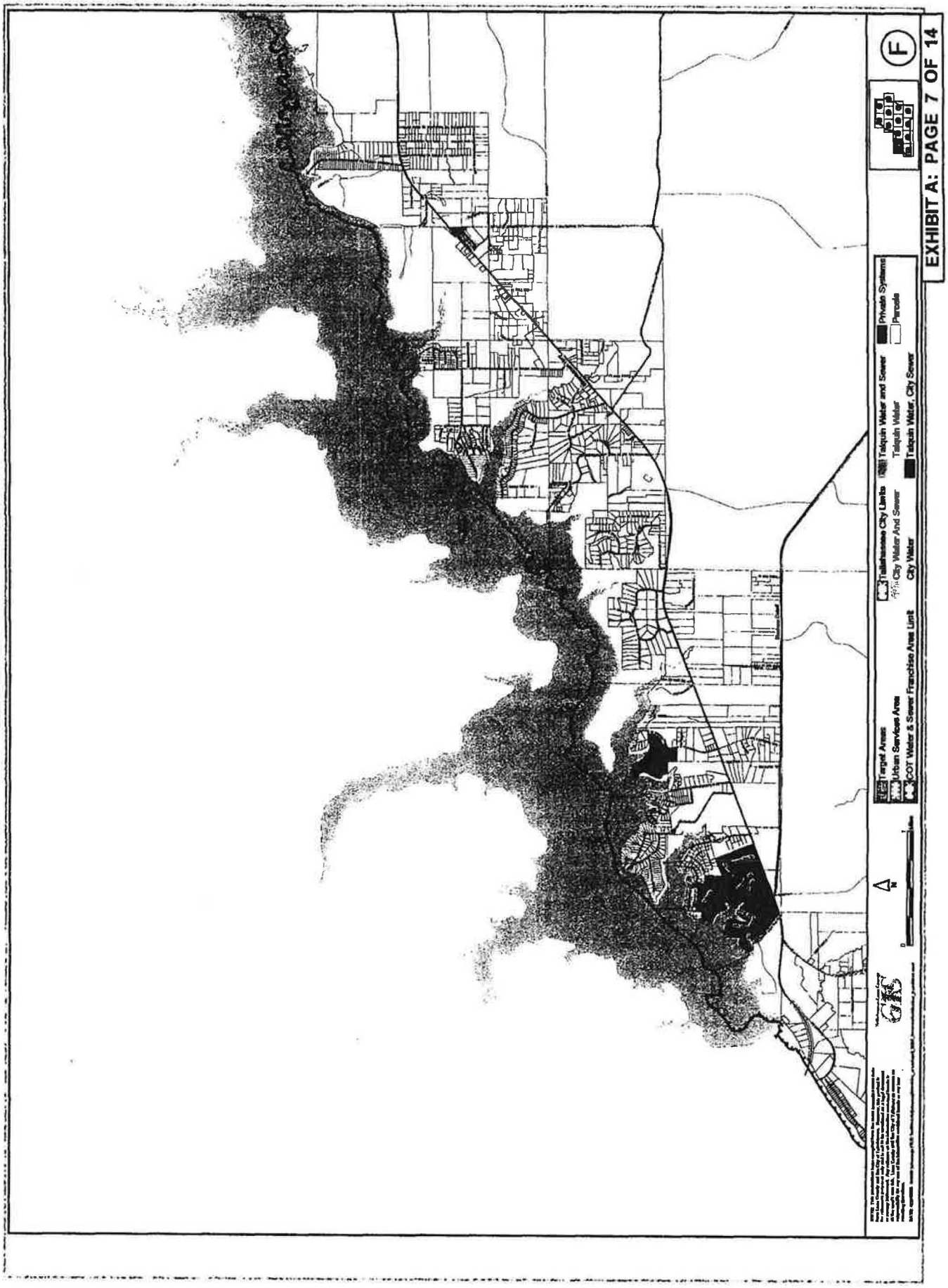
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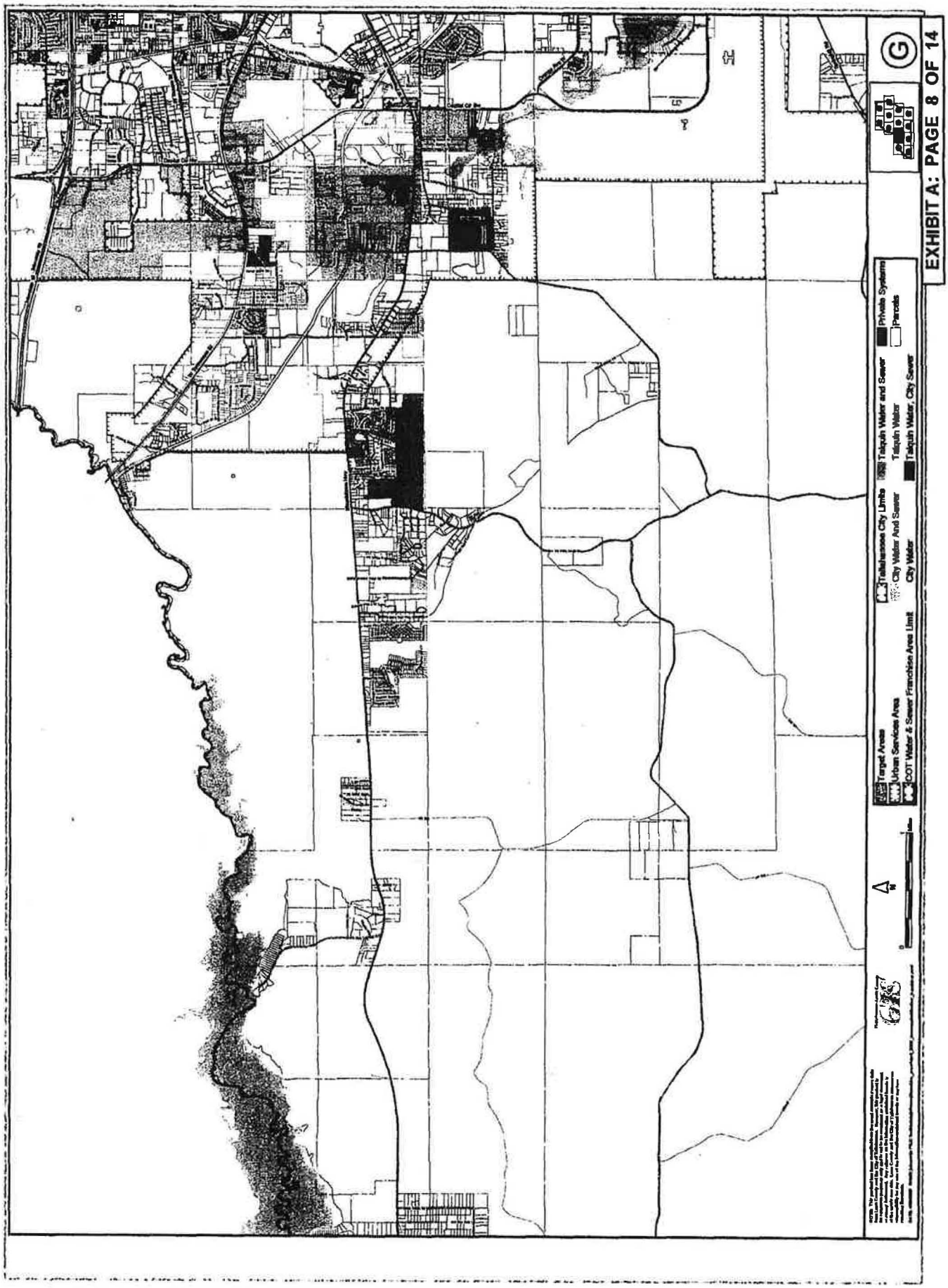
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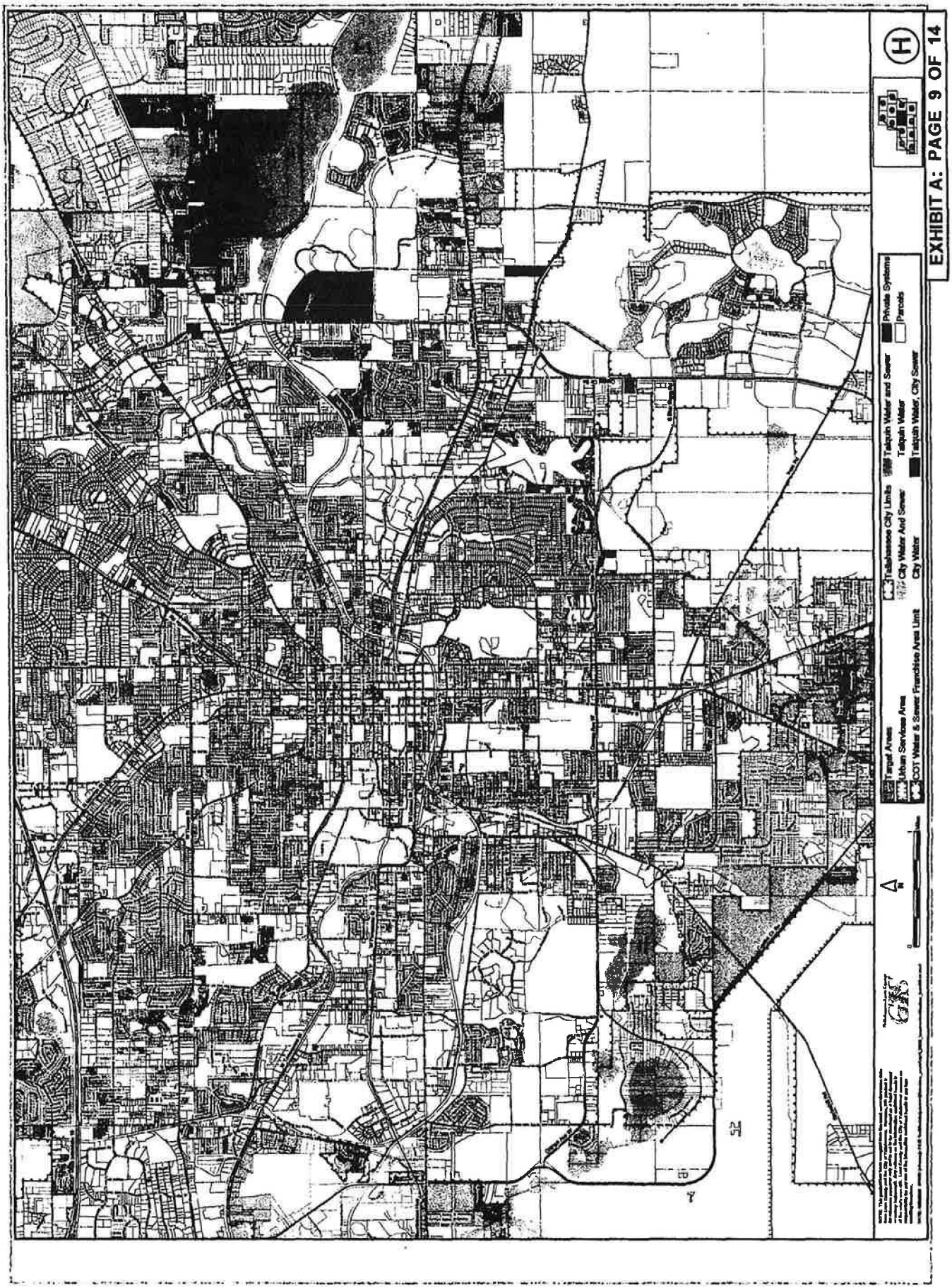
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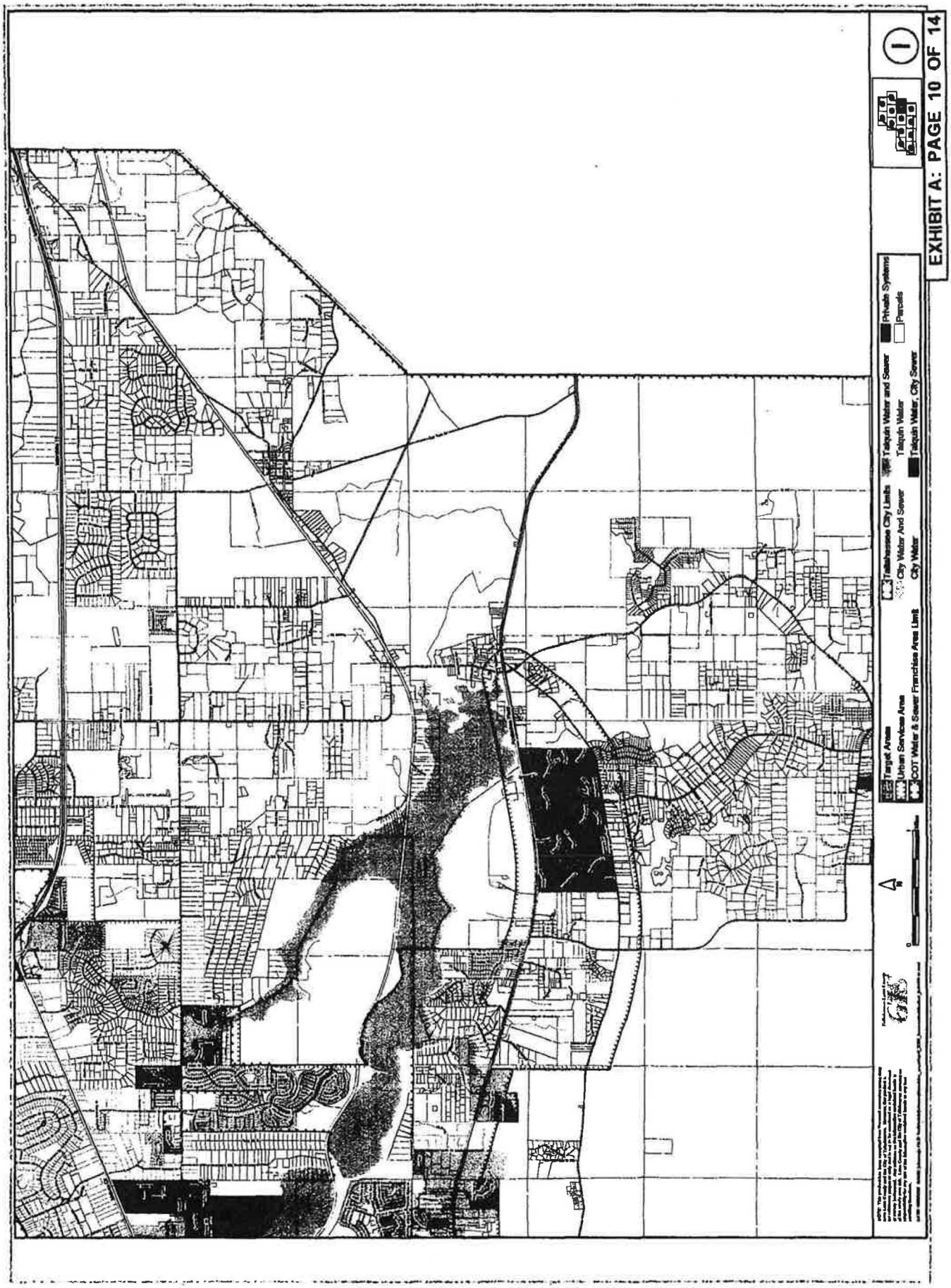
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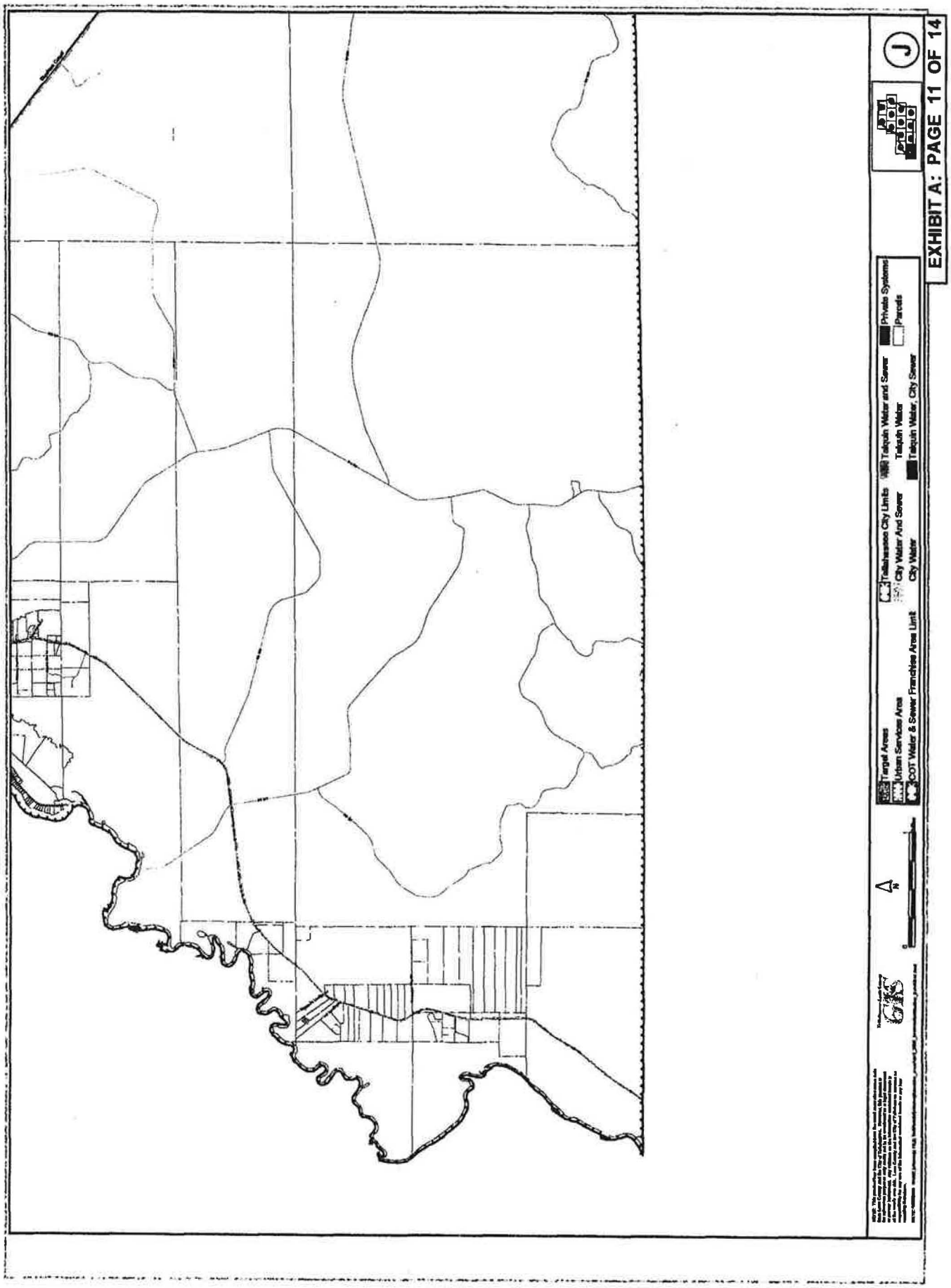
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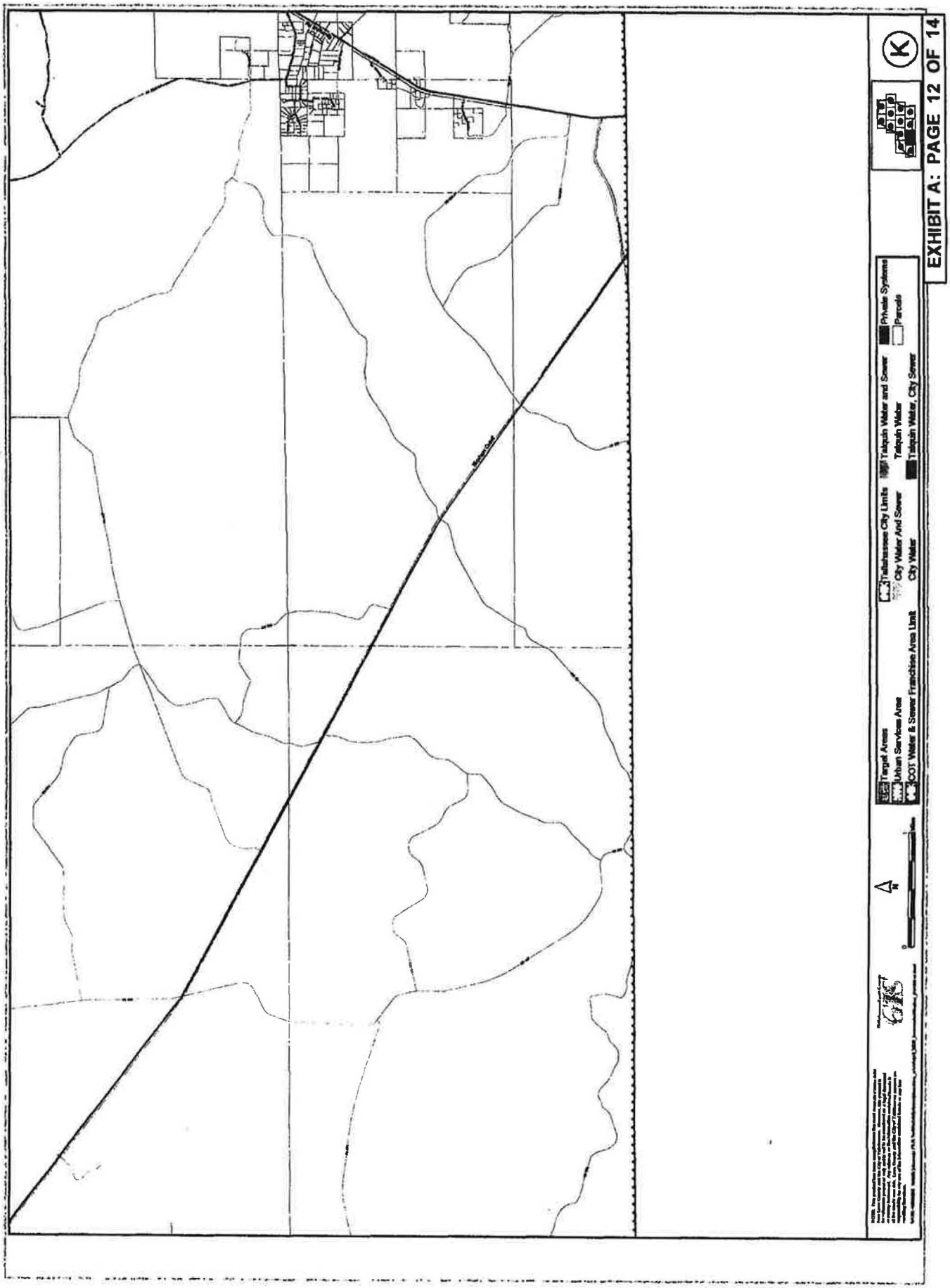
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EXHIBIT A: PAGE 12 OF 14
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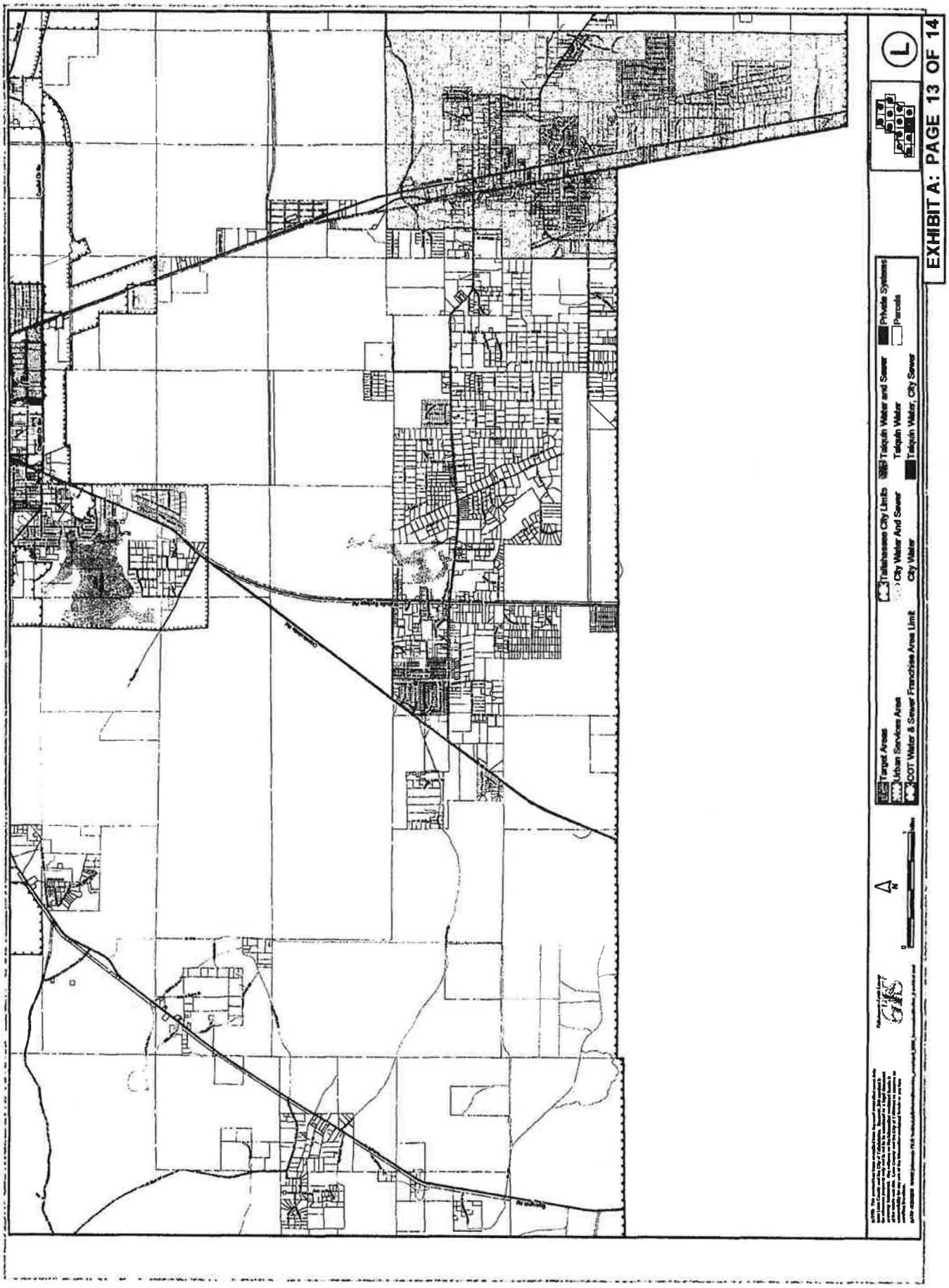
Target Areas
Urban Services Area
COT Water & Sewer Franchise Area Limit
Tallahassee City Limits
City Water And Sewer
City Water
Talquin Water and Sewer
Talquin Water
Talquin Water, City Sewer
Private Systems
Parcels
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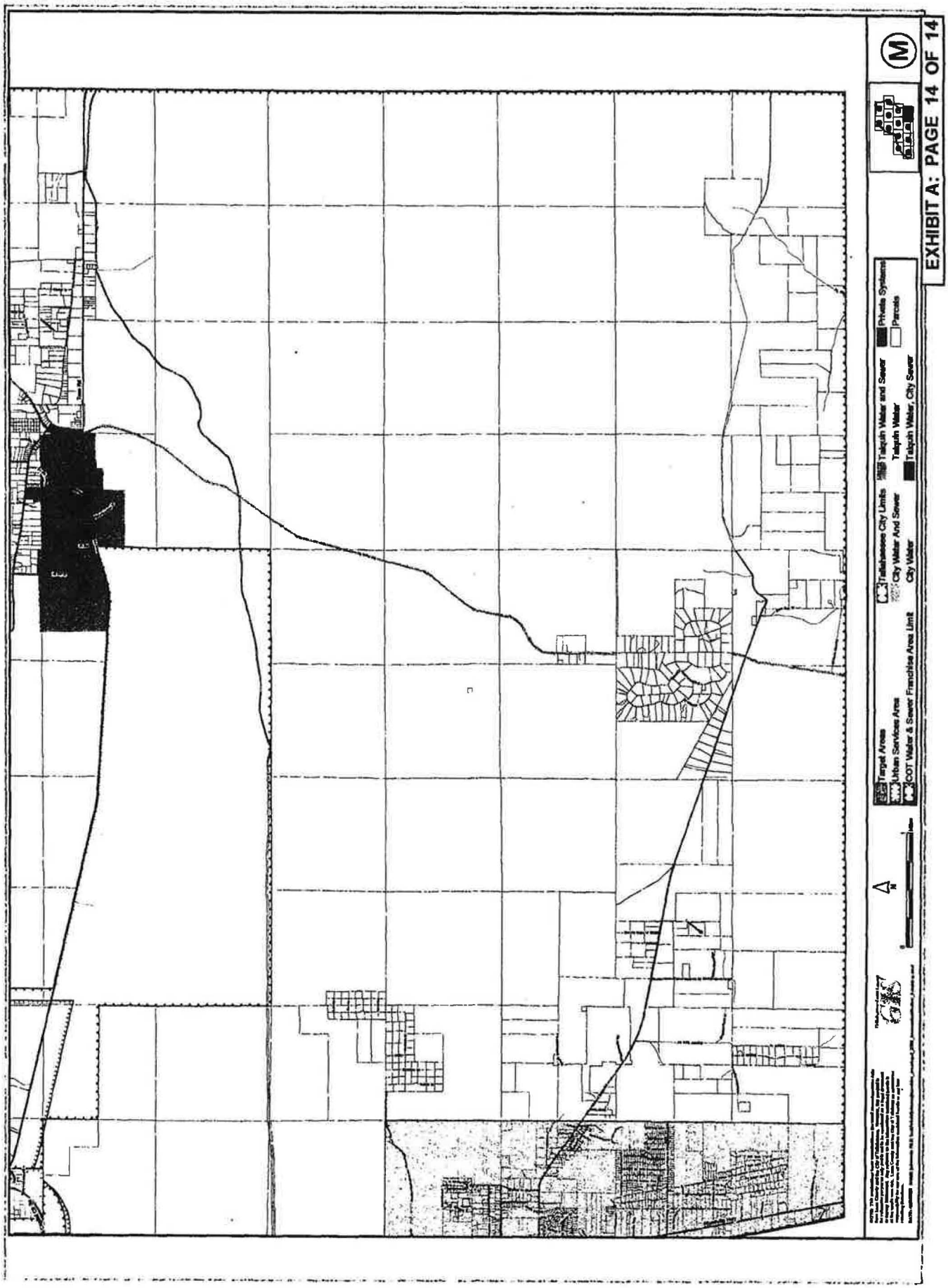

Tallahassee City Limits
City Water And Sewer
City Water
Talquin Water and Sewer
Talquin Water
Talquin Water, City Sewer
Private Systems
Parcels
Target Areas
Urban Services Area
COT Water & Sewer Franchise Area Limit
EXHIBIT A: PAGE 14 OF 14

The following is an outline of the 2030 master sewer plan update process.

- On December 14, 2010, a workshop was conducted to provide updated information on the 2030 Water and Sewer Masterplan. Three recommendations were approved at this workshop:

    1. Approve the City of Tallahassee's 2030 Master Sewer Plan Phase 2, dated January 2010.
    2. Approve the City of Tallahassee's Water Masterplan dated April 2010.
    3. Authorize the projects identified in the Sewer Masterplan, as well as additional projects identified by staff, be included in any one-cent infrastructure sales tax referendum.

- There were three main target areas identified as main priorities for sewer Woodville (Woodville Rural Community) Centerville Trace and Harbinwood. These areas were identified by the City in the Masterplan as areas with sufficient density and growth potential as having the highest promise for provision of central sewer. These target areas have been Board priorities for decades.

- At the January 18, 2011 Board meeting, the December 14, 2010 workshop recommendations were ratified with the additional direction of scheduling a workshop for April 12, 2011 for the infrastructure Sales Tax Extension, and to revisit the 2030 Water and Sewer Masterplan in context of a Sales Tax Project.

- At the April 12, 2011 workshop, the Board approved the 2030 Master Sewer Plan Phase 2, dated January 2010, contingent upon the City of Tallahassee amending the plan to include the following additional areas:

    - NW Leon County(Talquin Water Area)
    - Avondale Subdivision
    - Plantation Estates Subdivision
    - Areas west of the Woodville Special Development Area. The special development area is more commonly known as Woodville Rural Community node, and the area west of this zone is now referred to as the Woodville Urban Fringe
    - City was to utilize the information and cost estimates in the original workshop package as the basis for this addendum.

  Additionally, at this workshop, the Board directed staff to include sewer projects consistent with the City's Masterplan, as amended, into the Sales Tax project list for further consideration.

- At the April 26, 2011 meeting, the Board ratified the actions taken and directives given from the April 12, 2011 workshop on Sales Tax and Water and Sewer Masterplan.

    - Staff used the direction provided from the workshop to develop a slate of sales tax projects that included three priority target sewer areas of Centerville Trace, Harbinwood, and Woodville Rural Community/Woodville Urban Fringe.

- On June 26, 2012, staff conducted a workshop which presented numerous projects based on board direction. The three priority sewer areas were part of the proposed Sales Tax Projects.
    - Harbinwood sewer was incorporated into Project #2, Lake Jackson Preservation and Mobility project, because provision of centralized sewer would alleviate the surface water impacts to Lake Jackson from failing septic tanks.
    - Centerville Trace was developed as a stand-alone project # 9, because its location was distinct and separated from any of the other holistic projects.
    - Woodville Rural Community and Woodville Urban Fringe (previously designated as area west of Woodville Special Development area) sewer were combined with a flood study element into Project #10 named Woodville Water Quality. This project clearly delineated the Woodville Rural Community portion of the project to provide central sewer designed to achieve Advanced Wastewater Treatment Standards (AWT). Further, the Comprehensive Plan supports increased densities in this designated community node. The Urban Fringe area was shown as a separate component of this project. The Lombardo report (which will be discussed later) is referenced because these sewer projects are candidates for connection to City sewer or for development of a cluster treatment system that can achieve AWT Standards. .Further if Urban Fringe area is to be served by central sewer, the Comprehensive Plan would need to be amended to allow central sewer in conventional new developments. The construction and parcel connection costs provided were based on connection to the City of Tallahassee's AWT plant.

  During the development of this workshop, staff determined that the City of Tallahassee had not followed through with the Sewer Masterplan amendments as requested during the April 12, 2011 workshop. City Utility staff were present at this workshop, but indicated that they were unaware of the Board's contingent approval. County staff requested the City to follow-up on this issue so there would be consistency between the approved City sewer Masterplan and the proposed Leon County sewer projects.

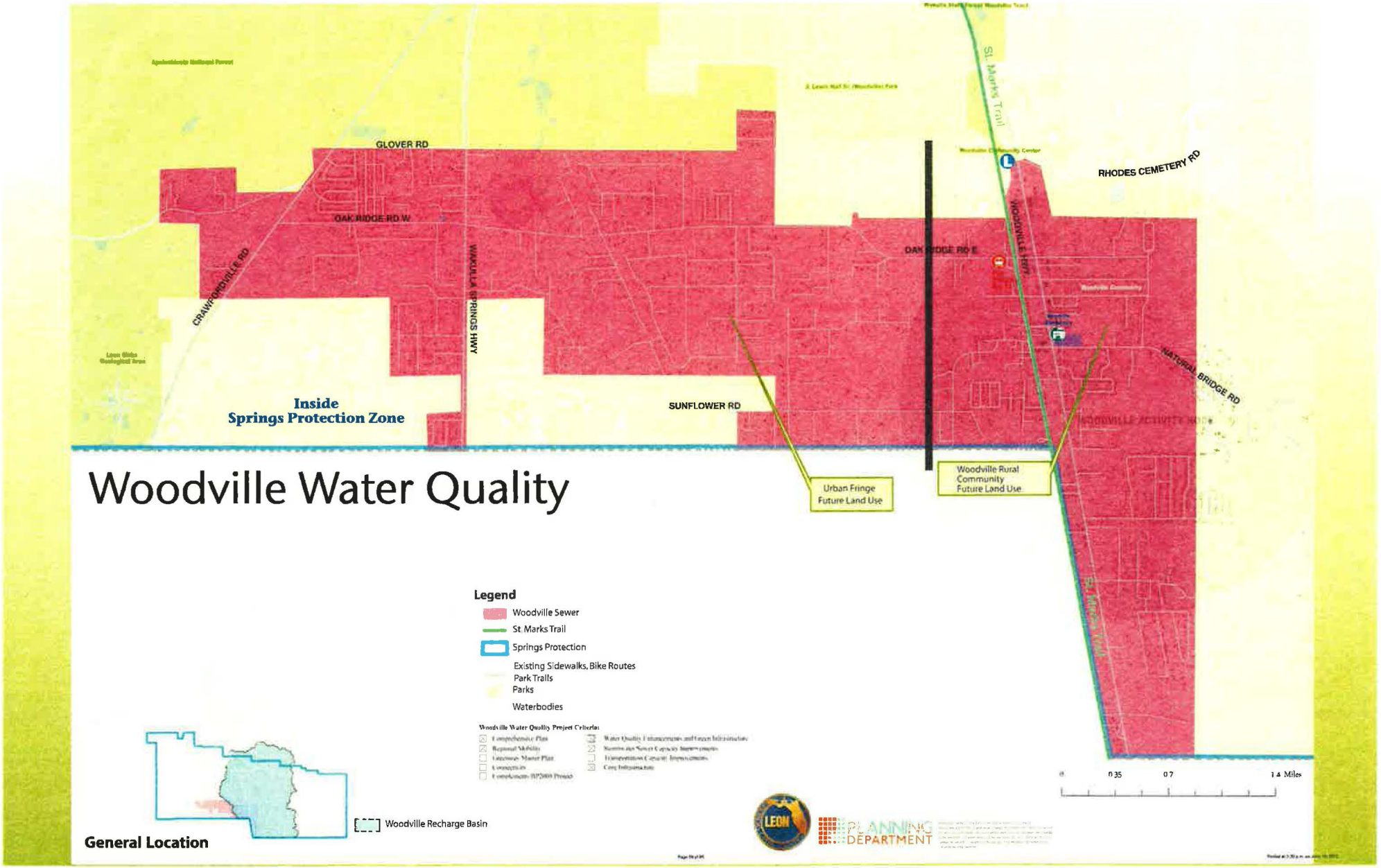
  The Board accepted the report on the proposed Sales Tax Capitol Projects and directed staff to present the projects to the Sales Tax committee. Some additions were made, but those did not pertain to any sewer project.

- On July 10, 2012, the Board ratified the actions taken at the June 26, 2012 workshop that included continued pursuit of Sales Tax Project #10, Woodville Water Quality.

- On October 11, 2012, staff presented the majority of the 16 projects to the Sales Tax Committee. A follow-up presentation occurred specifically on the water quality projects on November 29, 2012. There was much discussion regarding the sewer projects and possible alternatives to central sewer connection to the City's AWT plant, especially for the area outside the Woodville Rural Community node.

- On January 29, 2013, staff conducted a workshop on the Septic System Management Options Report by Lombardo Associates Inc. and Update on the Basin Management Allocation Plan (BMAP) Process. The focus of the Lombardo study was to analyze sources of nitrate to Wakulla Springs and develop recommendations on how best to reduce the nitrate loading to the springs. This reduction is critical to the health of the Spring's ecosystem and for meeting the FDEP adopted Total Maximum Daily Load (TMDL) target. The TMDL will be addressed through the BMAP process, which will develop strategies for nitrate reduction, and it will identify who is responsible for accomplishing the strategies. This process is in its initial stages of development and will be ongoing for some time.
    - The Lombardo report indicated that septic tanks south of the Cody scarp are the largest controllable source of nitrate contributing to Wakulla Springs. It is estimated that 1274 existing septic tanks are located within the Woodville Rural Community and approximately another 1671 existing septic tanks are located in the Woodville Urban Fringe area. The Sales tax project #10 presented to the committee proposes to transition these 2945 septic systems to AWT standards.
    - The Lombardo report indicates that the Woodville Rural Community appears to be favorable for sewer extensions to the COT system. Further, the report indicates that the Woodville Urban Fringe area is a candidate for connection to the COT system or for one or more cluster systems.
    - There was much discussion centered upon central sewer not being the only method by which nitrogen-reducing wastewater treatment may be achieved. Decentralized wastewater systems such as cluster systems or other technologies may be viable options for certain areas. These options should be linked between and use planning and waste disposal.
    - The Board's Water Resources Committee and Science Advisory Committee made presentations that advocated differing viewpoints on how to best resolve the septic tank nitrate issue.
    - The Board approved option #1 relating to sewer and directed staff to continue to pursue proposed sales tax extension project #10, Woodville Water Quality.

- On February 12, 2013, the Board ratified the approved options from the January 29, 2013 workshop, which included continued pursuit of Woodville Water Quality Project #10.


Woodville Water Quality
GLOVER RD
OAK RIDGE RD W
CRAWFORDVILLE RD
WAKULLA SPRINGS HWY
OAK RIDGE RD E
RHODES CEMETERY RD
WOODVILLE HWY
NATURAL BRIDGE RD
SUNFLOWER RD
St. Marks Trail
Inside
Springs Protection Zone
Urban Fringe
Future Land Use
Woodville Rural
Community
Future Land Use
Legend
Woodville Sewer
St. Marks Trail
Springs Protection
Existing Sidewalks, Bike Routes
Park Trails
Parks
Waterbodies
Woodville Water Quality Project Criteria:
0 0.35 0.7 1.4 Miles
Woodville Recharge Basin
General Location
LEON
PLANNING
DEPARTMENT

Leon County
Board of County Commissioners

Notes for Agenda Item #25

Leon County
Board of County Commissioners

Cover Sheet for Agenda #25

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Consideration of the Mobility Fee System

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director of Public Works & Community Development Wayne Tedder, PLACE Director
Lead Staff/ Project Team:	Roxanne Manning, Planning Department Manager Cherie Bryant, Planning Department

Fiscal Impact:

The cost of a consultant to conduct the Mobility Fee Study is anticipated to cost between $200,000 and $325,000, which would be shared with the City of Tallahassee. Inclusion of funds for a consultant would be considered during the FY 2013/14 budgeting process. In the long-term, a mobility fee system should result in fairer distribution of mitigation costs among developments over time, whereas the current system hits the "last person in" with higher costs since only those developments that push the roadway over capacity are required to pay. With a new system where everyone pays along the way, mitigation revenues, as well as costs, to developers would be more even and predictable over time, and they would support the growth policies adopted in both the Comprehensive Plan and the Regional Mobility Plan.

Staff Recommendation:

Option #1: Direct staff to develop a Request for Proposals for a Mobility Fee System consultant, to only be issued upon approval of funding by both Leon County and the City of Tallahassee.

Option #2: Direct staff to include a funding request, to be shared with the City of Tallahassee, as part of the FY2013/14 budget to support the hiring of a Mobility Fee consultant.

Report and Discussion

Background:

At the Joint Comprehensive Plan Workshop on October 25, 2011, both the City Commission and the Board of County Commissioners directed staff to review and develop a potential mobility fee approach to replace the existing transportation concurrency system for mitigating development impacts on the transportation network. After researching various options and available resources, staff recommends hiring a consultant to develop a city/county fee structure. This report presents background information, the context for the current proposal, and steps for moving forward, as well as a potential schedule and scope for a Request for Proposals (RFP).

A companion item is also scheduled to go before the Tallahassee City Commission on March 13, 2013.

Analysis:

Initial Transportation Mitigation Regulation

In 1985, faced with rampant growth and backlogged infrastructure facilities, the State of Florida instituted standards, known as "concurrency," that required local governments to plan for and collect mitigation to build the infrastructure needed to support new growth. Transportation concurrency was based on the concept that when a new development caused a road to go over capacity, that development would pay to add additional capacity to that roadway prior to obtaining development approval. Correspondingly, development along a roadway network could occur with no transportation mitigation costs until the network reached capacity.

The intention of this legislation was to mitigate the costs of new growth over time to prevent further backlogs. Instead, however, it created a financial incentive for new growth to occur in suburban and rural areas where the roads had plenty of capacity, and thus land was cheaper to develop. Conversely, it made it more expensive to develop or redevelop in more urban areas where roads naturally have more users.

However, residents of new suburban or rural developments typically still drive into the urban areas for work or shopping. Over time, this still led to backlogs and congestion, but in most cases, the new growth was not required to financially mitigate for those impacts. As a result, roads leading into activity centers, such as the Thomasville/I-10 or Capital Circle/Mahan areas, became backlogged, leading to longer delays for drivers and limited financial resources to fund solutions.

This problem is not unique to Tallahassee and Leon County, but is seen throughout the State. In response, state legislation has changed significantly in recent years, allowing local governments to mitigate transportation impacts through use of a "Mobility Fee." The State also completed a study explaining how Mobility Fees could be used by local governments to encourage more sustainable growth patterns.

What is a Mobility Fee?

The opportunity to use alternative methods to traditional concurrency was provided with the 2009 Community Renewal Act, which resulted in the "Evaluation of Mobility Fee Concept" report prepared for the Florida Departments of Transportation and the Florida Department of Community Affairs.

The report explained how a Mobility Fee system could be structured to incentivize development and redevelopment in urban areas where urban infrastructure is already in place, and thus lessen the long-term costs of development to all taxpayers. Development in suburban and rural areas would of course still be allowed, but the transportation mitigation costs would be higher to reflect that these developments would result in longer daily trips to reach jobs and shopping. Attachment #1 provides a graphical explanation of this concept.

The report also notes that the mobility fee can be designed to:

- Provide for the multimodal needs for the community,
- Ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts,
- Fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and
- Promote compact, mixed-use, and energy-efficient development.[1]

Comparison of the Two Transportation Mitigation Models

Concurrency

- Advantages
  - Current system is in place and is being applied.
  - Significant Benefit Facilities receive advantage of aggregated funds for improvements and funding sources are clearly identified.
  - Identification of fee is fairly straightforward because it is based on automobile trips generated by a project.
- Disadvantages
  - Mitigation applies in adverse impact situations; not all developers pay.
  - Cost of mitigation in urban areas drives development to rural areas (undermining urban service area and contributing to urban sprawl).
  - Continuation of the system 1) does not address failures on all roadways; 2) does not address multi-modal options outside of the multi-modal district; and 3) may need revisions to meet newer statutory requirements.
  - Project costs many times outstrip available funding through mitigation because of rising improvement costs and dependency on development activity.

[1] 2009, Center for Urban Transportation Research, University of South Florida, "Evaluation of Mobility Fee Concept, Final Report, November 2009"

Mobility Fees

- Advantages
  - Equity in application as the fee assessment would apply to all new development not just those developments that result in adverse impacts to facilities [and may generally result in lower fees].
  - Incentive for infill and desired development areas by designing the system to reward location.
  - Funding for modes, other than automobile facilities, such as transit, pedestrian, and bicycle.
  - Stable revenue source if designed with consistently applied fee approach.
    - Current Multi-Modal Transportation District would readily receive mobility fee approach
- Disadvantages
  - New system development is required, which will require funding and resources; the development of this new system can be data intensive.
  - Education of development community will be necessary to use the system
  - Similar systems are in place in Florida but do not have the benefit of long-term assessments.
  - Some developments that may not have had to pay under the old system may have to pay something under the new one.

Status of Transportation Concurrency and Impact Fees in the State

With the adoption of the Community Planning Act [Act] in 2011, implementation of transportation concurrency statewide is no longer mandatory. The Act places the decision and responsibility for establishing and maintaining concurrency with the individual local government. Some local governments have opted to discontinue transportation concurrency without a replacement system.

In recent years, there have been several legislative attempts to preclude local governments from using impact fees as a way to collect revenues for roadway facilities. In 2011, early legislative drafts of the Community Planning Act included provisions to prohibit impact fees. During the final weeks of the 2011 session, the prohibition was removed. Again in 2012, legislative HB 603, and SB 912, both specifically targeted transportation impact fees including a provision prohibiting local governments from applying transportation and school concurrency, and collecting impact or "other" fees. Both bills died in subcommittee. Passage would have had significant implications for implementation of impact fees and potentially mobility fees if those were considered to be in the "other" fee category. Staff will continue to track any future bills in the Florida Legislature.

Examples of Mobility Fees in Other Florida Communities

Although several Florida communities have adopted and implemented mobility fee approaches, staff reviewed three systems in depth since their goals were similar to those expressed by the City and County Commissions during initial discussions. Some communities determined their best course was to hire a consultant to develop the program.

The costs for the transportation consultants to complete a feasibility study, conduct needed transportation studies, and develop the recommended mobility fee and system structure were between $250,000 and $300,000. The consultant costs generally did not include writing accompanying land use policies or land development regulations. Alachua County was able to use the staff to accomplish both the fee system and policy development necessary to implement. All three communities required consultation with legal staff. Pasco County had outside legal counsel through the consultant. Both Duval and Alachua County used their in-house attorneys with Duval County supplementing the review through a Mobility Plan Task Force that included a number of attorneys.

Local Government	Time	Consultant Cost	Consultant Selection	Attorney Selection
Pasco	3 years	$300,000	Phase I ($153,673) was completed by Tindale-Oliver funded by the County Commission. Phases II and III ($200-$250K) were approved as part of the County's 2010-2011 business plan attributable to the MPO Trails initiatives and are to be funded by multiple sources [federal, state and local] though the MPO and impact fees.	Outside legal counsel.
Alachua	2 years	Staff Salary	Worked was performed in-house with the assistance of two transportation staff and four planners (and others as needed)	In-house legal counsel.
Jacksonville	2 years	$250,000	Gyabi and Associates was available to the City/County under an existing General Consulting Services contract to conduct the transportation analysis and to develop the fee system. City of Jacksonville Transportation staff primarily handled the policy development and the implementation.	Duval/Jacksonville used their Office of General Council. Local attorneys on the Mobility Plan Task Force were also utilized.

Public Process

In all three cases studied, the public process included reaching out to the community. In Pasco County, the local chamber and Homebuilders Association were involved early on in the process. The groups' support was instrumental at adoption. Similarly, Duval-Jacksonville included the business community in the vetting of the mobility fee, and the first case in which the fee was applied resulted in a lower concurrency payment than would have been experienced under traditional concurrency. It should be noted that the Duval-Jacksonville fee was temporarily suspended shortly thereafter in response to economic conditions.

What would be gained by hiring a consultant?

Specialized consultants can bring experience to the development of the fee that current staff does not have. A consultant would work on a specific scope of activities and would be responsible for coordinating a legal review and defending the analyses conducted and the work performed. This is particularly important, because with the exception of Broward County, mobility fee systems in the state are a newer approach. The systems developed by Pasco, Alachua and Duval have been put in place only in the last four years. To date, staff is not aware of any challenges to mobility fee systems in the state of Florida. However, full research into this topic would be included in the consultant scope of work.

Additionally, a study of this type would be data and time intensive. Staff resources from various departments would be required to take time from their existing duties to do the project in house. A single consultant charged with completing a set scope of work within an agreed upon time frame would likely provide the end product in a faster manner.

Potential Scope of Work

Based on similar studies in other Florida communities, staff estimates the project will cost between $200,000 and $325,000 and should include, at a minimum, the following:

- Provide Additional Background and Literature Review
  - Definition and Summary of Mobility Fee
  - Examples of Other Florida Communities and the Current Status of Each
  - Summary of Initial City/County Preliminary Transportation Analysis
- Identify Available Mobility Fee Approaches
  - Coordinate on Feasibility Study, and Analysis and Findings with City and County Staff
  - Conduct feasibility analysis and identify best potential
  - Model best potential approach
- Identify Approach for Outreach and Coordination
  - Surveys as appropriate
  - Meetings both external and internal to the City and County
  - Minimum Two Public Workshops
  - Presentation of Recommendations to the Commissions
- Provide the Mobility Fee Ordinances and Fee Structure
  - Develop and provide a draft fee ordinance
  - Identify the Mobility Fee Calculation Tables/Format/Formula
  - Identify items that require change in the comprehensive plan and the land development regulations
- Technical and Expert Support
  - Identify extent of professional expertise and experience with transportation and mobility fee development
  - Identify capacity as a transportation and land use expert witness to support analyses provided
  - Identify any and all work that would be required to implement and maintain the recommended mobility fee system
  - Identify what legal resources would be used in the development of the mobility fee

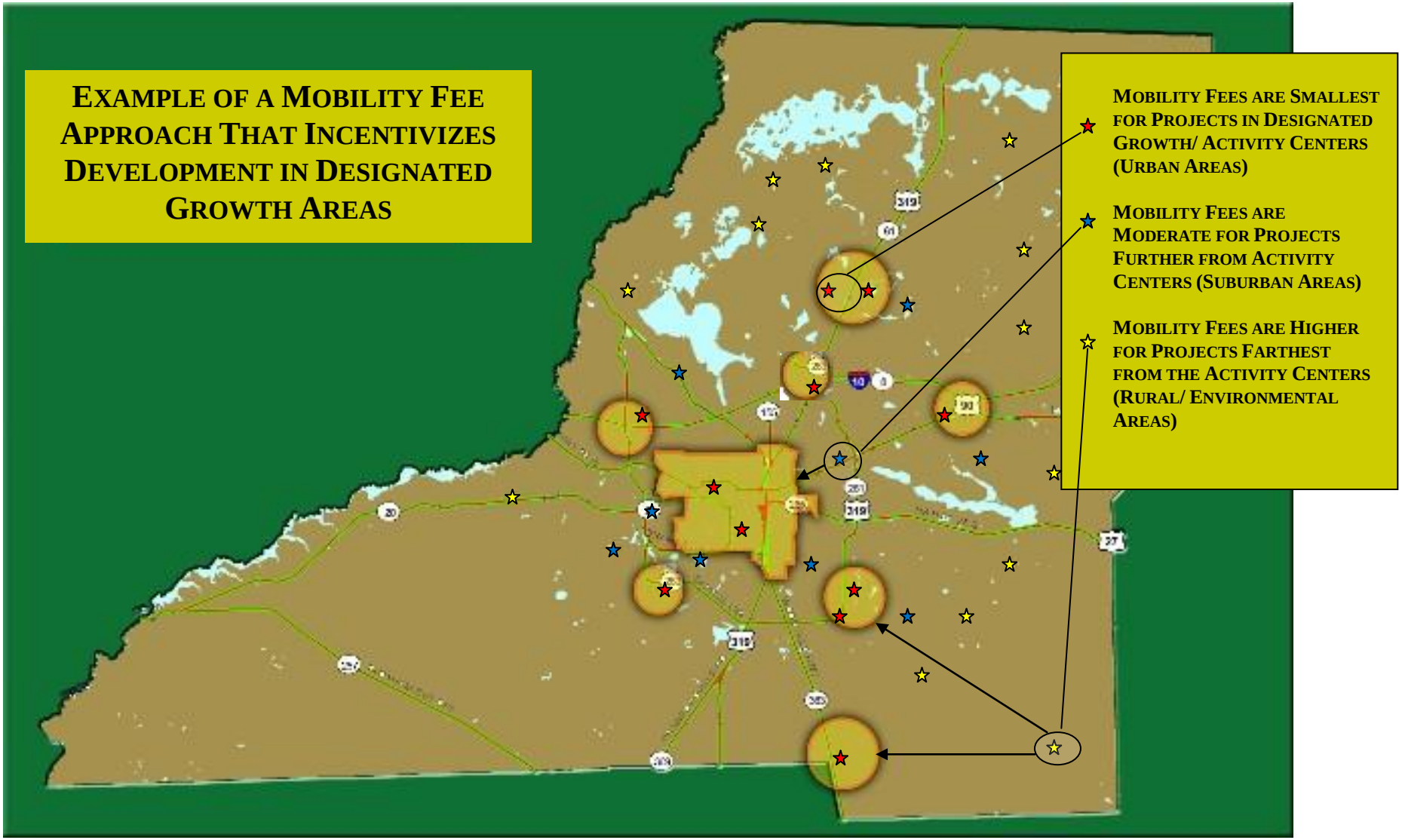
Options:

1. Direct staff to develop a Request for Proposals for a Mobility Fee System consultant, to only be issued upon approval of funding by both Leon County and the City of Tallahassee.
2. Direct staff to include a funding request, to be shared with the City of Tallahassee, as part of the FY2013/14 budget to support the hiring of a Mobility Fee consultant.
3. Do not direct staff to develop a Request for Proposals for a Mobility Fee System consultant, to only be issued upon approval of funding by both Leon County and the City of Tallahassee
4. Board direction.

Recommendation:
Options #1 and #2.

Attachments:
1. Example Mobility Fee Approach That Considers Location
2. Tentative Schedule

VSL/WT/RMM/CYB/cyb


EXAMPLE OF A MOBILITY FEE APPROACH THAT INCENTIVIZES DEVELOPMENT IN DESIGNATED GROWTH AREAS
MOBILITY FEES ARE SMALLEST FOR PROJECTS IN DESIGNATED GROWTH/ ACTIVITY CENTERS (URBAN AREAS)
MOBILITY FEES ARE MODERATE FOR PROJECTS FURTHER FROM ACTIVITY CENTERS (SUBURBAN AREAS)
MOBILITY FEES ARE HIGHER FOR PROJECTS FARTHEST FROM THE ACTIVITY CENTERS (RURAL/ ENVIRONMENTAL AREAS)

Tentative Mobility Fee Timeline

If funding for a consultant is approved for the 2013-2014 Fiscal Year, actual dates would likely be adjusted based on initial coordination with the selected firm.

Date	Milestone
March 2013	Present Mobility Principles And Potential Schedule For Mobility Approach To The Commissions With Option For A Consultant
February – March 2013	Develop draft RFP For Consultant(s)
May-June 2013	Publish RFP For Consultant(s) And Identify Selection Committee/Selection Criteria
September 2013	Get Commission Approval of the Selection Committee; RFP's Due Late September; Adoption Of 2014 Budget; Determine If Consultant Funds Are Incorporated
October 2013	Convene Selection Committee For The RFP; Determine Recommendation
December 2013	Request Consultant Approval
January 2014	Develop and Execute Agreement for Scope of Work, etc.
January - April 2014	Outreach and Transportation Analysis
April 2014	Refinement of Analysis and Development of Mobility Fee Recommendations
August 2014	Public Workshop
October 2014	Presentation of Findings and Recommended Mobility Fee approach to the Joint Commission; Initiate Process(es) to revise regulations and policies
March 2015	Adopt needed changes to documents; begin implementation of mobility fee approach

Leon County
Board of County Commissioners

Notes for Agenda Item #26

Leon County
Board of County Commissioners

Cover Sheet for Agenda #26

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney
Vincent S. Long, County Administrator

Title: Authorization to Proceed with Negotiations Regarding an Infrastructure Agreement for the County Ownership of the Proposed Orchard Pond Toll Road and to Negotiate a Lease Agreement for its Operation

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County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works & Community Development Director Wayne Tedder, Director, PLACE David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Laura M. Youmans, Assistant County Attorney Kathy Burke, P.E., Director, Engineering Services Nawfal Ezzagaghi, Environmental Review Supervisor Scott Brockmeier, Development Services Administrator

Fiscal Impact:
Currently, this item has no fiscal impact. Any potential impact will be evaluated when the Infrastructure Agreement returns to the Board for a Public Hearing.

Staff Recommendation:

Option #1: Authorize staff to proceed with negotiations regarding an infrastructure agreement with Orchard Pond, LLC. for County ownership of the facility, and authorize staff to negotiate a lease agreement for the operation of a toll road.

Report and Discussion

Background:

Orchard Pond Road is currently a 5.3-mile County-maintained dirt road that meanders between Meridian and Old Bainbridge Roads. The road was not built to any geometric standards and several of the curves are too sharp for normal vehicle speed. The County has historically maintained the road without a deeded right-of-way. The roadway is located within the Lake Jackson Special Development Zone (SDZ) and the Ochlockonee River Outstanding Florida Water (OFW) zone. Currently, there are a few residences at each end of the roadway. The reconstruction of Orchard Pond Road is included in the Capital Regional Transportation Planning Agency Regional Mobility Plan. However, due to the lack of projected funding for the next 25 years, it is listed in the "Needs Plan."

On October 21, 2011, the Florida Department of Transportation (FDOT) awarded a State Infrastructure Bank (SIB) loan to Orchard Pond Greenway, LLC to construct a two-lane toll road and associated facilities between Meridian Road and Old Bainbridge Road. The loan will fund $10,500,000 of the $17,294,168 project, with the property owner funding the remainder. The loan would be repaid with toll revenues. The property owner currently controls all of the land needed to construct the project.

The road will follow a path similar to the existing Orchard Pond Road and will comply with all special zone requirements for stormwater management. It is anticipated that the proposed roadway alignment would meet, or exceed, all current geometric standards for roadway design and it is understood that wetland and floodplain impacts would be minimal and associated mitigation would meet County Code requirements. The project will significantly improve east/west connectivity between US-319 and US-27 north of Lake Jackson and south of County Road 12. The project will enhance mobility in the northern part of the County and provide direct relief to I-10, between Capital Circle Northwest and US-319 north of I-10. Under the current proposal, all of the existing residences would be able to access public roads without utilizing the toll road. The bike and pedestrian facilities contemplated in the project are consistent with the existing Greenways Master Plan concept of a bike and pedestrian connection between Old Bainbridge Road and Meridian Road.

Analysis:

The project was previously reviewed by the Board on November 8, 2011 as a status report on the project and SIB award. At that time, the County's role in permitting the road was unclear. Staff has since determined that the roadway is not subject to site plan review; it appears that the only County permit that will be required of the property owner is an environmental management permit (EMP). However, issuance of the EMP will require that the project be consistent with the Comprehensive Plan and the Leon County Code of Laws. The proposed Agreement will not authorize any development or affect any allowable uses or densities. Staff has determined that the general plan of development proposed under this Infrastructure Agreement is consistent with the County's Comprehensive Plan, based on the project intent to provide a transportation roadway for use by the population of the Urban Service Area and as an inter-county transportation roadway.

Since the Board's initial review of the project, the property owner has determined that it would be advantageous for the County to own the road due to FDOT regulations governing the operation of tolls roads. The County's ownership will allow the toll collection system to be a drive-thru system (e.g. Sunpass) as opposed to a stop-and-pay system with a toll gantry. This will make the driving experience more enjoyable to users and will speed up traffic along the roadway. It is the intention of the parties that the road become a full piece of the County's road system in future. The County's ownership of the property will allow a smooth transition to full public ownership and control and will allow the County to ensure the long-term operation of the road. The property owner has proposed an Infrastructure Agreement ("Agreement") to govern the conveyance of the road and the consideration to the County for participating in the project.

Pursuant to the Agreement, the property owner will convey the land underlying the toll road to the County subject to the road and a lease governing the operation of the toll road. The lease will be between the property owner and the operating entity. The lease document encumbering the County's ownership is still under development; however, the document will be provided to the County prior to execution of the Agreement, so that the County can review and approve the final document.

The property abutting the roadway is currently subject to the Rural land use designation and zoning classification, which allows the development of one unit per ten acres. During previous discussions of the project, concerns have arisen related to the possibility that the demand for more residential density in the area may increase once the roadway is constructed. To secure the County's participation in the project, the property owner will agree to wait a period of seven years before requesting an amendment to the Comprehensive Plan or zoning district. After that time, the property owner may seek amendments, but the County would be under no obligation to approve same. Such amendments would be subject to the County procedures and requirements in place at the time of the request. The Agreement does not authorize any development or change the zoning or land use on the property.

The current proposal for the project shows the new roadway using the right-of-way of the existing Orchard Pond Road only for a crossing in the eastern third of the new roadway, prior to crossing Meridian Road and connecting to Bannerman Road (Attachment #1). Orchard Pond Road currently swings to the north before connecting to Meridian Road. The toll road proposes to realign the roadway to connect to Bannerman Road. On this section the future trail will be adjacent to the new roadway until it intersects with the existing Orchard Pond Road, at which point the toll road begins and the trail diverges onto the existing road as it continues to the west. The remainder of the toll road will deviate from the existing right-of-way. The property owner has proposed the conveyance of a strip of land 15 feet wide along the southern portion of the new road to serve as scenic easement. The Agreement will also significantly limit the number of access "cuts" that will be allowed along the road.

As shown on Attachment #1, the easternmost portion of the pedestrian/bike path will run adjacent to the right-of-way of the new roadway, along the existing right-of-way. After the point where the new and existing rights-of-way diverge, the existing right-of-way of Orchard Pond Road will be conveyed to the County for use as a pedestrian and bike trail. The property owner is proposing to convey forty (40) feet on either side of the center line of the maintained right-of-way to the County for the pedestrian/bike trail, a scenic easement, and any supporting infrastructure that may be required, including stormwater management facilities and some limited parking.

The property owner has agreed to convey roughly 1.5 acres of land running from the intersection of the toll road and Old Bainbridge Road to the Ochlockonee River for use as a "River Walk" suitable for pedestrian access to the River. The property owner will also convey one acre of land for use as a Western Parking Pad for the pedestrian and bike trail, and as access to the "River Walk." The County would be responsible for the cost of construction of the pedestrian/bike trail, supporting infrastructure, the River Walk, Western Parking Pad, and associated stormwater mitigation.

Staff and the property owner have been in discussions related to the Agreement for several months and numerous details remain to be negotiated. The County Attorney's Office has several outstanding concerns: the lease agreement will need to be reviewed and approved as sufficient to protect the County from liability; the terms of the SIB loan need to be reviewed to ensure that the County does not become liable for its repayment; and the terms of the documents conveying the roadway and other property will need to be approved by staff and accepted by the Board of County Commissioners. While not required, staff anticipates requesting that the Board approve the Infrastructure Agreement subsequent to a public hearing to be scheduled for an upcoming Board meeting.

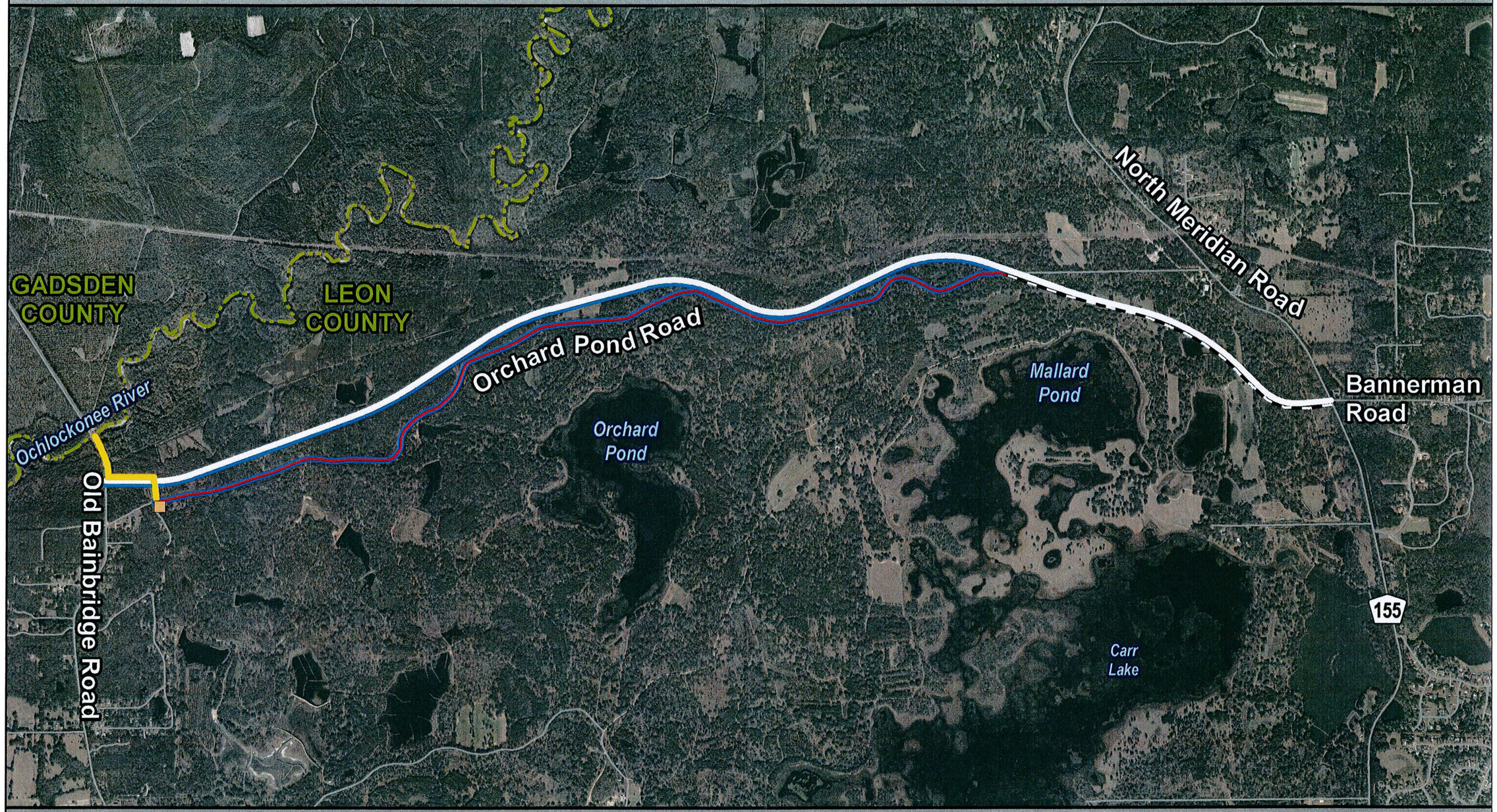
Options:

1. Authorize staff to proceed with negotiations regarding an infrastructure agreement with Orchard Pond, LLC. for County ownership of the facility, and authorize staff to negotiate a lease agreement for the operation of a toll road.
2. Do not authorize staff to proceed with negotiations regarding an infrastructure agreement with Orchard Pond, LLC. or to negotiate a lease agreement for the operation of a toll road.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Leon County Infrastructure Agreement Illustration.

LEON COUNTY INFRASTRUCTURE AGREEMENT ILLUSTRATION



LEGEND

- Proposed Orchard Pond Parkway Alignment
- Existing Orchard Pond Road Pedestrian and Bicycle Trail
- Pedestrian and Bicycle Trail
- Scenic Easement
- Riverwalk Trail
- Western Parking Pad for the Pedestrian and Bicycle Trail

5000'

Leon County
Board of County Commissioners

Notes for Agenda Item #27

Leon County
Board of County Commissioners

Cover Sheet for Agenda #27

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing for Board Consideration of a Proposed Scrivener's Errors Ordinance Amending Chapter 10 of the Leon County Code of Laws

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development David McDevitt, Dept. of Development Support & Environmental Management/Development Services/Environmental Services
Lead Staff/ Project Team:	Ryan Culpepper, Development Services Director

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 Scrivener's Errors Ordinance amending Chapter 10 of the Leon County Code of Laws (Attachment #1).

Report and Discussion

Background:
In July 2007, the Board adopted major revisions to the structure and organization of Chapter 10 of the Leon County Code of Laws in its entirety. This reorganization of the Land Development Code (LDC) inadvertently included errors that were either created during the drafting of the new revision or carried forward from the previous revision. Additionally, since 2007, numerous LDC amendments have been approved by the Board. These subsequent amendments may have further exacerbated these issues.

The proposed Ordinance is intended to correct these errors by clarifying ambiguous information, correcting spelling/grammar, deleting duplicative sections, re-organizing sections and correcting citations, and updating outdated terminology (Attachment #1). Many of these amendments are efforts to update older terminology and outdated department names referenced in the LDC. Other amendments include updates to citations that have since been revised or are no longer in effect. Staff has provided a chart identifying, in summary, the sections of the LDC that are proposed for amendment and a brief analysis of why the change is necessary (Attachment #2).

Analysis:
In January 2012, the Department conducted a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis as part of the County's LEADS review. During this review, staff identified deficiencies in the LDC resulting in inefficiencies in delivering optimal customer service. This review highlighted the need to address the inconsistencies and errors in the various sections of the LDC.

As a result of the LEADS review and a considerable amount of research, staff compiled a list of errors and included portions of the LDC where the language was unclear or duplicative. Attachment #2 provides a list of the items proposed for change and the location of the change in the proposed Ordinance. These items are explained in detail as follows:

1. Section 10-2.346(c): This section currently states that the "Tallahassee-Leon County Planning Department" will provide forms for submitting an appeal. This appears to be a carry-over from the previous LDC revision, which was incorrect. These forms are provided by the Department of Development Support and Environmental Management (DSEM).

2. Section 10-2.347(c): This section notes that applicants shall file a request for variance with the Department of Growth and Environmental Management. The Department's name was changed to DSEM in late 2011.
3. Section 10-6.652: A land use currently listed as "Dry cleaning pants" is inaccurate. Research into previous land development regulations indicates that "pants" was misspelled. This should state "Dry cleaning plants".
4. Section 10-6.680: This section, along with Section 10-6.681, provides similar regulations and has the same title. Staff recommends that these two sections be consolidated into one unified section.
5. Section 10-6.681: This section is recommended for consolidation with Section 10-6.680.
6. Section 10-6.810: This section is currently identified as "Sec. 10-1.810". This set of regulations is located in the appropriate section of Article VI; however, the section citation appears to be a misprint. Therefore, the correct section citation should reference Sec. 10-6.810.
7. Section 10-7.200.1: This is an error in the original Ordinance for Private Subdivisions. The original draft of that Ordinance used a different number format. Therefore, the reference to subsections C(2)(c) and C(2)(d) are incorrect. These references should be corrected to reflect subsections 3(b)(3) and 3(b)(4) of the Private Subdivision Ordinance.
8. Section 10-7.201: As a result of the Private Subdivision Ordinance (Sec. 10-7.200), private subdivisions are no longer allowed inside the Urban Service Area (USA). The Limited Partition Process is intended to create properties that do not utilize public infrastructure (i.e. roadways, stormwater management facilities, etc.) and are effectively private subdivisions of land. Allowing Limited Partitions in the USA would be inconsistent with the Private Subdivision Ordinance. Staff recommends clarifying the Limited Partition regulations to clearly note that the process is only allowed outside the USA. In addition, a portion of this section is recommended for amendment to provide an additional procedure to address improper subdivisions of property, provided consistency in density with the Comprehensive Plan is maintained.
9. Section 10-7.202.1: This provision refers to the Non-Family Heir provisions of the Policy 2.1.9 Subdivision Standards. This subsection became sunset on February 1, 2010. Staff recommends deleting subsection "1. Eligibility to subdivide land to create parcels of transferable property" and renumbering the remainder of the Policy 2.1.9 regulations accordingly.
10. Section 10-7.203.2: Section 10-7.203.2 cites a subsection in the LDC that does not pertain to exceptions. This occurred during the adoption of the Two-Track Review and Approval Ordinance, which renumbered the specific citation from 10-7.402(5) to 10-7.402(6).

    Section 10-7.203.3(a) incorrectly notes that a Permitted Use Verification (PUV) is obtained from the "planning department". PUV's are obtained from DSEM.
11. Section 10-7.301: This section incorrectly refers to an LDC section (Section 10-1451) that no longer exists due to the reformatting of the LDC in 2007. The correct citation is Article II, Division 4 (Vested Rights Review).

12. Section 10-7.402: Multiple subsections within this section require revisions. These subsections are listed below.
    Section 10-7.402.1: Incorrectly refers to a "residential permitted use verification certificate". This was renamed to a Residential Compliance Certificate (RCC) to clearly differentiate this form from the standard Permitted Use Verification (PUV).
    Section 10-7.402.2: States that a project status determination (PSD) shall be recorded for projects that do not require a site and development plan review. There has been no finding to indicate that this procedure is necessary. A PSD is completed as a zoning compliance review for building and environmental permits and not a substitute for site and development plan review. Typically, a PSD is completed prior to issuance of a building and/or environmental permit and subsequent to any required site and development plan review requirements. Also, staff is updating the name of the department from Growth and Environmental Management to DSEM.
    Section 10-7.402.3: Refers to a "Preapplication conference". However, with the adoption of the Two Track Review and Approval Process, the required preapplication step was removed and replaced with an optional "Pre-submittal conference".
    Section 10-7.402.4: The title identifying the threshold chart in this section has been inadvertently omitted. It should be identified as "Chart 10-7.1". Several sections in the LDC refer to this chart, specifically as Chart 10-7.1. Staff is amending this chart to include the title Chart 10-7.1.
    Section 10-7.402.5: Subsections 10-7.402.5(a)5 and 10-7.402.5(b)5 use the term "pre-application". The term shall be replaced with "pre-submittal" to more accurately describe this optional step in the process.
    Section 10-7.402.6: The title of this subsection refers to the Administrative Streamlined Application (ASAP) process. However, this section more accurately describes exceptions to site and development plan review. Therefore, staff recommends that this subsection be retitled to "Exceptions to site and development plan review" to clarify the provisions of this subsection.
    Section 10-7.402.7: The title of this subsection is currently identified as "Exceptions". Staff recommends that the title be changed to clarify that the following provisions are the required review process for exceptions. Therefore, the title should be changed to "Review Process for Exceptions". Additionally, within the chart, the following provision "Change of use without expansion consisting of <1,000 sq. ft. requires PUV and PSD." Staff believes the additional requirement of the PSD is unnecessary as any land use review of the site is sufficiently completed as a result of the issuance of a PUV certificate.
13. Section 10-7.522: The key on this chart uses the term "adjacent"; however, adjacent is not defined in the LDC. Staff recommends replacing the term adjacent with "adjoining", which is defined in the LDC.
14. Section 10-7.524(g): Staff is recommending updating this section to be consistent with Comprehensive Plan Policy 1.2.3 [SS] and 2.1.2 [SS]. These Policies were updated to reflect the current method for calculating maximum intensity for developments utilizing septic systems. The current method for calculating max density is based on a 900 gallon flow per day limitation. This method is also based on Florida Administrative Code (FAC) Rule 64E-6.008.

15. Section 10-7.529.4: This subsection cites reference to "10-7.529(b)(6)" which does not exist. Most likely this was an error during the original revision in 2007 which was later renumbered. Section 10-7.502 does not provide a subsection "10-7.529(b)(6)". The appropriate information appears to be included in 10-7.529(b)(2). Staff is recommending removing "and (6)" in this subsection.
16. Section 10-11.104: This section refers to LCGEM. Staff is replacing this old department name reference with the current name of DSEM.
17. Section 10-12.103: The Lake Protection (LP) zoning district states that manufactured housing is an allowed dwelling type in the LP zoning district. However, the Manufactured Housing section is silent on this issue. The Manufactured Housing Ordinance was adopted after the zoning district standards were adopted. Staff research indicates that the LP district was inadvertently omitted during adoption of the Manufactured Housing Ordinance. Staff recommends adding the LP zoning as an allowed zoning district to this section to be consistent with the LP zoning district standards (Sec. 10-6.616).

On October 11, 2012, the Development Support and Environmental Management Citizen's User Group reviewed the proposed Ordinance. The User Group supported the proposed amendments and recommended no additional changes.

The proposed Ordinance requires consistency review in a Public Hearing by the Planning Commission, followed by one Public Hearing by the Board. The Planning Commission is scheduled to conduct a Public Hearing on the proposed Ordinance on March 5, 2013. Due to the Board's agenda submittal deadlines, staff will provide any comments and/or recommendations made by the Planning Commission at the Board's Public Hearing on March 12, 2013. The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #4).

Options:

1. Conduct the first and only Public Hearing and adopt the proposed Scrivener's Errors Ordinance amending Chapter 10 of the Leon County Code of Laws.
2. Conduct the first and only Public Hearing and do not adopt the proposed Scrivener's Errors Ordinance amending Chapter 10 of the Leon County Code of Laws.
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Proposed Ordinance amending Chapter 10, Leon County Code of Laws
2. Chart identifying proposed amendments to Chapter 10, Leon County Code of Laws
3. Memorandum dated January 15, 2013, from the Tallahassee/Leon County Planning Department
4. Legal Notice Published in the *Tallahassee Democrat*

ORDINANCE NO. 13- _____

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, BY AMENDING SECTION 10-2.346 OF ARTICLE II, APPEALS; AMENDING SECTION 10-2.347 OF ARTICLE II, VARIATIONS AND MODIFICATIONS; AMENDING SECTION 10-6.652 OF ARTICLE VI, M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING SECTION 10-6.680 AND REPEALING 10-6.681 OF ARTICLE VI, BRADFORDVILLE MIXED USE OVERLAY DISTRICT; AMENDING SECTION 10-1.810 OF ARTICLE VI, COMMUNITY RESIDENTIAL HOME REQUIREMENTS; AMENDING SECTION 10-7.200 OF ARTICLE VII, PRIVATE RESIDENTIAL SUBDIVISIONS; AMENDING SECTION 10-7.201 OF ARTICLE VII, LIMITED PARTITIONS; AMENDING SECTION 10-7.202 OF ARTICLE VII, REVISED 2.1.9 FAMILY HEIR SUBDIVISION STANDARDS; AMENDING SECTION 10-7.203 OF ARTICLE VII, SITE AND DEVELOPMENT PLANS PROPOSING SUBDIVISION OF PROPERTY REQUIRING PLATTING; AMENDING SECTION 10-7.301 OF ARTICLE VII, PRIOR IMPROPERLY SUBDIVIDED PARCELS; AMENDING SECTION 10-7.402 OF ARTICLE VII, DEVELOPMENT REVIEW AND APPROVAL SYSTEM; AMENDING SECTION 10-7.522 OF ARTICLE VII, BUFFER ZONE STANDARDS; AMENDING SECTION 10-7.524 OF SECTION VII, PUBLIC SANITARY SEWER OR ON-SITE SEWAGE DISPOSAL SYSTEMS; AMENDING SECTION 10-7.529 OF ARTICLE VII, GENERAL REQUIREMENTS FOR SIDEWALKS WITH NEW DEVELOPMENT, FEE IN LIEU OF SIDEWALK CONSTRUCTION; AMENDING SECTION 10-11.104 OF ARTICLE XI, DEFINITIONS; AMENDING SECTION 10-12.103 OF ARTICLE XI, STANDARED DESIGN MANUFACTURED HOMES; 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. A portion of Section 10-2.346 of Article II of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Appeals,” is hereby amended as follows:

DRAFT

Attachment #1
Page 2 of 61

Sec. 10-2.346. Appeals.

(a) Whenever it is claimed that the true intent or meaning of any of the codes referred to in this article or any of the regulations contained therein or promulgated thereunder have been misconstrued or wrongly interpreted, the owner or his duly authorized agent may appeal from the decision of the administrative officer of the code involved to the board of adjustment and appeals. In addition, a request for an extension of time to avoid a determination that a discontinuance of use constitutes an abandonment for purposes of the zoning code shall be processed as an appeal.

(b) Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the responsible administrative officer under the code. In case of a building or structure which in the opinion of the responsible administrative officer is unsafe or dangerous, he may in his order limit the time for such appeal in the public interest to a shorter period.

(c) Appeals hereunder shall be on forms provided by the ~~Tallahassee-Leon County Planning Department~~ Department of Development Support and Environmental Management.

(Ord. No. 07-20, § 2, 7-10-07)

SECTION 2. A portion of Section 10-2.347 of Article II of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Variations and Modifications" is hereby amended as follows:

(a) The board of adjustment and appeals, when appealed to and after a hearing, may vary the application of any provision of the codes as set out in this chapter.

(b) A variance is hereby defined as a relaxation of the strict terms of this Code or ordinance in cases involving practical difficulties or hardships and where such variance request meets the following criteria:

(1) The variance will not be contrary to the public interest;

(2) The intent of the regulation sought to be varied will be observed and substantial justice done by granting the variance;

(3) Where owing to conditions peculiar to the property, existing structure or building thereon, and not the result of the actions of the applicant, a strict and literal enforcement of the code involved would deprive the applicant of rights commonly enjoyed by and frequently occurring on other properties in the same zoning district under the terms of this Code, and would result in undue practical

DRAFT

Attachment #1
Page 3 of 61

difficulty or hardship not shared by other property owners in the zoning district;

(4) The owner's predicament feasibly cannot be obviated through any method other than the variance;

(5) The applicant may not have created the hardship or practical difficulty;

(6) The alleged hardship or practical difficulties which would result from failure to grant the variance extend to the inability to use the land in question for any reasonable legal use which is consistent with the surrounding properties and in conformity with the provisions of this Code and include substantially more than mere inconvenience and inability to obtain a higher financial return;

(7) The variance shall not substantially interfere with or detrimentally affect the health, safety, or welfare of others whose property would be affected by allowance of the variance;

(8) The variance shall not adversely affect the delivery of government services;

(9) The variance shall not be in conflict with the Comprehensive Plan;

(10) The variance shall not allow establishment or expansion of a nonconforming use;

(11) A variance shall not be granted because of the presence of nonconformities in the zoning district or adjoining districts;

(12) No use variances are permitted;

(13) For the purpose of the zoning code a variance is authorized only for the area and size of structure or size of yards or open spaces, or parking regulations;

(14) In granting a variance of a provision of the environmental management article, the board of adjustment and appeals must also determine that the criteria in section 10-4.503 has been met.

DRAFT

Attachment #1
Page 4 of 61

(c) The board of adjustment and appeals may consider a variance upon filing of a written request with the department of ~~growth~~ development support and environmental management by the property owner for whose land the variance is sought, and payment of a free for same.

(d) A decision of the board of adjustment and appeals to vary the application of any provision of the codes or to reverse or modify an order, requirement, decision or determination of an administrative official shall specify in writing in what manner such variation or modification is made, the conditions upon which it is made, including, but not limited to safeguards and the reasons for the variance. The board of adjustment and appeals may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety, and general welfare shall be protected. When all criteria for a variance have been met, based on the evidence presented, only the minimum variance necessary shall be granted.

(e) Any variance granted shall be deemed to be applicable to the affected land in perpetuity, except as provided in section 10-2.349, regardless of ownership.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 2010-30, § 2, 12-14-10)

SECTION 3. A portion of Section 10-6.652 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "M-1 Light Industrial District" is hereby amended as follows:

Sec. 10-6.652. M-1 Light Industrial District.

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
The M-1 district is intended to be located in areas designated Branfordville Mixed Use or Suburban on the Future Land Use Map of the Comprehensive Plan shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light	(1) Armored truck services. (2) Assembly of apparel and accessories. (3) Automotive service and repair, including car wash. (4) Bottling plants. (5) Broadcasting studios. (6) Building contractors and related services. (7) Cemeteries. (8) Communications and utilities.	(17) Laboratories: research and development activities. (18) Lawn and tree removal services. (19) Manufacturing (consistent with the definition of light industrial). (20) Non-medical offices and services, including business and government	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. The 33 percent limitation

DRAFT

Attachment #1
Page 5 of 61

industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.	(9) Community services, including vocational schools and police/fire stations. Libraries, elementary, middle, or high schools are prohibited. Other community services may be allowed in accordance with section 10-6.806 of these regulations. (10) Crematoriums. (11) Distribution facilities. (12) Dry cleaning ~~pants~~ plants. (13) Food processing, excluding slaughter. (14) Golf courses. (15) Gun firing ranges (indoor). (16) Heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, etc.).	offices and services. (21) Off-street parking facilities. (22) Passive and active recreational activities. (23) Post control services. (24) Printing and publishing. (25) Repair services, non-automotive. (26) Towing, wrecking, and recovery services. (27) Transportation and freight handling activities. (28) Warehouses, mini-warehouses, or self-storage facilities. (29) Welding and machine shops. (30) Wholesale activities. (31) Wholesale building supplies. (32) Other uses, which in the opinion of the county administrator or designee, are of a similar and compatible nature to those uses described in this district.	does not apply to outdoor storage that is accessory to a permitted principal use. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee. (3) Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use). (4) Outdoor storage (without the 33 percent limitation), provided it complies with section 7 below.

1

DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area	b. Building Height (excluding stories used for

DRAFT

Attachment #1
Page 6 of 61

								used for parking)	**parking)**
Permitted Principal Commercial Uses Number (3), (21), (25)	**none**	**none**	**none**	**25 feet**	**none**	**25 feet**	**10 feet**	**10,000 square feet of gross building floor area parcel.**	**3 stories**
All Other Permitted Principal Nonresidential Uses	**none**	**none**	**none**	**25 feet**	**none**	**25 feet**	**10 feet**	**2,500 square feet of commercial floor area per acre. 50,000 Square feet of gross building floor area per acre for storage areas within buildings**	**3 stories**
7. Criteria for Outdoor Storage: Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include regulation. The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.									
8. Street Vehicular Access Restrictions: Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, and RP.									
9. Fencing requirement: All areas proposed for use, currently used, or previously used, in open-pit mining operations and/or construction and demolition debris disposal must be secured by a fence, unless the area is determined to be a reclaimed open-pit mine by the county administrator or designee. The fence must be at least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises.									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank, also, refer to sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.

DRAFT

Attachment #1
Page 7 of 61

2. Refer to the Environmental Management Act (EMN) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.

3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parts, etc.).

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-17, § 5, 7-22-08; Ord. No. 09-13, § 4, 3-19-09)

SECTION 4. Division 6 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Official zoning districts established; Official zoning map" is hereby amended to revise Section 10-6.680, entitled "Bradfordville mixed use overlay district" as follows:

Sec. 10-6.680. Bradfordville mixed use overlay district.

(a). *Purpose and intent.* The purpose and intent of the Bradfordville Mixed Use Overlay District (BOD) is to provide development standards that implement the goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan recognizing the special character of the Bradfordville Study Area. The overlay is provided to ensure that goods and services are provided primarily for the area residents rather than serving a regional market and providing development consistent with the character of the area. The district is also intended to provide more focused development reviews for projects associated with sensitive historical, cultural or environmental resources. The overlay district is implemented by the following zoning districts: BC-1 Bradfordville Commercial-Auto Oriented District, BC-2 Bradfordville Commercial-Pedestrian Oriented District, BCS Bradfordville Commercial Services District, BOR Bradfordville Office Residential District, OS Open Space, and PUD Planned Unit Development. The Bradfordville Mixed Use Overlay District boundaries are defined in Figure 10-1006(1).

(b). *Allowable uses*. The uses permitted in the BOD are those provided in the underlying zoning district. The overall intensity of development of land may not exceed that permitted by the underlying zoning district, and may be further reduced in accordance with special development and design standards set forth in this Division.

(c). *Development standards.* Development standards are established in the underlying zoning district as set forth in this Division. Developments affecting land within the BOD shall be subject to review pursuant to Division 4 of Article VII of this Chapter and shall comply with the following development standards: ~~The following standards shall be applied to the overlay district.~~

(1) Site analysis: A comprehensive site analysis is required before planning and design begins. The analysis should examine the site's physical properties,

DRAFT

Attachment #1
Page 8 of 61

amenities, special problems, character, and the neighboring environment of the site.

(2) Roadway access standards: In order to protect the roadway capacity of Thomasville, Bannerman, and Bradfordville Roads, new direct access is prohibited along the arterial and collector roadways except as permitted in this Division.

(3) Site design: Development within the overlay shall provide integration of the proposed use and development with the adjacent uses and developments including, but not limited to, access/egress, building and parking location/orientation, natural and landscaped areas. Development shall incorporate the existing natural features of the development site into site and development plans avoiding clearing of expansive naturally vegetated areas. Parking areas shall be buffered from all public roadways through placement of vegetation and/or topography or manmade structures.

(4) Signage: All signage shall be proportional to the roadway classification along which it is located. Larger signs will be permitted along arterial roadways, smaller signs will be permitted along collector roadways, and the smallest signs will be permitted along local nonresidential streets. Freestanding signs are prohibited in the BC-2 district along local streets. Roof signs and pole signs are prohibited within the overlay district. Freestanding signs shall be architecturally compatible with the principle structure to which it is related.

(5) Lighting: All building lighting and parking area lighting shall be downward directional. Lighting in parking areas shall be restricted to low mounted closely spaced fixtures to minimize glare.

A design manual shall be developed by the county to define the design standards. This design manual shall be separately approved by the Board of County Commissioners.

(Ord. No. 07-20, § 2, 7-10-07)

SECTION 5. Division 6 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Official zoning districts established; Official zoning map" is hereby amended to repeal Section 10-6.681, entitled "Bradfordville mixed use overlay district" as follows:

~~**Sec. 10-6.681. Bradfordville mixed use overlay district.**~~

~~(a). *Purpose and intent.* The purpose and intent of the Bradfordville Mixed Use Overlay District (BOD) is to provide for more focused development reviews associated with sensitive historical, cultural or environmental resources.~~

DRAFT

Attachment #1
Page 9 of 61

~~(b). *Allowable uses.* The uses permitted in BOD are those provided in the underlying zoning district. The overall intensity of development of land may not exceed that permitted by the underlying zoning district, and may be further reduced in accordance with special development and design standards set forth herein.~~

~~(c). *Applicable development standards.* Developments affecting land within the BOD shall be subject to review pursuant to Division 4 of Article VII of this Chapter and shall comply with the special development standards for the BOD, which are found in Section 10-6.680.~~

SECTION 6. Division 8 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Supplementary Regulations for Specific Uses" is hereby amended to amend Section 10-1.810, entitled "Community residential home requirements" as follows:

Sec. ~~10-1.810~~ 10-6.810. Community residential home requirements.

(a) Local government responsibilities.

(1) In the case of homes of one to six residents, the local government will receive notification from the applicable state licensing agency at the time of home occupancy that the home has been licensed by the applicable state licensing agency. Pursuant to F.S. ch. 419, the following state agencies may license community residential homes: Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, hereinafter referred to collectively as "state licensing agency".

(2) Review notification by the providers of homes of seven to 14 residents in accordance with F.S. ch. 419 is required.

(3) In reviewing notifications of homes of seven to 14 residents, the local government may:

a. Fail to respond within 60 days, in which case the home may be established at the site selected.

b. Deny the siting of the home, in which case the local government must establish that the siting of the home at the place selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in area;

2. Does not meet applicable licensing criteria established as determined by the state licensing agency, including the requirement that the home be located to assure the safe care and supervision of the clients; or

DRAFT

Attachment #1
Page 10 of 61

3. Would result in such a concentration of community residential homes in the area or a combination of such homes with other residences such that the nature and character of the area would be substantially altered.

c. Approve the siting.

(b) Categories of community residential homes. Categories of homes licensed by the state licensing agency are included under F.S. ch. 419.

(c) Procedures.

(1) The applicant obtains a license application package from the appropriate the state licensing agency licensing office. A meeting with the state licensing agency district community residential home coordinator should be initiated by the applicant or prospective applicant for licensure, by contacting the appropriate appropriate state licensing agency office.

(2) At this meeting, the coordinator will advise the provider of the notification procedures required by law and will fill out the preliminary survey form for the registry.

(3) The coordinator will advise the provider that for the purposes of licensure by the state licensing agency the burden of proof regarding the dispersion requirements rests with the provider (for a proposed home of six or fewer residents) or the local government and provider (for a proposed home for seven to 14 residents).

(4) The coordinator will make the registry available to the provider/sponsor so that the provider/sponsor can check the proposed site for the proximity of other community residential homes.

(d) Six or fewer residents.

(1) The provider certifies that the proposed site is not within 1,000 feet of another such home on the most recent edition of HRS Form 1786, March 1990, or its equivalent form if licensed by another agency. The provider notifies the licensing office that the home may be licensed without review or zoning approval by local government by sending a copy of HRS Form 1786 or equivalent to the licensing office. If the proposed site is within 1,000 feet of another such home, the provider must obtain written approval from the local government for the siting. A copy of the written approval must also be sent to the licensing office.

(2) Upon completion of licensure, the community residential home coordinator will send notification to the local government that the facility has been

DRAFT

licensed (HRS Form 1784 or equivalent). The coordinator will update the community residential homes registry in the district.

(e) Seven to 14 residents.

(1) The provider certifies that the proposed site is not within 1000 feet of another such home on the most recent edition of HRS Form 1786, March 1990 or equivalent. The provided notifies the licensing office that the home may be licensed without review or zoning approval by local government by sending a copy of HRS Form 1786 or equivalent to the licensing office. If the proposed site is within 1,000 feet of another such home, the provider must obtain written approval from the local government for the siting. A copy of the written approval must also be sent to the licensing office.

(2) Upon completion of licensure, the community residential home coordinator will send notification to the local government that the facility has been licensed (HRS Form 1784 or equivalent). The coordinator will update the community residential homes registry in the district.

(3) The district administrator will provide the notification letter (HRS Form 1785 or equivalent) for inclusion in the provider's local government notification packet.

(4) The provider must apply to the local government for approval. The local government has 60 days to respond. If no response is provided in 60 days, the home is automatically permitted. It is the provider's responsibility to ensure on HRS Form 1786 or equivalent that the notification package has been sent to the local government and to keep track of the time, contacting the coordinator and the licensing office at the expiration of 60 days. If denied, the provider may request that the local government arrange for conflict resolution through mediation as provided for by F.S. § 419.001(5) or may request an administrative hearing.

(5) If the proposed site does not meet the dispersion requirement, the provider must obtain approval from the local government. The coordinator will advise the provider to contact the local government directly if the provider wishes to seek siting approval on an exception basis. The provider will notify the district coordinator and the licensing office once the zoning decision has been made.

(6) Upon completion of licensure, the state licensing agency licensing component will notify the district coordinator.

(7) Upon licensure, the coordinator will update the local registry and the statewide registry.

(Ord. No. 07-20, § 2, 7-10-07)

DRAFT

Attachment #1
Page 12 of 61

SECTION 7. Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Subdivision Classifications, Exemptions, and Platting" is hereby amended to amend Section 10-7.200, entitled "Private residential subdivisions" as follows:

Section 10-7.200. Private residential subdivisions.

1. *Purpose and intent.* This section provides restrictions on new development proposing subdivision of property that will utilize privately maintained infrastructure. This section prohibits the development of private residential subdivisions inside the urban service area. Outside the urban service area, the development of private residential subdivisions shall be restricted to the establishment of private residential subdivisions pursuant to Policy 2.1.9 of the Comprehensive Plan, Limited Partition Subdivisions, gated communities meeting the criteria of ~~[subsection]~~ subsection 3.(B)(3) of this section, or subdivisions of property meeting the criteria of ~~[subsection]~~ subsection 3.(b)(4) and approved by the ~~development review committee~~ Development Review Committee.

2. *Applicability.* This section shall be applicable to and shall regulate any and all applications proposing subdivision of property within the unincorporated portions of the county, unless otherwise provided in Article VII of Chapter 10 of the Leon County Land Development Code. In case of a conflict between the requirements in Article VII of Chapter 10, Land Development Code, and this Section, the provisions in Article VII of Chapter 10, Land Development Code, shall prevail.

3. Location.

   (a) *Inside the urban services area*. In no case shall an application proposing subdivision of property within the urban service area, with the exception of a one into two lot subdivision, be allowed to establish a private residential subdivision.

   (b) *Outside the urban service area*. For applications proposing subdivision of property located outside the urban service area, private residential subdivisions shall only be allowed if the subdivision of property demonstrates satisfaction of one or more of the following criteria:

      (1) The application is for a subdivision of property pursuant to Policy 2.1.9 of the Comprehensive Plan; or,

      (2) The application is for a subdivision of property pursuant to Section 10-7.201 of the Land Development Code, Limited Partitions; or,

      (3) The subdivision of property will establish a gated community consisting of ten or fewer lots; or,

DRAFT

Attachment #1
Page 13 of 61

(4) The development review committee has determined that the proposed private residential subdivision will not create an adverse impact on county residents or public infrastructure and meets all of the following criteria:

(i) Is not a conservation subdivision; and,

(ii) Does not include construction of curb and gutter and/or underground drainage systems; and,

(iii) Does not include the construction of stormwater management facility(ies) with maintenance intensive structures, which includes, but is not limited to, the following: detention with filtration systems and recovery by irrigation; and,

(iv) Includes restrictive covenants consistent with the requirements of Article VII, Division 6.

(Ord. No. 10-29, § 1, 11-9-10)

SECTION 8. Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Subdivision Classifications, Exemptions, and Platting" is hereby amended to amend Section 10-7.201, entitled "Limited Partitions" as follows:

Section 10-7.201. Limited Partitions.

(1) ~~*The following shall qualify for review as a limited partition subdivision:*~~ The following shall qualify for review as a Limited Partition Subdivision:

(a) ~~(i)~~ A subdivision of ~~an unrecorded~~ unplatted ~~residentially zoned~~ ~~lot or parcel~~ land into not more than ten lots provided that such land is located outside of the Urban Service Area, as depicted on the Future Land Use Map of the Comprehensive Plan; is located on an existing public or private street, with legal access~~, into not more than ten single-family residential attached lots (maximum of ten dwelling units),~~; sanitary service is provided by on-site septic tank; potable water is provided via on-site or community well; and ~~provided that~~ the subdivision complies with all applicable development standards. ~~density does not exceed the density that is allowed by the zoning district~~. ~~Further, no lot created under this section within the urban service area, except for a one into two lot division, shall have new direct driveway access to a major or minor arterial or major collector roadway;~~

(b) ~~(ii)~~ The subdivision of existing duplex or triplex or quadruplex_structures provided that the resulting subdivided units are certified to be in compliance with applicable zoning, subdivision and building codes. Compliance with

DRAFT

Attachment #1
Page 14 of 61

applicable building codes shall be so certified by a registered professional and such compliance subject to verification by the chief building official~~;~~

~~(c) (iii) A division of an unrecorded nonresidentially zoned lot or parcel of property into not more than ten lots, provided the division meets the design criteria of Division 5 of Article VII. When determined by the county administrator or designee, site and development plan review and approval may be processed concurrently if determined to be a Type A site and development plan;~~

(c) ~~(iv) A~~ The division of any existing parcel outside of the urban services areas into parcels with a minimum size of 50 acres each in the Rural, Urban Fringe, or Lake Talquin Urban Fringe Districts or a minimum size of ten acres each in the ~~rural community district~~ Rural Community zoning district. Subdivisions created under this provision shall be exempt from subsection (b)~~(iii)~~ of this section.

(d) The division of previously improperly subdivided land, pursuant to Section 10-7.301.

(2) ~~(b) (i)~~ The division authorized pursuant to subsection (1)(a) of this section shall not require the creation of a new street, as defined in section 10-1.101 of this Code, to provide legal access to any subdivided lot created pursuant to this section; and

~~(ii) No division created pursuant to subsection (1)(a) of this section will result in a requirement for the extension of water and sewer mains to the site; extensions of water and sewer service within the development are permitted; and,~~

~~(iii) The~~ the land included in the application has not been previously subdivided through the ~~approval of a limited partition subdivision~~ Limited Partition Subdivision process. ~~shall not be permitted where any portion of the subject property has been involved in any subdivision pursuant to this section.~~

(3) ~~(2) *Land use and project determination:*~~ Land use and project determination: Prior to submittal of an application, the applicant shall first obtain a permitted use verification certificate (PUV) from the Division of Development Services which verifies that the development qualifies for review as a limited partition subdivision, based on criteria in section 10-7.201(1).

(4) ~~(3)~~ The applicant shall make application on appropriate forms provided by the county administrator or designee for the review of limited partitions.

(5) ~~(4)~~ A complete application shall include the following:

(a) An 8 1/2 by 14-inch document acceptable to be recorded in the Official Records of Leon County, which shall include:

DRAFT

Attachment #1
Page 15 of 61

1. Boundary survey of the parcel, and a separate sketch plan showing boundaries of the proposed individual lots and legal descriptions of the overall parent tract and individual lots;

2. Signature and seal of surveyor who prepared said boundary survey;

3. Existing structures and parking area(s) on the parcel to be subdivided;

4. Date of preparation;

5. Total acreage of the parcel to be subdivided;

6. Lot and block numbers, if applicable;

7. All easements on the property to be subdivided and each abutting street;

8. A statement on the face of the plan stating that any further subdivision of the lot or lots shall be subject to the platting requirements as specified in section 10-7.203, site and development plans, as applicable, of these regulations; and

9. Scale of plan, both written and graphic.

(b) Supplemental information, which shall, upon the request of the growth and environmental management director or designee, include the following:

1. A vicinity map which depicts the location of the proposed subdivision in relation to adjacent streets and properties;

2. The 100-year flood frequency hazard area or a notation if not applicable; and

3. The method by which utilities including, but not limited to, water, sewer, electric, telephone, and cablevision will be provided to the subdivision. All underground utilities will be constructed prior to placement of final roadway surface.

(c) A completed application form.

(d) A certificate of concurrency.

(e) Payment of applicable fee.

(f) Pro forma documents which set forth any proposed conservation and preservation easements as may be required by this section.

(g) For properties proposing residential use, a completed School Impact Analysis Form.

DRAFT

Attachment #1
Page 16 of 61

(6) (~~5~~) ~~*Procedure*~~ Procedure.

(a) Application. The applicant shall submit the required subdivision application to the director of the growth and environmental management department or designee.

(b) Determination of completeness.

1. Within ten working days after receipt of the application for a limited partition, the county administrator or designee shall determine whether the application contains all required information at the required level of detail; and shall advise the applicant of all areas of deficiency. This notification shall specify the additional information and level of detail required in order to meet the requirements of this section.

2. In the event that an applicant fails to submit the required additional information within 15 calendar days of the date of the notice of deficiency, the county administrator or designee shall consider the application to be withdrawn. The county administrator or designee may grant extensions of up to 30 days at the request of the applicant; provided any such request for an extension is received prior to the expiration of the relevant time period.

3. Upon a determination of completeness, the county administrator or designee shall approve, approve with conditions, or deny the application within ten working days of receipt of a complete application and shall so notify the applicant in writing. The county administrator or designee may also refer the application to the DRC for full review if site conditions or features warrant more in-depth evaluation. The DRC shall then make a recommendation at a regularly scheduled meeting. The referral of an application to the DRC shall stay the time for decision by the county administrator or designee.

(c) The determination of the county administrator or designee will become final 15 calendar days after it is rendered unless a person who qualifies as a party as defined in Division 7 of this article files a notice of intent to file a petition for formal proceedings together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered, the petition for formal proceedings before a special master. Failure to file is jurisdictional and will result in a waiver of the hearing. Appeals heard by a special master will be conducted in accordance with the procedures outlined in section 10-7.414. Appeals of the special master's decision shall be reviewable by the circuit court.

(7) (~~6~~) Any plan approved under this section shall be recorded in the Office of the Clerk of the Circuit Court of Leon County by the department upon the submittal of the approved plan and recording fee by the applicant. If the applicant fails to submit either the approved plan with the appropriate recording fees within 30 calendar days

DRAFT

Attachment #1
Page 17 of 61

following final plan approval, said approval shall be deemed to have been revoked and expired.

(8) ~~In deciding whether to approve, approve with conditions, or deny a limited partition, the director of growth and environmental management or designee shall consider:~~

~~(a) Whether all the design standards and requirements set forth in this chapter have been met;~~

~~(b) Whether all the zoning standards and requirements have been met; and~~

~~(c) Whether all the requirements of other applicable regulations or ordinances which impose specific requirements on limited partitions have been met, including section 10-4.202 of this chapter.~~

Approval of a Limited Partition Subdivision application shall be granted if the application satisfies the following criteria:

(a) The application is consistent with the Comprehensive Plan.

(b) The application complies with applicable provisions of the Land Development Code, except when the application is intended to correct the deficiencies in previously improperly subdivided lands, pursuant to Section 10-7.301, wherein lots created may be smaller than the zoning district standard, so long as they are no less than ½-acre in size and the density of the subdivision will be consistent with the applicable Future Land Use Map category; and,

(c) The requirements of this chapter and other applicable regulations and ordinances have been met.

In those instances wherein the application substantially meets these three criteria but, in the determination of the reviewing entity, does not satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; wherein the applicant shall thereafter be required to provide a revised application, demonstrating satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate satisfaction with these criteria.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 13, 1-29-08; Ord. No. 08-24, § 2, 11-25-08)

SECTION 9. Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Subdivision Classifications, Exemptions, and Platting" is hereby amended to amend Section 10-7.202, entitled "Revised 2.1.9 Family Heir Subdivision Standards" as follows:

DRAFT

Attachment #1
Page 18 of 61

~~1. *Eligibility to subdivide land to create parcels of transferable property.* To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of creating parcels of property that may be transferred to entities unrelated to the property owner, notwithstanding the density or intensity of limits established for this land by the future land use map of the Comprehensive Plan or the official zoning map, the following conditions must be met:~~

~~(a) The land to be subdivided must be located in one or more of the following zoning districts:~~

~~(i) Rural;~~

~~(ii) Urban Fringe; or~~

~~(iii) Lake Talquin Recreation/Urban Fringe; or~~

~~(iv) Residential preservation overlay of one of the three districts listed above, and only if outside the urban services area.~~

~~(b) The applicant has not previously utilized the provisions of Policy 2.1.9 to subdivide this or any other parcel in the applicant's ownership or control;~~

~~(c) The applicant has held fee simple title to the parcel, in single ownership, as of February 1, 1990, and has continuously maintained a record interest in the parcel since that date;~~

~~(d) A maximum of six lots may be created at a maximum residential density of two units per acre, with a minimum lot size of one-half acre of buildable area, whether the parcel is subdivided or not, including existing dwelling units; additional lots may be created so long as their size and density comply with applicable zoning district and future land use category standards; and,~~

~~(e) This subsection 10-7.202.1, shall no longer be in effect as of February 1, 2010.~~

~~2.~~1. *Eligibility to subdivide land to create parcels for use as a homestead by a family member.* To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of creating parcels of property for use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveys the parcel, notwithstanding the density or intensity of limits established for this land by the future land use map of the Comprehensive Plan or the official zoning map, the following conditions must be met:

(a) The land to be subdivided must be located outside of the urban services area.

DRAFT

Attachment #1
Page 19 of 61

(b) The parcel to be subdivided is in the same configuration as it was on February 1, 1990; or, the parcel was created, subsequent to February 1, 1990, through subdivision pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan and conveyed to an originally intended heir, as defined herein, and the applicant is an originally intended heir or an heir through successive generations of the originally intended heir. Any subdivision of the parcel after February 1, 1990, shall thereafter void the eligibility to subdivide the parcel under this section for use as a homestead by a family member, unless that subdivision was undertaken pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan.

~~3.~~2. *Criteria for approval.* Approval of an application for residential development pursuant to Comprehensive Plan Land Use Policy 2.1.9. shall be dependent upon a finding by the county in the affirmative for each of the following criteria:

(i) That the application is consistent with the Comprehensive Plan.

(ii) That the application complies with the standards set out in subsection 10-7.202.5.; and,

(iii) That the application complies with applicable provisions of the Land Development Code and other applicable regulations and ordinances have been met, including those pertaining to environmental protection, access, zoning district development standards except lot size, and concurrency management system requirements.

~~4.~~3. *Additional criteria for approval for subdivision to create parcels for use as a homestead by a family member (subsection, 10-7.202.2.).* In addition to an affirmative finding for each of the three criteria set out in subsection 10-7.202.3., approval of an application made pursuant to subsection 10-7.202.2. shall be dependent upon a finding by the county in the affirmative for each of the following criteria:

(a) That the application includes documentation of those covenants and restrictions, executed by the applicant and the chair of the DRC, recorded pursuant to subsection 10-7.202.9.(f); and,

DRAFT

Attachment #1
Page 20 of 61

(b) That the number of lots that may be created through subdivision of property for use as a homestead by a family member is equal to or less than the number of heirs plus the original homestead family member.

~~5.~~4. *Substantive requirements for the subdivision of land pursuant to this section.*

(a) General. The following general requirements apply to applications submitted pursuant to this section:

(1) No lot created may be any smaller than one-half acre of buildable area in size;

(2) Parcels within a recorded subdivision may not be further subdivided by application of this section; and,

(3) The application may be fashioned for approval of additional dwelling units without subdivision; in which instance, the application shall demonstrate sufficient land area for each dwelling unit, equivalent to amount of land and arrangement of dwelling units as would otherwise be required to create subdivision lots.

(b) Additional requirements for application for subdivision of land within previously approved unrecorded subdivisions. Further subdivision of land to create residential lots or additional dwelling units pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan shall be allowed if the resulting parcels are no smaller than the smallest existing lot within the subdivision, established in accordance with the Leon County Land Development Code, nor less than one-half acre in size.

~~6.~~5. *Timely completion of a deficient application.* The department of growth and environmental management or it successor, shall inform the applicant of any deficiencies constituting an incomplete application. The applicant shall have 180 days, from the date of the issuance of notice from the county informing of deficiencies constituting an incomplete application, to make required corrections to the application and submit that application for review. The applicant shall be entitled to request, in writing to the county, one 90-day extension; the county may grant that extension based

DRAFT

Attachment #1
Page 21 of 61

upon a demonstration of hardship by the applicant. Failure to resubmit a revised application in a timely manner shall have the same effect as denial of the application without prejudice; however, no application filed pursuant to subsection 10-7.202.1. shall be accepted after February 1, 2010.

~~7.~~6. *Approval subject to condition.* In those instances wherein the application substantially meets the applicable criteria for approval but, in the determination of the entity with authority to approve the application, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the county unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

~~8.~~7. *Timely revision of an application approved subject to condition.* Any application made pursuant to this section, approved subject to condition, shall be revised to demonstrate satisfaction of all conditions within 180 days from the date of the issuance of notice informing the applicant of approval subject to condition by the county. The applicant shall be entitled to request, in writing to the county, one 90-day extension; the county may grant that extension based upon a demonstration of hardship by the applicant. Failure to revise the application within the allotted time period to demonstrate satisfaction of all conditions shall have the same effect as denial of the application without prejudice; however, no application filed pursuant to subsection 10-7.202.1. shall be accepted after February 1, 2010.

~~9.~~8. *Limitations on the use of parcels created pursuant to ~~[subsection]~~ ~~10-7.202.2.~~ 10-7.202.1; creating parcels of property for use as a homestead by a family member:*

(a) Parcels created through subdivision pursuant to subsection ~~10-7.202.2~~. 10-7.202.1 are intended as homestead property for heirs of the owner/subdivider. No parcel created through this process shall be conveyed to any person other than the originally intended heir within a period of fewer than two years from the date of the approval of the 2.1.9 subdivision.

DRAFT

Attachment #1
Page 22 of 61

(b) No building permit shall be issued for any building on any parcel created through subdivision pursuant to subsection ~~10-7.202.2.~~ 10-7.202.1, except to the originally intended heir or the original homestead family member, within a period of fewer than two years from the date of the approval of the 2.1.9 subdivision.

(c) After a period of two years from the date of the creation of a lot created pursuant to subsection ~~10-7.202.2.~~ 10-7.202.1, that lot may be conveyed to any other person.

(d) Except as provided in (e), below, any lot created by subdivision pursuant to subsection ~~10-7.202.2.~~ 10-7.202.1 may, after a period of two years from the date of the creation of the lot, be eligible for further subdivision or additional dwelling units pursuant to this chapter.

(e) Any lot created by subdivision pursuant to subsection ~~10-7.202.2~~ 10-7.202.1. may be eligible for further subdivision or additional dwelling units, within the two-year period immediately following the date of the creation, by originally intended heir or original homestead family member, for the purpose of creating additional lots for conveyance to another eligible family member, as provided by F.S. § 163.3179. Such subdivision or application for additional dwelling units shall comply with subsection ~~10-7.202.2~~ 10-7.202.1.

(f) The applicant for subdivision or additional dwelling unit pursuant to subsection ~~10-7.202.2.~~ 10-7.202.1, shall provide covenants and restrictions to be executed by the applicant and the chair of the development review committee, on the behalf of Leon County, which shall be recorded in the clerk of the court's records, restricting transfer and regulating the development of the property to comply with the limitations of subsection 10-7.202.9. The covenants and restrictions shall be enforceable by Leon County. The covenants and restrictions may be amended, by the Board of County Commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended heir.

DRAFT

Attachment #1
Page 23 of 61

~~10.~~9. *Procedural standards.*

(a) Except as provided for in (b) below, all applications for subdivision pursuant to this section shall be subject to the review and approval requirements of the Type A site and development plan application process; however, no pre-application meeting or technical staff meeting shall be required, but may be provided, at the request of the applicant, free of charge.

(b) In those instances where subdivision pursuant to this section would result in the requirement of a new access connection to a designated canopy road or the removal of any protected tree and/or vegetation within the canopy road protection zone the subdivision application shall be subject to the review and approval requirements of the Type B site and development plan application process including, mandatory pre-application and technical staff meetings, at the expense of the applicant.

(Ord. No. 08-26, § 3, 11-25-08; Ord. No. 09-19, §§ 1, 3, 6-9-09)

Editor's note—

Ord. No. 09-19, § 1, adopted June 9, 2009, amended § 10-7.202 title as herein set out. Former § 10-7.202 title pertained to revised 2.1.9 subdivision standards. Ord. No. 08-26, § 3, adopted Nov. 25, 2008, repealed former § 10-7.202, and enacted a new § 10-7.202 as set out herein. The former § 10-7.202 pertained to residential development pursuant to Comprehensive Plan Land Use Element Policy 2.1.9. See the Code Comparative Table for complete derivation.

SECTION 10. Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Subdivision Classifications, Exemptions, and Platting" is hereby amended to amend Section 10-7.203, entitled "Site and development plans proposing subdivision of property requiring platting" as follows:

Section 10-7.203. Site and development plans proposing subdivision of property requiring platting.

1. Pursuant to F.S. Ch. 177, and these ordinances, no subdivision plat within the jurisdiction of the county shall be recorded by the Clerk of the Circuit Court of Leon County unless and until it has received plat approval as provided herein. To secure plat approval, the applicant/subdivider shall also follow the procedures established in Article VII, Division 6, Plats.

DRAFT

Attachment #1
Page 24 of 61

2. Site and development plans are required for all parcels or lots proposed for subdivision, with the exception of: those exceptions specified under the definition of subdivision in section 10-1.101; the exemptions and requirements of section 10-7.201, Limited Partitions, and section 10-7.202, Residential Development Pursuant to Comprehensive Plan Policy 2.1.9, and, those exceptions identified in section ~~10-7.402(5)~~ 10-7.402(6) of this chapter.

3. Procedure:

(a) *Land use and project determination.* Prior to submittal of a pre-application request, the applicant shall first obtain a permitted use verification certificate (PUV) from the ~~planning department~~ Department of Development Support and Environmental Management which verifies that the subject development is a site and development plan proposing subdivision of property requiring platting.

(b) ~~*Preapplication*~~ Presubmittal. The applicant ~~shall~~ may schedule a ~~*preapplicatio*~~ presubmittal meeting with the county administrator or designee to discuss the application, the procedures for review and approval, and the applicable regulations and requirements for the review type. The county administrator or designee may modify or eliminate any required information submittals, after documentation, based upon consideration of the complexity of the proposed site and development plan, environmental constraints, existing site conditions, or other relevant submittal items required for DRC review, if applicable, and approval of site and development plans.

(c) Review process. All site and development plans proposing subdivision of property requiring platting shall be reviewed pursuant to the provisions of this section.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 15, 1-29-08)

SECTION 11. Division 3 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Vested Rights" is hereby amended to amend Section 10-7.301, entitled "Prior improperly subdivided parcels" as follows:

In addition to the vested rights provided for in ~~section 10-1451~~ Article II, Division 4 and other provisions of this article notwithstanding, all single-family lots created by recorded transfers of title recorded on or before October 31, 1990, at 11:59 p.m., shall be deemed nonconforming within the meaning of the Comprehensive Plan and thus shall be excepted from the requirements for subdivision review as set forth in this article. Such single-family lots shall be excepted from the residential density limitations imposed by the Comprehensive Plan. These lots shall also be exempt from residential density restrictions of the Comprehensive Plan and the December 1, 1970, Tallahassee-Leon County Zoning Codes, as amended. Nothing herein shall exempt these lots from the other requirements and limitations of land development regulations implementing the local Comprehensive Plan.

DRAFT

Attachment #1
Page 25 of 61

(Ord. No. 07-20, § 2, 7-10-07)

SECTION 12. Division 4 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Procedure for Review and Approval of Site and Development Plans" is hereby amended to amend Section 10-7.402, entitled "Development review and approval system" as follows:

The development review and approval system shall consist of the following elements:

1. Permitted use verification process. A permitted use verification certificate (PUV) shall be used to determine eligibility for either subdivision of property, development of land, or change in use, based upon applicable land development regulations and site-specific conditions. A residential ~~permitted use verification~~ compliance certificate ~~(RPV)~~ (RCC) shall be used to determine eligibility for small residential uses or structures. The fee for a ~~(RPV)~~ RCC may be applied to fees for a subsequent project status determination application (PSD) or an administrative streamlined approval process (ASAP) application associated with the proposed residential development tendered within one year of the issuance of the ~~RPV~~ RCC. PUVs and ~~RPVs~~ RCCs shall not be construed to be development order approvals.

2. Project status determination. For any development proposal not required to comply with the provisions of article VII, the applicant must request a project status determination (PSD) from the ~~growth~~ development support and environmental management department prior to submitting an application for development approval. This PSD will indicate on what basis the proposed development is excepted from either the procedural or substantive provisions of this article and and shall verify compliance with any applicable previously approved development order and land development code, as may be applicable. ~~Any project status determination associated with development not requiring the approval of a site and development plan application shall be recorded in the public records of Leon County, as maintained by the clerk of courts, in a form approved by the county administrator or designee.~~ Applications for PSDs shall be reviewed, and if appropriate, approved by the county administrator or designee.

3. ~~Preapplication~~ Pre-submittal conference (optional for Type A, B, and C; required for Type D). ~~An applicant may request a preapplication~~ The pre-submittal conference is intended to set forth the specific application requirements once a development review track is identified.

4. Development review types. There are four different review types of development review, Type A, B, C, and D review. The applicable level of review for proposed subdivision or site and development plan application depends upon the type and intensity of development, the extent of environmental constraint, and zoning district in which the development site is located. Table 10-7.1, below, specifies the applicable review level for development qualifying for administrative streamlined application process, and Type A through Type C site and development plan review applications.

DRAFT

Attachment #1
Page 26 of 61

Table 10-7.1 specifies the review level by zoning district, for residential, nonresidential, and institutional land uses. Type D site and development plan review is required for any new planned unit development concept plan application, and for any application determined, by the State of Florida, to require an application for development approval, substantial deviation to a development of regional impact (DRI) or Florida quality development (FQD). Type C applications consist of any application where the scale of development proposed exceeds the upper limit of the thresholds listed in the table for Type B site and development plan review, but not required to undergo Type D review.

The thresholds set out in Table 10-7.1 may be modified as follows:

(a) *Incentive for mixed use development*. The review threshold for any Type A--Type C site and development plan application proposing a mixture of residential and office or retail/service commercial use shall be equivalent to 100 percent of the residential unit threshold plus 100 percent of the office or retail/service commercial use; however, the thresholds for Type A and Type B site and development plan applications proposing a mixture of residential and office or retail/service commercial use may be increased to 125 percent of the residential unit threshold plus 125 percent of the office or retail/service use, so long as the following criteria are met: (1) the application must include a minimum of four residential dwelling units per gross acre of site area; and, (2) the application must include a minimum of 10,000 gross square feet of nonresidential use.

(b) *Incentive for quality design--Nonresidential use*. The review threshold for any Type A - Type C site and development plan application proposing any nonresidential or institutional use, and proposing the following design elements may be increased by the corresponding percentage:

(1) Threshold increased by ten percent, for a building footprint of no greater than 50,000 square feet of enclosed floor area;

(2) By 15 percent, for utilization of a planted "green roof" over no less than 40 percent of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 60 percent;

(3) By 15 percent, for developments with access to an arterial road and having >=100,000 gross square feet of office or commercial retail floor area (also referred to as equivalent to 100 percent commercial base standard) and >= 100 dwelling units (equivalent to 100 percent of the residential base standard) or, any combination of these uses wherein the square footage of office or commercial floor space exceeds 20,000 and the number of residential units exceeds 25 and the cumulative total of the base standards exceeds 200 percent;

DRAFT

Attachment #1
Page 27 of 61

(4) By 15 percent, for developments having >=100,000 of office or commercial retail gross square footage floor area that provide a transit stop consisting of surface area for bus access, a shelter to provide weather protection, bench or seating for the shelter, and pedestrian access to the stop;

(5) By 25 percent, for developments locating no less than 90 percent of provided parking spaces behind the front building facade line;

(6) By ten percent, for structures having ground floor window glazing along building frontages adjacent to streets or publicly-accessible parking areas >=20 percent of facade area on the ground floor principal frontage and >=15 percent of the area of each other applicable ground floor facade;

(7) By 15 percent, for developments where the number of spaces provided <=80 percent of the standard number of parking spaces set out in Schedule 6-2; and,

(8) By 15 percent, for developments having a density of connectivity of >=.4 per acre.

(c) *Incentive quality design--Residential use*. The review threshold for any Type A - Type C site and development plan application proposing residential use site and proposing the following design elements may be increased by the corresponding percentage:

(1) Threshold increased by ten percent, for utilization of a planted "green roof" over no less than 40 percent of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 80 percent;

(2) By ten percent, for developments with access to an arterial road having >=200 dwelling units that provide a transit stop of surface area for bus access, a shelter to provide weather protection, bench or seating for the shelter, and pedestrian access to the stop;

(3) By 15 percent, for having >=.25 accessory dwelling unit for every residential dwelling unit;

(4) By 15 percent, for having >=50 percent of all principal dwelling units served by side- or rear-loaded garages;

(5) By 15 percent, for developments having a density of connectivity of >=.4 per acre;

(6) By 15 percent, for developments having an index of interconnectivity of <=.5.

(d) *Incentive for development in the Southern Strategy Area*. The review threshold for any Type A, B or C site and development plan proposed within the Southern

DRAFT

Attachment #1
Page 28 of 61

Strategy Area, as identified in the Tallahassee-Leon County Comprehensive Plan, shall be increased 25 percent.

(e) *Incentive for development in the Gum Road Target Planning Area*. The review threshold for any Type A, B or C site and development plan proposed within the Gum Road Target Planning Area, as adopted by the Leon County Board of County Commissioners, shall be increased 25 percent.

(f) *Incentive for providing access to multiple businesses within a safe and convenient pedestrian pathway through facade design*. The threshold is increased by 25 percent, when all proposed nonresidential building facades are less than 100 feet in length; and, each facade abutting a street frontage, public open space, parking area, or pedestrian corridor, has no less than 40 percent surface area coverage by windows, display areas, or doorways, or, in those instances where the facade exceeds 100 feet in length, the following criteria are met:

1. Structure with a single facade longer than 100 feet shall be divided into individual tenant spaces and shall not be used solely by a single business. Individual tenant spaces shall have no more than 60 feet of horizontal frontage along that facade. Tenant spaces shall be separated by vertical elements on the facade at intervals no greater than 60 feet, coinciding with the dimensions of tenant spaces. Vertical elements shall include columns, posts, or pilasters; reveals, recesses and other shadow-casting devices; variations in material, texture or color; recessed entrances; or, other methods of architectural articulation.

2. Every individual business establishment located along the facade of greater than 100 feet shall have it's own public entrance located on the facade or on a diagonal at each building corner having two street frontages, with one of them being the facade.

3. The facade shall have windows, display areas or doorways spanning no less than 75 percent of the length of the facade and covering no less than 40 percent of the surface area of the facade. No blank walls shall face street frontages, public open spaces or pedestrian corridors along any building side.

4. The area directly adjacent to the facade length shall include a pedestrian walkway of at least eight feet in width.

5. The applicant may utilize alternative design approaches to qualify for this incentive by demonstrating to the county administrator or designee that the alternative fulfills the design objective of providing access to multiple businesses within a safe and convenient pedestrian pathway.

(g) *Incentive for conservation subdivisions*. The review threshold for any Type A, B or C site and development plan proposed within the Lake Talquin Recreation

DRAFT

Attachment #1
Page 29 of 61

Urban Fringe or Urban Fringe zoning district, accomplished as a conservation subdivision, shall be increased 50 percent.

(h) *More rigorous review to protect environmental features*. Any application otherwise qualifying for Administrative Streamlined Application Process or Type A site and development plan review per this Section, and proposing development on a site inside the urban services area with 75 percent or more site coverage by conservation or preservation areas as defined by the Comprehensive Plan or outside of the urban services area with 40 percent or more coverage by conservation or preservation areas, shall require review as Type B site and development plan application. Sites of three acres or larger wherein all buildings, attendant parking facilities, streets, and access facilities will be located outside of conservation and preservation areas shall be exempt from this requirement.

(i) *Combination of threshold modifications*. A combination of threshold modifications (a)--(e) may be cumulatively applied to Type A--Type C site and development plan applications, as applicable.

(j) *Limitation on degree of site and development plan review level reduction*. The incentives provided above may be used to reduce what would otherwise be a Type C site and development plan application to a Type B or Type A site and development plan application, to reduce what would otherwise be a Type B site and development plan application to a Type A site and development plan application, and a Type A site and development plan application to an administrative streamlined application. Modifications (a)-(f) shall not be applicable to any Type D application, including those establishing a planned unit development concept plan, or for development of regional impact, or Florida quality development.

DRAFT

Attachment #1
Page 30 of 61

Table 10-7.1

Review Level	Zoning District → Type of use ↓	R, UF, LTR/UF	RC, WC	RP, RA, OS	LP	R-1, R-2, R-3, R-4, R-5	MH	BOR, OR-1, OR-2, C-1, BC-1, BC-2, BCS	MCR, MCN	NBO	I	OR-3, CM, MR-1, C-2, CP, IC, UP-1, UP-2, OA-1, M-1, PD, PUD, and DRI	AC
Administrative Streamlined	Residential	≤2 dwellings or lots for dwellings		≤2 dwellings or lots for dwellings		≤2 dwellings or lots for dwellings		≤2 dwellings or lots for dwellings			≤N/A	≤2 dwellings or lots for dwellings	
	Nonresidential	See Note**		N/A	Limited expansions	N/A	See Note**	See Note**	See Note**	See Note**	≤9,999 gross building, square feet	See Note**	
	Institutional	See Note**		See Note**		See Note**		See Note**				See Note**	
Type A	Residential	≤10 dwellings		3—14 dwellings		≤24 dwellings	Addition of ≤99 dwellings to an existing MH Park	≤34 dwellings		≤24 dwellings	N/A	≤299 dwellings	≤499 dwellings
	Nonresidential	≤14,999 gross building square feet	≤49,999 gross building square feet	N/A	[PUD (Type D) required]	N/A	N/A	≤19,999 gross building square feet		≤9,999 gross building square feet	10,000—39,999 gross building square feet	≤49,999 gross building square feet	≤149,999 gross building square feet
Type B	Residential	11—74 dwellings		15—99 dwellings		25—149 dwellings	Addition of 100—199 dwellings to an existing mhp	35—199 dwellings	35—74 dwellings	25—49 dwellings	N/A	300—449 dwellings	500—649 dwellings
	Nonresidential and Institutional	15,000—149,999 gross building square feet	50,000—99,999 gross building square feet	New use of ≤5,000 square feet gross building area; expansion of existing use by ≤7,500 square feet gross building area; or, an increase in total impervious surface area on the subject parcel of ≤25 percent	[PUD (Type D) required]	New use of ≤5,000 square feet gross building area; expansion of existing use by ≤7,500 square feet gross building area; or, an increase in total impervious surface area on the subject parcel of ≤25 percent	New use of ≤5,000 square feet gross building area; expansion of existing use by ≤7,500 square feet gross building area; or, an increase in total impervious surface area on the subject parcel of ≤25 percent	20,000—179,999 gross building square feet	20,000—79,999 gross building square feet	10,000—59,999 gross building square feet	40,000—249,999 gross building square feet	50,000—249,999 gross building square feet	150,000—499,999 gross building square feet
Type C	Residential	75 dwellings—DRI threshold	75 dwellings—DRI threshold	100 or more dwellings—DRI threshold*		150 dwellings—DRI threshold*	Establishment of a new manufactured home park; addition of 200 or more dwellings to an existing mhp, not to exceed—DRI threshold*	200 dwellings—DRI threshold	75 dwellings—DRI threshold	50 dwellings—DRI threshold	N/A	450 dwellings—DRI threshold	650 dwellings—DRI threshold
	Nonresidential and Institutional	150,000 gross building square—DRI threshold	100,000 gross building square feet—DRI threshold	Any development in excess of Type B level, not determined to be a PUD or DRI	[PUD (Type D) required]	Any development in excess of Type B level, not determined to be a PUD or DRI		180,000 gross building square feet—DRI threshold	80,000 gross building square feet—DRI threshold	60,000 gross building square feet—DRI threshold	250,000 gross building square feet—DRI threshold	250,000 gross building square feet—DRI threshold	500,000 gross building square feet—DRI threshold
Type D	Residential	Generally, Any Development determined to be a DRI or FQD*		Generally, Any Development determined to be a DRI or FQD*		Generally, Any Development determined to be a DRI or FQD*		Generally, Any Development determined to be a DRI or FQD*			N/A	Generally, Any Development determined to be a DRI or FQD*	
	Nonresidential and Institutional	Any Development determined to be a DRI or FQD		N/A	Any nonresidential development	N/A		Any Development determined to be a DRI or FQD				Any Development determined to be a DRI or FQD	

DRAFT

Attachment #1
Page 31 of 61

5. *Development review tracks.* Proposed development projects that have been determined through the PUV process to require Type A, B, or C subdivision or site and development plan approval, shall be required to select at the option of the applicant from two review tracks. These review tracks are as follows:

(a) *Concept Plan Approval (CPA) review track.* The CPA review track is an available option for all proposed projects that have been determined through the PUV process to require review and approval of a Type A or Type B level subdivision or site and development plan. The CPA review track option is intended to expedite the review process by reducing the requirement for permitting level information while providing the applicant the assurance that the development entitlements reflected on the concept plan can be realized on the subject site. Subsequent to CPA, the applicant would be required to complete the environmental permitting process for the project prior to initiating onsite development. The CPA review track shall include the following sequential steps:

(1) Completion of a PUV in support of the proposed project.

(2) Submittal and approval of a Natural Features Inventory (NFI) for the subject property.

(3) Approval of an Environmental Impact Analysis (EIA) in support of the proposed development project. The EIA submittal requirements shall be limited to a conceptual analysis and discussion of the proposed project's stormwater management system and shall include information outlining how onsite conservation and/or preservation features as identified in the project's approved NFI will be protected and/or preserved including how all anticipated impacts to these features will be mitigated in the design of the proposed development project. Permitting level information shall be deferred to the project's associated environmental permit review process and will not be required for the CPA review track.

(4) Completion and approval of a concurrency management application to address the anticipated impacts to public and other facilities from the proposed development.

(5) Scheduling and participating in ~~an pre-application meeting~~ <u>an Application Review Meeting</u> on the proposed development project. <u>A Pre-submittal meeting is optional.</u>

DRAFT

Attachment #1
Page 32 of 61

(6) Submittal of a completed subdivision or site and development plan application.

(b) *Final Design Plan Approval (FDPA) review track.* The FDPA review track is an available option for all proposed projects that have been determined through the PUV process to require review and approval of a Type A, B, or C level subdivision or site and development plan. The FDPA review track option is intended to expedite the review process by providing for the concurrent review of a proposed project's subdivision or site and development plan and associated environmental permit. Under the FDPA review track option, subsequent to completion of the associated review process, the applicant would receive land use and environmental permitting approval concurrently. The FDPA review track shall include the following sequential steps:

(1) Completion of a PUV in support of the proposed project.

(2) Submittal and approval of a Natural Features Inventory (NFI) for the subject property.

(3) Submittal of an Environmental Management Permit (EMP) application in support of the proposed development project. The EMP shall include the conceptual EIA components outlined in Section 10-7.402.5(a)(3) and all engineering and design level information required to demonstrate compliance with all environmental and stormwater related requirements applicable to the subject site.

(4) Completion and approval of a concurrency management application to address the anticipated impacts to public and other facilities from the proposed development.

(5) Scheduling and participating in ~~a pre-application meeting~~ <u>an Application Review Meeting</u> on the proposed development project. <u>A pre-submittal meeting is optional.</u>

(6) Submittal of a completed subdivision or site and development plan application.

DRAFT

Attachment #1
Page 33 of 61

(7) For Type B and Type C level subdivision or site and development plan proposals scheduling the review of the proposed project by the development review committee. Additionally, all Type C level projects will require final disposition by the Board of County Commissioners.

6. ~~*Administrative streamlined application process*~~ *Exception to site and development plan review*. The following shall be exceptions to those review types set forth in subsection 4., above:

(a) The construction or modification of one single-family dwelling unit; a two-, three-, or four-family dwelling unit; or a manufactured home; or the construction of an accessory building to such a dwelling on a lot or parcel with legal access. For properties proposing residential use, a completed school impact analysis form shall be provided.

(b) Commencement of home occupations as defined in and in accordance with this Code.

(c) Development of nonresidential or multiple use development providing for not more than 1,000 square feet of total gross floor area after construction or ten percent increase of total on-site impervious area. This exemption applies to additions to existing structures and uses and to new construction and uses on a noncumulative basis. Nonresidential development of less than 1,000 square feet that would increase the total gross floor area of a development by 20 percent or more shall require that the applicant demonstrate, through the completion of an application for exception to site plan, that such development will not result in an increase in total on-site impervious area of ten percent or greater.

(d) Changes in tenancy in already built space (existing structure), provided that the conversion requires no substantial modification to the exterior of the structure or modifications to the associated parking area. Type A review applies to those changes of tenancy involving substantial modification to the exterior of the building or modification to the associated parking area, as determined by the county administrator or designee.

(e) The development or alteration of any building used exclusively for agriculture, horticulture, or floriculture located in the rural land use district; provided, however, that construction of dwellings units, not

DRAFT

Attachment #1
Page 34 of 61

otherwise exempt, or commercial or industrial facilities to process agricultural, horticultural or floricultural beyond harvest, storage or sale of the raw materials is not exempt from this article.

(f) Change of occupancy. The establishment, exclusively through change of occupancy, of new uses in an existing structure shall not be subject to Type A site and development plan review; but, shall be required to meet all other applicable development standards of this chapter. However, Type A review shall apply to those changes of occupancy involving substantial modifications to the exterior of the building or modification to the associated parking area, as determined by the county administrator or designee.

(g) Industrial development. New or expansion of existing industrial uses or development of up to 10,000 square feet, if site is zoned industrial and infrastructure extensions to the subject site are not required.

(h) Exceptions specified under the definition of subdivision in section 10-1.101. Any and all landowner(s) of a parcel that is divided or developed pursuant to this exception shall file an affidavit, on a form approved by the county attorney, with the clerk of the court in the public records of the county. The affidavit shall specify that the property has been modified or subdivided, the number of new parcels, if any, created, the exemption type used for this action, the legal description of the original location of the parcel(s), and the metes and bounds descriptions of each new parcel.

7. *Review process for exceptions* ~~*Exceptions*~~. The development listed in the table set out as parts (a) and (b) of this subsection shall be excepted from Type A—D site and development plan review, as set forth in subsection 4., above.

(a) The following chart provides a range of development and changes of use excepted from site and development plan application. The chart specifies appropriate criteria for approval, applicable review process, notice requirements and other applicable substantive or procedural requirements. Omission of a particular requirement from the chart shall not be construed so as to alleviate requirement for compliance.

Proposed Use or Development	Criteria for Approval	PUV or R-PUV Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements

DRAFT

Attachment #1
Page 35 of 61

Single-family (attached or detached) residential dwelling unit, manufactured home, duplex residential units on any vacant existing parcel; any structures accessory to these residential units, including garages, pavilions, kiosks, gazebos, or other similar structures accessory as determined by the county administrator or designee.	Precedent development order, such as, approved plat or site plan, Otherwise as required in the Land Development Code	No, RPV is optional.	PSD	None	No	PSD; scaled sketch plan accessory buildings in this category require affidavit of nonhabitable structure; project-specific environment permits as applicable
Home occupation in an existing residence	Home occupation standards; Life-safety code	No	PSD	Notice advertising approval or denial	No	PSD; project-specific environment permits as applicable
Agricultural, horticultural, floriculture, and silviculture-related ~~bidgs~~ bldgs in a zoning district allowing agricultural as a principal use; structure size ≤5,000 feet^2	As required in the Land Development Code	No	PSD	None	No	Affidavit of nonhabitable structure; project-specific environment permits as applicable
Agricultural, horticultural floriculture and silviculture-related ~~bidgs~~ bldgs in a zoning district allowing agricultural as a principal use; structure size ~~5,000~~ >5,000 feet^2	As required in the Land Development Code	No	ASAP	None	No	Affidavit of nonhabitable structure; project-specific environment permits as applicable
Principal industrial use	As required in the Land	Yes	PSD	Ad for PUV	No	Sketch plan; project-specific

DRAFT

Attachment #1
Page 36 of 61

within a district allowing heavy or light Industrial use as a Principal Use; structure size ≤300 feet^2	Development Code					environment permits as applicable
Principal industrial use within a district allowing heavy or light Industrial use as a Principal Use; structure size >300 feet^2 and ≤10,000 feet^2	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Site plan; project-specific environment permits as applicable
Proposed use or development	Criteria for approval	PUV or RPV required	Review required for approval	Notice requirements	Public meeting requirements	Application content requirements
Change in tenancy without expansion or functional modification	N/A	Yes, to verify that use was originally properly established and allowed in zoning district	None	None	No	N/A
Change of use without expansion or functional modification, to another use allowed within the zoning district, ≤1,000 feet^2	Zoning district; life-safety health codes	Yes	~~PSD~~	Public Notice of approval or denial	No	Project-specific environment permits, as applicable
Change of use without expansion or functional modification, to another use allowed within the zoning district, >1,000 feet^2	Zoning district; life-safety health codes	Yes	ASAP	Public notice of approval or denial	No	Project specific environmental permits, as needed.
Additional dwelling unit	Approved plat or site plan, otherwise as required in	No, RPV optional	PSD	None	None	Affidavit; project specific environment permits as

DRAFT

Attachment #1
Page 37 of 61

	the Land Development Code					applicable
Accessory dwelling unit	Approved plat or site plan, otherwise as required in the Land Development Code	RPV required	ASAP	None	Pre-application (optional)	Site plan for ASAP, PSD requires scaled sketch plan; project specific environment permits as applicable.
Miscellaneous residential accessory structures	Approved plat or site plan, otherwise as required in the Land Development Code	No	PSD	None	None	PSD requires scaled sketch plan; project specific environment permits as applicable.
Other development determined to be below the type A site and development plan review threshold and ≤300 feet^2; and structures accessory to other than single-family, manufactured home, or duplex residential dwellings and ≤300 feet^2	Approved plat or site plan, and otherwise as required in the Land Development Code	Yes, except for accessory structures	PSD	Public notice of approval or denial	No	Scaled sketch plan; information demonstration compliance with Land Development Code standards; project specific environment permits as applicable.
Other development determined to be below the Type A site and development plan review threshold and >300 feet^2; and structures >300 feet^2 accessory to other than single-family, manufactured home, or duplex residential dwellings	Approved plat or site plan, otherwise as required in the Land Development Code	Yes	ASAP	Public notice of approval or denial	Pre-application (optional)	Site plan; project specific environmental permits, as applicable.

DRAFT

Attachment #1
Page 38 of 61

(b) Exceptions specified under the definition of subdivision in Section 10-1.101. Any and all landowner(s) of a parcel that is divided or developed pursuant to this exception shall file an affidavit, on a form approved by the county attorney, with the clerk of the court in the public records of the county. The affidavit shall specify that the property has been modified or subdivided, the number of new parcels, if any, created, the exemption type used for this action, the legal description of the original location of the parcel(s), and the metes and bounds descriptions of each new parcel. A judicial exception based on a court order shall be excepted from site and development plan application but may be required to comply with the Land Development Code. Review of development proposed pursuant to such orders shall be through a process determined by the county administrator or designee.

(c) Requirements for administrative streamlined application process (ASAP).

(1) *Accessory dwelling unit.* All ASAP applications for Accessory Dwelling Units shall demonstrate compliance with subsection 10-6.803(b). Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Pre-application meeting is available at the option of the applicant. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards.

(2) *1:2 subdivision/lot split, inside the urban service area.* All ASAP applications for 1:2 subdivision/lot split shall demonstrate compliance with article IV, environmental management, article VI, zoning, and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources.

DRAFT

Attachment #1
Page 39 of 61

(3) *Other administrative streamlined applications process applications.* All other ASAP applications shall demonstrate compliance with article IV, environmental management; article VI, zoning; and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources. Applications shall be required to furnish a natural features inventory, as set out in article IV, and provide calculations demonstrating compliance with applicable stormwater management standards; waiver or modification of these requirements may be provided by the county administrator or designee. The application should furnish sufficient information to clearly demonstrate compliance with zoning district standards and any precedent development order.

8. *Review process application.* Except for any exception or exemptions specified in this chapter, a site and development plan application is required for review Types A, B, C, and D site and development plans. Application submittal requirements for Types A, B, and C site and development plans are as set forth in ~~s~~Section 10-7.402. Application submittal requirements for Type D site and development plans are as set forth in ~~s~~Section 10-7.406. The difference between the review types shall also be affected by the level of detail as determined by the county administrator or designee and technical assistance staff, which may be determined at the preapplication conference or quick check. The submittal requirements for site and development plan review are listed below. The county administrator or designee is authorized to waive or modify specific submittal requirements for any site and development plan proposal based on review type, site conditions, and characteristics of the proposed development. When site and development plan applications are to be submitted to the county administrator or designee, the county administrator or designee is also authorized to waive any specific submittal requirements as deemed appropriate.

DRAFT

Attachment #1
Page 40 of 61

(a) The requirement for "planned development review" for development of properties abutting a designated canopy road segment shall mean compliance with the site and development plan regulations set forth in this chapter.

(b) Submittal requirements.

(1) An applicant shall provide for the preapplication meeting the required information on a form approved by the county administrator or designee.

(2) The following information shall be required for a site and development plan application, unless the county administrator or designee waives a requirement, with documentation, as inapplicable to the particular development;

(i) A site and development plan for the parcel or parcels which are the subject of the application. A proposed plat, if the parcel or parcels are to be subdivided, and the depiction of the site and development plan, shall be prepared as a single map, if the information conveyed remains clear. The proposed plat and site and development plan shall include, consistent with the provisions of this section:

a. A title block containing the following:

1. The proposed development.

2. Date of preparation.

3. Scale of the site and development plan, both written and graphic.

b. A legal description and boundary survey of the parcel which shall be signed and sealed by a professional surveyor licensed to practice in the state.

DRAFT

Attachment #1
Page 41 of 61

c. Tax identification number(s) for parcel or parcels that are subject of application.

d. Total acreage of the parcel or parcels, and, if the development is on a portion of a larger parcel, the acreage of the larger parcel and of the portion to be developed.

e. A scaled vicinity map with north arrow.

f. Names, addresses, and telephone numbers of all owners of the parcel or parcels, developers, optionees, and agents.

g. Location and type of proposed easements, including legal access.

h. Dimensions of the lots, to the nearest foot.

i. Lot and block numbers, if applicable. If a resubdivision of an existing plat is proposed, the numbering must be consistent with the existing system.

j. A circulation diagram showing vehicular and pedestrian movements including location and dimensions of access points, sidewalks, any special engineering features and traffic control devices, if any.

k. Proposed changes to existing topography.

l. Location of stormwater management facilities, including all conveyances and drainage easements.

m. Location and type of buffers and conservation easements to be provided.

DRAFT

Attachment #1
Page 42 of 61

n. Number of spaces and location of parking facilities or other impervious surfaces. A calculation of the square footage of parking facilities and other impervious surfaces.

o. Location and depth of setbacks. This information may be provided in tabular form.

p. Location and use of temporary structures as defined in ~~s~~Section10-7.109

q. Location and generalized footprint of each building existing or to be constructed by the applicant. For nonresidential structures, a calculation of the gross square footage for each, including floor area ratios and height of any structure proposed.

r. Location and footprint of each type of infrastructure to be constructed.

s. Areas to be protected by a conservation easement, preservation easement, or other means acceptable to the county.

t. If the development fronts on a street or roadway, include each street or roadway and street or roadway name.

u. Street plans, locations, designs, and names assigned in accordance with county regulations shall be depicted and described.

v. If the applicant will construct them, location and description of all structures to be built by the developer, and, if common facilities are to be constructed, how those common facilities will be maintained.

w. Location and type of recreation facilities.

DRAFT

Attachment #1
Page 43 of 61

x. Refuse collection areas, and location and type of screening, if proposed.

y. Where the site and development plan covers only a portion of the landowner's entire parcel, a map depicting all of the landowner's contiguous property and proposed use for the balance of the parcel or parcels not including in the site which is the subject of the application.

z. Proposed build-out date of the infrastructure for the development in its entirety, and, if the development will be built in phases, a development scheduled and proposed buildout date for each phase.

aa. A utility service plan addressing proposed water supply, power supply, and method and location of sewage disposal.

bb. All lot lines, parcel tax identification numbers, roads, access easements on the subject parcel, structures, and paved areas within 300 feet of the parcel boundaries.

(ii) A site map depicting the existing natural and developed features on the parcel or parcels which are the subject of the application shall also be submitted. The information submitted shall include consistent with the provisions of this section:

a. Location of the wooded areas, differentiating between native forests, high quality successional forests, and mature successional forests.

b. Location of listed species, as defined by the EMA, occurrences, and their habitats.

DRAFT

Attachment #1
Page 44 of 61

c. For multifamily residential and all nonresidential site plans, identify trees defined as protected by the EMA which are impacted by the proposed development.

d. Location of wetlands.

e. Conservation and preservation areas as set forth in the Comprehensive Plan.

f. Location of sinkholes.

g. Location of all water bodies, watercourses, drainage ditches, canals, and other surface water features.

h. Location and type of known hazardous materials, hazardous waste and underground storage tanks.

i. Location of 100-year floodplain.

j. Location of other natural features.

k. A scaled aerial photograph showing the location of the site and adjacent properties within 300 feet of the site. The boundary of the subject property shall be outlined or highlighted on the aerial photograph.

l. A conceptual landscaping plan, including a planting plan for public right-of-way, common areas, and buffers or open space areas showing types, sizes, and spacing of trees and other vegetation.

m. Location of closed basins and natural drainage divides.

n. Proposed covenants, grants, easements, dedications, and restrictions to be imposed

DRAFT

Attachment #1
Page 45 of 61

on the land, buildings, and/or structure, including proposed easements for public utilities and instruments relating to the use and maintenance of common natural areas, open spaces, private streets, and other private infrastructure shall be furnished with an application. All such documents shall be subject to review and approval by the county attorney as to form and sufficiency, prior to action on this application. Such instruments shall allow access of public vehicles for public safety or maintenance purposes.

(iii) For nonresidential development, the applicant also shall provide the following information consistent with the provisions of this section:

a. Names and amounts of hazardous or toxic materials or wastes to be used or produced on-site.

b. Types and amounts of radioactive materials or wastes, explosives, or flammable materials to be used or produced on-site.

c. Types and amounts of smoke, dust, particulate matter, noxious or odorous gases or other pollution of the air produced on-site.

d. Types and amounts of materials identified above in subsections a, b, and c above, which can be expected to be moved off-site.

e. Noise levels expected at the site boundaries.

f. The types of manufacturing, production, processing or other industrial activities which will take place.

DRAFT

Attachment #1
Page 46 of 61

(iv) Additional information as may be required by the county to clarify relevant points.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 17, 1-29-08; Ord. No. 08-24, § 3, 11-25-08; Ord. No. 09-04, § 1, 1-15-09; Ord. No. 09-24, §§ 1—3, 7-14-09; Ord. No. 10-07, § 4, 3-23-10; Ord. No. 10-28, § 1, 10-12-10; Ord. No. 11-01, § 1, 1-18-11)

SECTION 13. Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-7.522, entitled "Buffer Zone Standards" as follows:

(a) *Buffering standards.* The following buffering standards are intended to implement the provisions of the Land Development Code and applicable policies of the Comprehensive Plan. Should there be a conflict between the provisions of this article and those of the Comprehensive Plans and article IV, the most restrictive or that imposing the higher standard shall govern.

(1) A buffer zone is a landscaped strip along parcel boundaries that serve a buffering and screening function between uses and zoning districts, provides an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

(2) The width and degree of vegetation required depends on the nature of the adjoining uses. The standards specified below prescribe the required width and landscaping of all buffer zones.

(3) The standards for buffer zones are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.

(4) The buffering standards applicable to community services/institutional uses shall be determined during the course of the required land development review process pursuant to Section 10-6.806.

(5) The foregoing standards shall be applied between abutting parcels as follows:

DRAFT

Attachment #1
Page 47 of 61

BUFFERING AND SCREENING REQUIREMENTS																						
EXISTING DEVELOPMENT		PROPOSED DEVELOPMENT Land Use Code Number																				
		NONURBAN			*RESIDENTIAL*					*COMMERCIAL*					*OFFICE USES*				*INDUSTRIAL*			
L/U Code Number	Land Use Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	NONURBAN LAND USES																					
1	Agriculture	NR	NR	NR	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
2	~~Comm'l~~ Commercial forestry	NR	NR	NR	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
3	Mining	NR	NR	NR	D	D	D	D	D	B	B	B	B	B	C	C	C	C	B	C	NA	B
	RESIDENTIAL LAND USES																					
4	Single-family detached	NR	NR	D	A[1]	A	B	B	C	B	C	C	D	B	A	B	A	B	C	D	D	D
5	Two-family, attached; duplexes	NR	NR	D	A	NR	B	B	B	B	C	C	D	B	A	B	A	B	C	D	D	D
6	Townhouse; single-family attached	NR	NR	D	B	B	NR	B	C	B	C	C	D	B	A	B	A	B	C	C	D	D
7	Multifamily	NR	NR	D	B	B	B	NR	C	B	B	C	C	B	A	B	A	B	C	D	D	D
8	Manufactured mobile home park	NR	NR	D	B	B	B	C	NR	B	B	C	C	B	A	B	A	B	C	D	D	D
	COMMERCIAL LAND USES																					
9	<20,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	A	NR	NR	B	B	C	B
10	20,000—100,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	C	B
11	100,000—200,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	C	B
12	200,000—1,000,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	C	NR	NR	B	B	C	B
13	Retail w/ outside storage, not withstanding square feet	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	A	NR	C	C	A
	OFFICE AND PERSONAL SERVICES LAND USES																					
14	Minor offices	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	B	B	C	B
15	Office park	NR	NR	B	B	B	B	B	B	A	B	B	C	B	NR	NR	NR	NR	B	B	C	B
	Office buildings																					
16	Personal services	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	B	B	C	B
17	Major	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	A	B	C	B
	HEAVY COMMERCIAL/INDUSTRIAL LAND USES																					
18	Warehousing/distribution	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	A	NR	A	C	A
19	Light industrial	NR	NR	C	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	NR	C	A
20	Heavy industrial/heavy infrastructure	NR	NR	NA	D	D	D	D	D	C	C	C	C	C	C	D	B	C	B	C	NR	B
21	Transportation/ utilities	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	C	B	NR

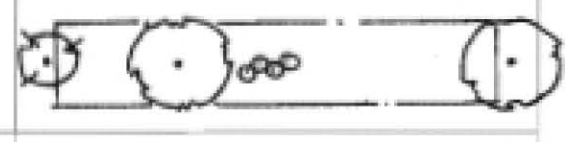
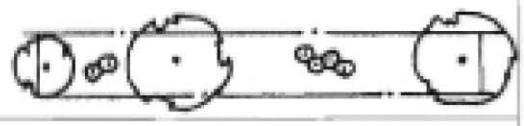
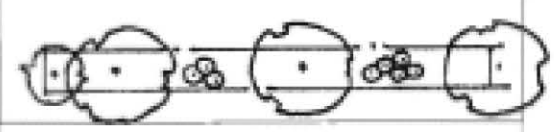
KEY: A, B, C, and D indicate accompanying Landscape Standards that must be used.
NR indicates that no buffering is required.
[1] indicates that no buffering is required, except when the proposed development is ~~adjacent to~~ adjoining a single-family detached dwelling unit located within the RP zoning district, whereupon, the proposed development must provide buffering meeting no less than the Type A landscape standard.

NOTES: To determine the required buffer:
(1) Locate "Existing" adjacent use on left side of table;
(2) Locate "Land Use Code Number" of proposed use at top of table;
(3) Read down in row of Existing Adjacent Use in final buffer requirement.

DRAFT

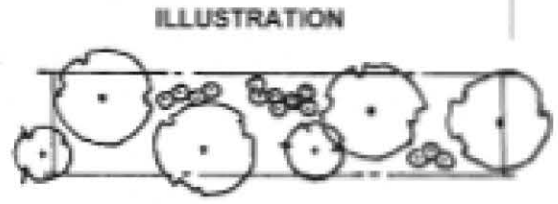
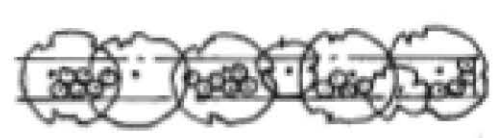
Attachment #1
Page 48 of 61

TYPE "A" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
1.2 CANOPY 0.4 UNDERSTORY 4 SHRUBS	20'	
1.8 CANOPY 0.6 UNDERSTORY 6 SHRUBS	15'	
2.4 CANOPY 0.8 UNDERSTORY 8 SHRUBS	10'	

1

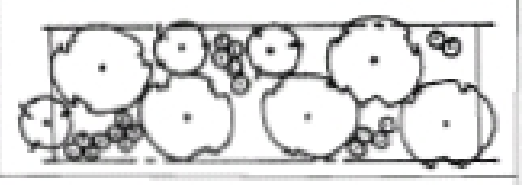
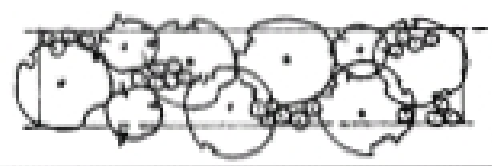
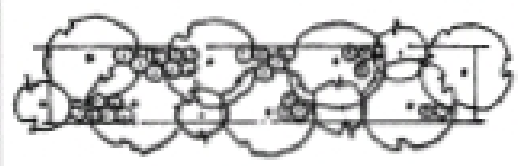
TYPE "B" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
3.5 CANOPY 1.4 UNDERSTORY 14 SHRUBS	25'	
4 CANOPY 1.6 UNDERSTORY 16 SHRUBS	20'	
4.5 CANOPY 1.8 UNDERSTORY 18 SHRUBS	15'	
5 CANOPY 2 UNDERSTORY 20 SHRUBS	10'	

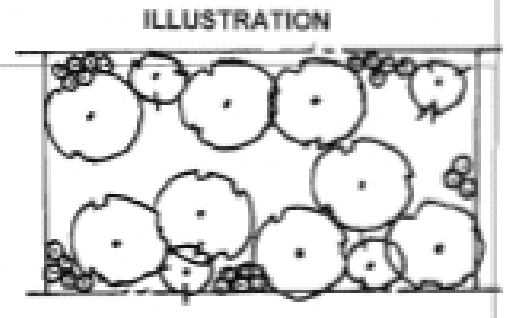
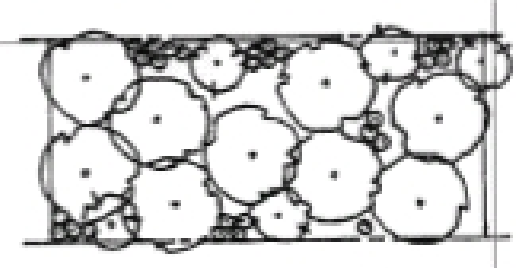
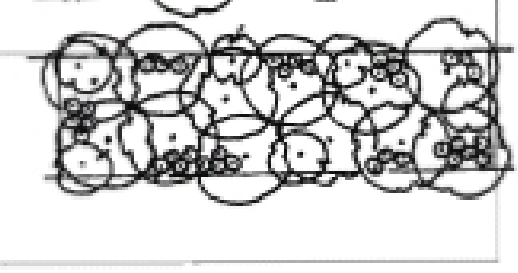
2

Attachment #1
Page 49 of 61

TYPE "C" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
4.8 CANOPY 2.4 UNDERSTORY 19 SHRUBS	35'	
5.4 CANOPY 2.7 UNDERSTORY 22 SHRUBS	30'	
6 CANOPY 3 UNDERSTORY 24 SHRUBS	25'	
6.6 CANOPY 3.3 UNDERSTORY 26 SHRUBS	20'	

TYPE "D" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
8 CANOPY 4 UNDERSTORY 24 SHRUBS	60'	
9 CANOPY 4.5 UNDERSTORY 27 SHRUBS	50'	
10 CANOPY 5 UNDERSTORY 30 SHRUBS	40'	
12 CANOPY 6 UNDERSTORY 36 SHRUBS	30'	

Attachment #1
Page 50 of 61

(6) Buffering for mixed use developments shall be based on the more intense use in the building or cluster of buildings.

(7) The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, the environmental compliance staff may recommend, and the director may allow, a waiver from the strict planting requirements of this section if:

1. The waiver is necessary to prevent harm to the existing native vegetation; and

2. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the waiver.

(8) The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, the lower standards will be tolerated until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this article. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.

(9) In any case where an unbuffered view exists within 500 feet from the side or rear service areas of any nonresidential land use to any single-family or two-family residential land use, uncomplimentary land use buffer requirements shall apply as if such residential uses were located on immediately adjacent lands.

(10) A buffer fence as defined in section 10-1.101, which may include the use of berms for visual screening, shall be required, in addition to minimum landscaping standards, when nonresidential uses are adjacent to existing single-family or manufactured/mobile home uses. When required, a buffer fence shall meet standards in subsection (b) below. The buffer fence may be exempted for the following reasons:

a. If the uncomplimentary land use areas are occurring within an approved planned unit development or site and development plan, provided that the objectives of this division are met in the design of the planned unit development.

DRAFT

Attachment #1
Page 51 of 61

b. If a transitional character, sufficient to satisfy the purpose and intent of this division, has been achieved through the design of the planned unit development or site and development plan as determined by the director.

(11) Prevailing requirements. Whenever development activity is subject to both the perimeter landscaping requirements and the uncomplimentary land use buffer strip requirements of this subdivision, the latter requirement shall prevail.

(b) *Buffer fence standards:*

(1) Whenever a buffer fence is required, it shall be of sufficient height to obstruct the view between adjoining properties, as determined by the director, presumably a minimum of eight feet in height, unless the applicant can prove to the satisfaction of the director that the intent of this article will be met by a fence of lesser height under the particular circumstances. The buffer fence shall be solid opaque, constructed of durable materials appropriate for the intended use and consistent with materials commonly used in surrounding neighborhoods, and shall include provision for access to all landscape materials.

(2) The side of a fence facing a less intensive use shall have a finished appearance to furnish an aesthetically pleasing view.

(3) At least one-half of all required plant materials shall be installed and maintained on the side facing the less intensive use, unless otherwise specifically provided.

(4) Fencing shall be maintained in good repair.

(5) In the case when a buffer fence and vegetative buffer is required, the required vegetative buffer shall be reduced by one landscape standard.

(c) *Use of buffer areas.* No use shall be made of, nor development activity permitted in, the uncomplimentary land use buffers. No accessory structures, garbage or trash collection points or receptacles, parking or any other functional use contrary to the intent and purpose of this article shall be permitted in a required buffer area except for:

(1) Planting material approved as part of the landscape plan.

DRAFT

Attachment #1
Page 52 of 61

(2) Installing and maintaining completely underground utilities and essential, specifically approved, overhead or above ground utilities which do not interfere with the mature growth of required plant material.

(3) Installing and maintaining grass ditches, with back slopes no steeper than 3:1, which can support the required landscaping materials. This does not prohibit the combining of compatible functions such as landscaping, drainage facilities, passive recreation areas and preservation areas into an effective and beneficial multiple use of the subject land resource.

(d) *Development.* All development must be consistent with article IV.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 18, 1-29-08; Ord. No. 09-20, § 8, 7-14-09)

SECTION 14. Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-7.524, entitled "Public Sanitary sewer or on-site sewage disposal systems" as follows:

(a) Sanitary sewer facilities shall be installed in accordance with the requirements, policies, and specifications of the county and service provider and those treatment standards of the Florida Department of Environmental Regulation. On-site sewage disposal systems shall be installed in accordance with the requirements, policies and specifications of the county.

(b) Needed sanitary sewer facilities will be provided in a manner which promotes orderly, compact urban and cost efficient growth while optimizing the use of existing facilities.

(c) In the urban fringe and the rural land use categories, package plants can only be constructed to serve:

(1) Environmental problem areas; or

(2) Allowable industrial activities; or

(3) Community services.

(d) Heavy infrastructure facilities which do not generate a demand for central sanitary sewer service and which are traditionally located far from urban development

DRAFT

Attachment #1
Page 53 of 61

because of their off-site impacts, shall not be required to have central sanitary sewer service or potable water service. Examples of such uses are waste-to-energy facilities, power generating plants, landfills, sanitary sewer sprayfields, and materials recovery facilities.

(e) In this section "heavy infrastructure" shall mean government operational facilities which have significant off-site impacts. "Heavy infrastructure" shall include such facilities operated by semi-public or private utility providers. These facilities shall include but are not limited to:

(1) Waste-to-energy facilities.

(2) Materials recovery facilities.

(3) Sanitary sewer sprayfields.

(4) Sanitary sewer percolation ponds

(5) Sewage treatment plants.

(6) Airports.

(7) Electric generating facilities.

(8) Landfill.

(9) Sludge disposal facilities.

(10) Incinerators.

(11) Correctional facilities.

(12) Water treatment plants.

(13) Outdoor storage facilities.

(14) Vehicle maintenance facilities.

(15) Solid waste transfer station.

DRAFT

Attachment #1
Page 54 of 61

(f) Connection and user fees shall be set at levels sufficient to equitably finance the sewer infrastructure projects in the CIE where "equitably" is defined as users paying their fair share of the infrastructure projects.

(g) On or after May 1, 1993, all developments within the urban service area shall be required to connect to a central sewer system, if such system is made available within 1,000 feet of the subject property along an existing right-of-way or easement or proposed dedicated right-of-way or easement and within 180 days of the approval of the site and development plan, or issuance of development order, whichever comes first; or within 365 days if right-of-way or easements must be acquired to accomplish the extension. The City of Tallahassee within its franchise area and the public works department in all other unincorporated portions of the urban service area shall determine based on the above criteria whether central sewer service is available and shall require a developer to finance, design, and build an off-site extension to serve a proposed development in order to meet the 180 or 365-day availability criteria.

If the system is not available as defined in the above paragraph, then the property owner shall be allowed to install septic tanks on no less than one-half acre lots, or construct a small wastewater treatment facility. Any such wastewater treatment facility shall be constructed by the developer and designed to meet DER treatment standards. Such design and construction cost shall be borne exclusively by the developer. If such facility is within the City of Tallahassee franchise area, upon completion of the construction of the facility, it shall be dedicated to the city, and the city shall then be responsible for its operation. By the Year 2010, within the City of Tallahassee franchise area, the city shall be obligated to connect any wastewater treatment facilities authorized by this section to its central wastewater treatment system. The distribution or collection system associated with such treatment facility shall be constructed and then dedicated to the city in the same manner as any other distribution or collection system in the city system.

Any land developed within the City of Tallahassee franchise area in the urban service area with septic tanks under this provision at a residential development level of seven units or more with lots smaller than one acre, or a nonresidential development ~~of 2,500 square feet or less~~ <u>that is estimated to generate a wastewater flow of 900 gallons or less per day</u>, will be subject to:

a. Payment of city system charges.

b. Dedicating easements/rights-of-way for future installation of water and sewer lines.

DRAFT

Attachment #1
Page 55 of 61

c. Connecting to central water and sewer service, when it is available.

d. County assessment of the on-site water and sewer installation costs within the area at the time the provider is ready to provide the water and/or sewer service.

e. A requirement that the developer include a deed restriction requiring the property owner to connect to central water and sewer as well as a notice to the buyer of lots in the subdivision.

No nonresidential development ~~in excess of 2,500 square feet~~ that is estimated to generate a wastewater flow of 900 gallons or more per day, except community facilities as authorized in Policy 2.1.3[SS] of the Comprehensive Plan, shall be allowed to be developed with septic tanks under this section.
(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 12-01, § 4, 1-24-12)

SECTION 15. Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-7.522, entitled "Buffer Zone Standards" as follows:

(1) *Purpose and intent.* Within the urban services area, new development shall be designed and constructed to facilitate pedestrian mobility in and between residential developments; between residential development and nearby businesses, recreational opportunities, and community facilities; and, to connect places of business to one another and to residential developments.

(2) *Objective.* New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and other nonresidential land uses, and, provides safe and convenient linkage between developments and between the public and private street system.

(3) *Specific requirements for sidewalks.*

(a) Along adjacent streets and rights-of-way. Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article VI, division 3, shall provide sidewalks along all public and private streets adjoining the development. However, no sidewalks shall be required if the expansion, reconstruction, or renovation is less than 1,000 square feet. Said exemption shall only be available once per subject property, and shall be expressly conditioned upon the fee simple title holder's (and any lien holder) execution of a document providing for

DRAFT

Attachment #1
Page 56 of 61

sidewalk easement if and when the sidewalk is ultimately constructed by a third-party or a governmental entity. The sidewalk shall be located as follows: when sufficient right-of-way exists, the sidewalk shall be located within the public right-of-way; when sufficient right-of-way does not exist, the sidewalk shall be located at an alternative location parallel to the right-of-way or elsewhere on the development property, if approved by the county engineer. For those developments where sidewalks cannot be located within the public right-of-way, the developer must provide and record in the public records of Leon County, Florida, all easements necessary to guarantee public access to the sidewalk.

(b) Linking pedestrian on-site destinations and adjacent rights-of-way. Within the urban services area, nonresidential and multifamily residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way.

(c) *Linking adjacent development.* In addition to the requirements of paragraph (2), within the urban services area, both commercial and office development shall provide internal sidewalk interconnection between adjacent commercial and office development. This requirement does not apply to the following development proposals: (i) where the building entrance is located within 30 feet of a sidewalk along an adjacent right-of-way serving both developments, (ii) where the length of the common property boundary of the two adjacent developments is less than 50 feet, (iii) where construction or use of the sidewalk would have an adverse impact upon a preservation area, as defined in article VI, or (iv) where a sidewalk would create a safety hazard.

(d) *Along new streets.* Within the urban services area, sidewalks shall be constructed on both sides of all new arterial and collector streets. Sidewalks shall be constructed on at least one side of all other new streets within residential and nonresidential subdivisions.

(e) *Design and construction standard.* Sidewalks shall be installed and constructed in accordance with the requirements and specifications of the county engineer.

(f) *Exemptions.* Sidewalks shall not be required in association with new residential development within the Lake Protection zoning district.

DRAFT

Attachment #1
Page 57 of 61

(4) *Fee in-lieu of sidewalk construction authorized.* In those instances where the development review committee determines, pursuant to the satisfaction of applicable criteria set out herein, that the construction of a sidewalk required by section 10-7.502(b)(2)~~ and (6)~~ is inappropriate or unnecessary, the applicant for the development or subdivision shall be required to pay, into the applicable sidewalk area trust fund, a fee in-lieu of providing the sidewalk.

(5) *Fee in-lieu of sidewalk construction - process and criteria for approval.* In order to approve payment of a fee-in-lieu of sidewalk construction, the developer shall submit a formal request with sufficient documentation to the development review committee, which shall approve the request if it finds that one or more of the following criteria have been met:

(a) The location of the sidewalk would likely create a significant safety hazard; or

(b) Construction or subsequent use of the sidewalk would have an adverse impact upon a preservation area, as defined in article X; or

(c) Construction of the sidewalk has already been scheduled by its inclusion in the approved transportation improvement plan, the approved capital budget, a state- or federally-funded project, or a development agreement executed pursuant to F.S. § 163.3221; or

(d) The construction of sidewalks is not warranted at the time of development due the presence of safety hazard or environmental limitations off-site that would likely preclude the extension of sidewalks to the affected development site; or

(e) ~~the~~ The affected development site lies within a subdivision recorded prior to August 1, 2006, that does not presently have sidewalks; or

(f) The construction of a sidewalk from the interior of the site connecting to the public sidewalk system along and parallel to street frontage, when the site is located within a the M-1, I, or PUD zoning district and principal use is proposed to be industrial or warehousing, and such sidewalk would not be warranted at the time of development due to projected low pedestrian accessibility demand.

DRAFT

Attachment #1
Page 58 of 61

(6) *Payment of fee in-lieu.* In those instances where the entity with authority to approve a proposed development or subdivision authorizes payment of a fee in-lieu of sidewalk construction, the following provisions shall apply:

(a) The developer shall pay a fee in-lieu to the sidewalk area trust fund account, applicable based upon project location, prior to receiving final approval for the development;

(b) The fee shall be adopted by resolution of the Board of County Commissioners.

(7) *Appropriation of fees paid in-lieu of sidewalk construction.* To facilitate the equitable and efficient expenditure of fee revenues for the exclusive purpose of improvements to the pedestrian mobility system within the area of affected development projects, there are hereby established the following Leon County Sidewalk Trust Fund Areas:

Trust fund area 1: That portion of county commission district 1, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 2: That portion of county commission district 2, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 3: That portion of county commission district 3, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 4: That portion of county commission district 4, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004; and,

Trust fund area 5: That portion of county commission district 5, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004.

Fees collected pursuant to this section shall be held in an account for that trust fund area in which the affected development project is located; shall be expended only for the purpose of improvements to the pedestrian mobility system within that trust fund area; and, may not be combined with the assets of any other trust fund area account, except when used for improvements to the pedestrian mobility system facilities extending into two or more trust fund areas, in which case only those assets necessary for the improvements may be combined. Any fees paid in-

DRAFT

Attachment #1
Page 59 of 61

lieu of sidewalk construction associated with an individual development project not expended within a period of seven years from the date of collection shall be refunded to the payer.

(8) *Interpretation.* The directors of the departments of ~~growth~~ development support and environmental management and public works or their designees shall be authorized to administer and provide interpretations regarding the implementation and administration of this section.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 20, 1-29-08; Ord. No. 10-06, § 1, 3-23-10)

SECTION 16. Division 1 of Article XI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-11.104, entitled "Uniform street naming and property numbering system implementation" as follows:

(a) A uniform system of numbering buildings, as shown on the maps identified by the title "Property Numbering Maps," which are maintained on Leon County Tax Parcel Maps and in the Geographical Information System's Electronic Database in the Leon County ~~and City of Tallahassee Growth~~ Development Support and Environmental Management ~~Departments~~ Department and the City of Tallahassee Growth Management Department. All explanatory matter thereon and related thereto, is hereby adopted, incorporated herein by this reference, and made a part of this article.

(b) "Uniform Street Naming and Property Numbering System" is the set of policies and procedures adopted by both the City of Tallahassee and Leon County, and amended from time to time, for the purpose of implementing this [article] ordinance.

(c) An addressing steering committee is established for the purpose of providing intergovernmental cooperation and system integrity of the implementation of policies and procedures as set forth by the Board of County Commissioners. The powers and duties of the addressing steering committee are:

(1) To resolve ambiguities in the regulations and policies and procedures relating to implementation; and to provide guidance where there are conflicting regulations or policies.

DRAFT

Attachment #1
Page 60 of 61

(2) To hear appeals by citizen residents and businesses of proposed implementation directives concerning addressing assignments and street naming actions.

(3) To make recommendations to both elected commissions regarding street naming and address re-assignments.

(4) To make recommendations to both elected commissions regarding changes to applicable regulations and changes to policies and procedures.

(d) This article will be administered in accordance with the duly adopted policies and procedures which may be amended from time to time by the addressing steering committee.

(Ord. No. 09-39, § 4, 11-10-09)

SECTION 17. Division 1 of Article XI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-11.104, entitled "Uniform street naming and property numbering system implementation" as follows:

Section 10-12.103. Standard design manufactured homes.

(a) *SDMH placement.* Standard design manufactured homes (SDMH) shall be placed only in mobile home/manufactured home land lease communities; and in the Residence 5, MH Manufactured Home Park, Rural, Urban Fringe, Lake Talquin Urban Fringe, Lake Protection, or Rural Community zoning districts.

(b) *Private temporary use.* A SDMH may be used in any zoning district as a temporary office or shelter for materials or tools (but not for residential purposes except in cases where it can be demonstrated to the satisfaction of the chief building official that for security reasons such occupancy is necessary and essential and except as provided otherwise herein) incidental to construction on or development of the premises upon which the manufactured home is located; such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without further approval of the chief building official, and he/she shall give such further approval only upon finding that actual construction is continuing.

(c) *Government temporary use.* Any agency of local, state or federal government may utilize a SDMH for temporary public purposes in any zoning district.

DRAFT

Attachment #1
Page 61 of 61

(Ord. No. 07-20, § 2, 7-10-07)

SECTION 18. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 19. 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.

SECTION 20. Effective date. This ordinance shall be effective according to law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2013.

LEON COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

BY: _____
NICHOLAS MADDOX, CHAIRMAN

ATTEST:
BOB INZER, CLERK OF THE COURT
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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#	PROPOSED CODE AMENDMENT SECTION TITLE	Land Development Code Sections Affected	Location of Amendment in Proposed Ordinance	Description of Proposed Changes	Explanation
1	Board of Adjustment and Appeals: Appeals	10-2.346(c)	Page 2, Line 20-22	This section notes that appeals forms shall be provided by "TLCPD"; should reflect DSEM	TLCPD does not provide appeals forms for the BOAA. This should note that these forms will be provided by DSEM
2	Board of Adjustment and Appeals: Variations and Modifications	10-2.347(c)	Page 4, Line 6	This section refers to filing a request with the Department of Growth and Environmental Management; should reflect DSEM	The Department's name changed in 2011 from Growth and Environmental Management (GEM) to the Department of Development Support and Environmental Management (DSEM)
3	M-1 Light Industrial Zoning District	10-6.652	Page 5, Item 12	Corrected the land use listed as "Dry cleaning pants"	This should state "Dry cleaning plants". The letter "l" in plants was missing.
4	Bradfordville Mixed Use Overlay District	10-6.680	Page 7, Lines 28-32 & 43-46	Eliminate duplicity by combining this section and 10-6.681	Both sections refer to the regulation of the same issue. Combining would result in less confusion as to which is more appropriate/applicable
5	Bradfordville Mixed Use Overlay District	10-6.681	Page 8, Line 43	Eliminate duplicity by combining provisions in this section with 10-6.680	The provisions of this section would be combined with 10-6.680; therefore, this section should be repealed.
6	Community Residential Home Requirements	10-6.810	Page 9, Line 20	Currently lists the code section as "10-1.810"	The appropriate code citation should be 10-6.810
7	Private Residential Subdivisions	10-7.200.1	Page 12, Lines 19-22	Refers to subsection C.(2)(c) and C.(2)(d). Should note 3.(b)3 and 3.(b)4	During the adoption process, subsection 10-7.200.1 was not revised to reflect the numbering changes to the rest of the ordinance prior to the final public hearing. The proposed revision will correct this inconsistency.
8	Limited Partitions	10-7.201	Page 13, Lines 31-45; Page 14, Lines 1-46; Page 16, Line 6; Page 17, Lines 1-43	Amend this section to clarify Limited Partition Process is only allowed outside the USA; provide additional optoins to correct improper subdivisions	Staff had originally planned to amend the code to clarify this in 2008; however, the revision language wasn't included in the overall update. Additionally, as of November 2010, private subdivisions are no longer allowed inside the USA. A Limited Partition is effectively a private subdivision and does not contain public infrastructure. In addition, a portion of this section is recommended for amendment to provide an additional procedure to address improper subdivisions of property, provided consistency in density with the Comprehensive Plan is maintained.

#	PROPOSED CODE AMENDMENT SECTION TITLE	Land Development Code Sections Affected	Location of Amendment in Proposed Ordinance	Description of Proposed Changes	Explanation
9	Revised Policy 2.1.9. Family Heir Subdivision Standards	10-7.202.1	Page 18, Line 6 thru Page 23, Line 9	Section 10-7.202.1 is no longer effective as of 2/1/10.	Staff recommends deleting subsection (1) and renumbering the rest of section 10-7.202.
10	Site and development plans proposing subdivision of property requiring platting	10-7.203.2 10-7.203.3(a)	Page 24, Line 14-32	Refers to a section "10-7.402(5)" that does not pertain to exceptions; Should refer to 10-7.402(6). Amend the subsection to note that a PUV is obtained from DSEM not "planning dept"	During the update to the LDC in 2010 for the new Two-Track Review tracks, the referenced portion of Sec. 10-7.203.2 was not amended to reflect the new addition to 10-7.402. This proposed revision will correct that inconsistency. It also corrects the process (eliminates "preapplication"). The planning department does not provide these forms. DSEM provides PUV forms.
11	Prior Improperly subdivided parcels	10-7.301	Page 24, Line 45	Revise the reference to Sec. 10-1451 to Article II, Div 4.	This is a carry-over from the previous LDC. This old section is now Article II, Div 4 (Vested Rights Review) in the latest format of the LDC.
12	Development Review and Approval System	10-7.402.1 10-7.402.2 10-7.402.3	Page 25, Line 23-29 Page 25, Line 33-41 Page 25, Line 45-46; Page 26, Line 1	Also an update to the reference currently identified as "RPV"; should be identified as "RCC". Recording of a project status is not necessary Change process name from Preapplication to "Pre-submittal"	The Residential Compliance Certificate (RCC) was initially coined the Residential Permitted Use Verification; however, this was later renamed to RCC. This section requires recording of a PSD that is associated with a development that does not require a site and development plan review. This has been determined unnecessary as the review is done internally and maintained in the permit tracking database. With the Two-Track Review Process, a pre-submittal conference is optional, but required for Type "D".

#	PROPOSED CODE AMENDMENT SECTION TITLE	Land Development Code Sections Affected	Location of Amendment in Proposed Ordinance	Description of Proposed Changes	Explanation
	Development Review and Approval System (Continued)	10-7.402.4	Page 30	Threshold chart is missing the annotation "Table 10-7.1"; This chart should be revised to include the title of Table 10-7.1.	This was originally referred to as Table 10-7.1; however, the title has since been omitted in subsequent revisions. Portions of the LDC continue to refer to this chart as Table 10-7.1. Therefore, the title should be added to this table to clearly identify it.
		10-7.402.5	Page 32, Lines 1-2 & 26-27	10-7.402.5(a)5 and 10-7.402.5(b)5 reference the "pre-application" meeting; this should be amended to "pre-submittal (optional)"	Both subsections make reference to the "pre-application" meeting. This step was removed as a requirement and is now optional. The applicant must submit for the Application Review Meeting (ARM).
		10-7.402.6	Page 33, Line 6	10-7.402.6 the title refers to the ASAP process; staff recommends this state "Exception to site and development plan review"	This section pertains to exceptions to site and development plan review. A number of the provisions in this subsection would not require ASAP review. The ASAP process is outlined in 10-7.402.7(c).
		10-7.402.7	Page 34, Line 22	Title states "Exceptions"; staff recommends changing to "Review process for exceptions"; Also, "Change of use without expansion consisting of <1,000 sq ft requires PUV and PSD." A PSD is unnecessary if a PUV has been completed.	The previous subsection's title is recommended to be changed, therefore, this subsection's title should also be revised to accurately reflect provisions contained herein. Also, correcting misspellings and clarifying threshold; Also, if only the use is changing and no exterior modifications are made, the additional PSD review appears to be excessive. If exterior modifications are made, then additional review would be required.
13	Buffer Zone Standards	10-7.522	Page 48, Line 1	The key on the buffer table uses the term "adjacent" which is not defined in the LDC; the use of "adjoining" is more appropriate	The term adjacent is not defined in the LDC (Sec. 10-1.101). However "adjoining" is defined in the LDC. Subscript "1" would be clarified by replacing adjacent with "adjoining".

#	PROPOSED CODE AMENDMENT SECTION TITLE	Land Development Code Sections Affected	Location of Amendment in Proposed Ordinance	Description of Proposed Changes	Explanation
14	Public sanitary sewer or onsite sewage disposal systems	10-7.524(g)	Page 57, Lines 15-16 & Page 58, Lines 1-2	Notes that developments are limited to 2,500 sq ft for non-residential on septic; Should be limited to 900 gal flow system	The 2,500 sq ft limitation was an old standard for limiting non-residential development inside the USA and on septic systems. The Comp Plan was recently updated to note that sewage flow shall be utilized to calculate the max intensity on septic. This new standard is a 900 gal flow and based on F.A.C. Rule 64E-6.008. Refer to Policy 1.2.3 [SS} and 2.1.2[SS]; See also text amendment PCT100207
15	General requirements for sidewalks with new development; fee-in-lieu of sidewalk construction	10-7.529.4	Page 59, Line 28	Eliminate the portion of this section which refers to 10-7.529(b)6. This subset does not exist.	This is most likely a carry-over from the original LDC revision in 2007 which was numbered differently. The current revision of 10-7.502 does not provide subsection 6 and appears to be included within 10-7.502(b)2. Staff recommends removing “and (6)” from section 10-7.529.4
16	Article XI	10-11.104	Page 62, Lines 12-13	Refers to LCGEM not DSEM	The section in the LDC needs to be updated to reflect the current name of our department
17	Manufactured Housing	10-12.103	Page 63, Line 17	Article XII shall be revised to include SDMH as an allowable residential type in LP	LP zoning district (Section 10-6.616) states that SDMH is an allowed dwelling type, while Manufactured Home Section is silent on this issue. Staff believes the intent was to include Lake Protection in the SDMH provisions of the Manufactured Housing Section.

TLCPD

MEMORANDUM

Tallahassee-Leon County
Planning Department

TO: Ryan Culpepper, Director Development Services
Leon County Department of Developmental support and Environmental Management

FROM: Susan Denny, Senior Planner
Tallahassee-Leon County Planning Department

THROUGH: Russell Snyder, Administrator, Land Use Division
Tallahassee-Leon County Planning Department

DATE: January 15, 2013

SUBJECT: Consistency Review—Scrivener's Error Ordinance

Summary of Proposed Ordinance

The proposed ordinance amends several sections of 10 of the Leon County Code of Laws, known as the Leon County Land Development Code ("Code"). The purpose of the proposed amendments is to "clean-up" the Code by correcting typographical errors, eliminating outdated terminology and code citations, and by deleting, moving or making minor modifications to text in order to make the Code more clear and accurate.

Findings

Finding #1: Objective 1.4 of the Land Use Element of the Tallahassee-Leon County Plan requires Leon County to "Maintain a set of specific and detailed Land Development Regulations, which implement [the] goals, objectives and policies of the Tallahassee-Leon County Comprehensive Plan". The proposed amendments to the Code implement Objective 1.4 by providing increased accuracy and clarity in the Leon County Land Development Regulations.

Finding #2: The proposed changes to the 2.1.9 subdivision requirements [Change #9, Section 10-7.202] implements Comprehensive Plan Amendment PCT07027, which eliminated the non-family heir provisions in Land Use Policy 2.1.9.

Finding #3: The proposed changes to the septic system requirements [Change #14, Section 10-7524(g)] implements Comprehensive Plan Amendment PCT100207, which amended Utility Element Policies 1.2.3[SS] and 2.1.2[SS] to modify the limitations for community service development allowed on septic systems within the Urban Services Area and in certain Rural Community locations.

Finding of Consistency with the *Tallahassee-Leon County Comprehensive Plan*

Based on the findings above the proposed Leon County Scrivener's Ordinance is consistent with the Tallahassee-Leon County Comprehensive Plan.

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, March 12, 2013, 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, BY AMENDING SECTION 10-2.346 OF ARTICLE II, APPEALS; AMENDING SECTION 10-2.347 OF ARTICLE II, VARIATIONS AND MODIFICATIONS; AMENDING SECTION 10-6.652 OF ARTICLE VI, M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING SECTION 10-6.680 AND REPEALING 10-6.681 OF ARTICLE VI, BRADFORDVILLE MIXED USE OVERLAY DISTRICT; AMENDING SECTION 10-1.810 OF ARTICLE VI, COMMUNITY RESIDENTIAL HOME REQUIREMENTS; AMENDING SECTION 10-7.200 OF ARTICLE VII, PRIVATE RESIDENTIAL SUBDIVISIONS; AMENDING SECTION 10-7.201 OF ARTICLE VII, LIMITED PARTITIONS; AMENDING SECTION 10-7.202 OF ARTICLE VII, REVISED 2.1.9 FAMILY HEIR SUBDIVISION STANDARDS; AMENDING SECTION 10-7.203 OF ARTICLE VII, SITE AND DEVELOPMENT PLANS PROPOSING SUBDIVISION OF PROPERTY REQUIRING PLATTING; AMENDING SECTION 10-7.301 OF ARTICLE VII, PRIOR IMPROPERLY SUBDIVIDED PARCELS; AMENDING SECTION 10-7.402 OF ARTICLE VII, DEVELOPMENT REVIEW AND APPROVAL SYSTEM; AMENDING SECTION 10-7.522 OF ARTICLE VII, BUFFER ZONE STANDARDS; AMENDING SECTION 10-7.524 OF SECTION VII, PUBLIC SANITARY SEWER OR ON-SITE SEWAGE DISPOSAL SYSTEMS; AMENDING SECTION 10-7.529 OF ARTICLE VII, GENERAL REQUIREMENTS FOR SIDEWALKS WITH NEW DEVELOPMENT, FEE IN LIEU OF SIDEWALK CONSTRUCTION; AMENDING SECTION 10-11.104 OF ARTICLE XI, DEFINITIONS; AMENDING SECTION 10-12.103 OF ARTICLE XI, STANDARED DESIGN MANUFACTURED HOMES; 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 Jon Brown 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: 606-5300 or 606-5000; 1-800-955-8771 (TDD), 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 426
Tallahassee, Florida 32301

PUBLICATION: MARCH 1, 2013

Leon County
Board of County Commissioners

Notes for Agenda Item #28

Leon County
Board of County Commissioners

Cover Sheet for Agenda #28

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Consider an Ordinance to Require Property Registration for Abandoned Real Property

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development David McDevitt, Dept. of Development Support & Environmental Management
Lead Staff/ Project Team:	Emma Smith, Permit and Code Services Director

Fiscal Impact:
This item has a minimal fiscal impact to the County. The implementation of a registration fee is estimated to generate between $75,000 - $100,000 in revenue annually, based on the number of properties currently in foreclosure status in the unincorporated area. Revenue would likely decline in proceeding years as foreclosed properties are brought back onto the market.

Staff Recommendation:
Option #1: Conduct the first and only public hearing and adopt an Ordinance to require property registration for abandoned real property (Attachment #1).

Report and Discussion

Background:
The proposed Ordinance would establish a process to limit and reduce the deterioration of property located within the unincorporated area of Leon County in mortgage foreclosure, or when ownership has been transferred to a lender or mortgagee by any legal method. Also, the proposed Ordinance would establish a registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of distressed or abandoned properties which are subject to mortgages that are in default.

The proposed Ordinance aligns with the following FY2012 and FY2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

> "Implement strategies to promote home ownership and safe housing, including: consider property registration for abandoned real property."

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

> "Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high provision of services" (Q6).

Analysis:
Due to the economic downturn, there have been an increased number of properties now owned by banks or mortgage companies, which has made it difficult to obtain compliance due to the inability to contact the responsible party. Attachment #2 reflects the efforts made by staff to identify the responsible party to obtain compliance of the foreclosed properties.

The proposed Ordinance requires that when a property has become abandoned (meaning the property is vacant, is under a "notice of default" and is the subject of foreclosure action or proceeding), the property must be registered with Leon County. The Ordinance also requires that the mortgagee appoint a local representative to secure and maintain the property, and that a sign be posted at the property to include the name and contact information for the mortgagee's agent (property manager). The local property manager would be designated at the time of registration and would be responsible for inspecting, securing and maintaining the property.

The registration process will require mortgagees and owners to provide Leon County with the most current information for contacting a responsible party to bring the property into compliance with this Ordinance. Registration would include properties that have already been foreclosed upon, are currently in the foreclosure process, or may be in the foreclosure process in the future. The Ordinance requires banks and mortgage companies to register properties in foreclosure, inspect those properties, and identify a property maintenance company responsible for each foreclosed property.

The initial registration is required within 10 days of the date of taking action that results in a property qualifying as distressed. A mortgagee who holds a mortgage for any real property located in unincorporated Leon County would need to register the property that is the security for the mortgage. Registration is valid for one year, if the property remains in the same state. After a year, the property registration must be renewed. There would be a $150 cost to register each property. The proposed fee is the average fee charged by other jurisdictions throughout the state. The funds would be as a revenue source to offset the cost of operating the Code Compliance Program.

If the mortgagee and/or property owner fails to properly register or modify registration to reflect a change of information as required by the proposed Ordinance, they would be in violation and would be subject to enforcement pursuant to the Leon County Code Enforcement Procedures established in Chapter 6, Leon County Code of Laws.

Pasco County and Palm Beach County have a similar Mortgage Registration Program and currently use an outside vendor to track the foreclosed properties. These programs have been successful in mitigating the public nuisances often associated with abandoned properties. Palm Beach County uses the registration funds collected under their program to correct public nuisances within the community. It is anticipated that due to the limited number of properties within Leon County in comparison to other jurisdictions, the notification and tracking required to implement the proposed Ordinance can be performed in-house by staff.

The proposed Ordinance will become effective 120 days from the date of adoption by the Board to allow staff time to establish a database to track registrations, as well as to establish an automatic process for accepting registration forms and payments.

Mortgage and Bankers Associations have been notified of the proposed Ordinance and staff has not received any comments to date. The Code Enforcement Board reviewed the proposed Ordinance on January 17, 2013 and recommends that the Ordinance be adopted by the Board of County Commissioners. The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #3).

Options:

1. Conduct the first and only Public Hearing and adopt an Ordinance to require property registration for abandoned real property.
2. Conduct the first and only Public Hearing and do not adopt an Ordinance to require property registration for abandoned real property.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance to Establish an Abandoned Property Registration Program
2. List of Code Enforcement Properties Currently in Foreclosure/Bankruptcy Status
3. Legal Notice Published in the *Tallahassee Democrat*

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING PUBLIC NUISANCE BY ADDING AN ARTICLE V ENTITLED "ABANDONED PROPERTY REGISTRATION PROGRAM"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the resulting property vacancies, decreases in property values, lack of maintenance, and other problems that stem from the financial crisis; and

WHEREAS, distressed homes quickly succumb to the forces of nature and the elements, grass and weeds grow, swimming pools become stagnant public health hazards, landscaping dies from lack of attention or grows out of control, windows are broken, exteriors suffer damage from normal wear-and-tear and vandalism, communities suffer, and these consequences have a negative impact first on neighboring residences and then on entire neighborhoods; and

WHEREAS, the conditions identified above negatively impact Leon County and blight neighborhoods; and

WHEREAS, Leon County is challenged to identify and locate owners or foreclosing parties who can correct negative impacts and maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, Leon County finds that neighborhoods should be protected from becoming blighted through the lack of adequate maintenance and security of vacant properties or properties that are subject to mortgages that are in default; and

WHEREAS, Leon County has adopted property maintenance codes to regulate standards for the interior and exterior of structures and the condition of property as a whole; and

WHEREAS, a foreclosed property registration process is necessary for Leon County to provide a monitoring mechanism and additional enforcement for defaulted properties; and

WHEREAS, Leon County finds that the registration process would include properties that have already been foreclosed upon, are currently in the foreclosure process, or may be in the foreclosure process in the future; and

WHEREAS, the Leon County Board of County Commissioners has determined that the following additions to the County's code will serve and contribute to promoting and protecting the general health, safety and welfare of the residents of Leon County; and

WHEREAS, the Board of County Commissioners desires to enact an ordinance creating Chapter 14, Article V. Leon County Code of Laws, relating to an Abandoned Property Registration Program;

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. **Recitals Incorporated.** The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

Section 2. **Abandoned Property Registration Program Enacted.** Chapter 14. Code Enforcement is amended to add a new Article V of Chapter 14 of the Leon County Code (Abandoned Property Registration Program) to read as follows:

CHAPTER 14. PUBLIC NUISANCE

ARTICLE V. ABANDONED PROPERTY REGISTRATION PROGRAM

Sec. 14-70. **Purpose and Intent.**

It is the purpose and intent of this Ordinance to establish a process to limit and reduce the deterioration of property located within unincorporated Leon County, which property is in mortgage foreclosure, where ownership has been transferred to a lender or mortgagee by any legal method, or where property is distressed or deemed to be abandoned due to the actions of a mortgagee. It is further intended to establish a registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance or through distressed and/or abandoned properties which are subject to mortgages that are in default.

Sec. 14-71. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Abandoned means any building or structure that is not lawfully occupied or inhabited as evidenced by overgrown and/or dead vegetation; electricity, water or other utilities turned off or otherwise non-operational; stagnant swimming pool; or statements by neighbors, passers-by, delivery agents or government agents; or other conditions which would indicate that the property is not lawfully inhabited.

Code Inspector shall mean those authorized agents or employees of the County whose duty it is to ensure compliance with the Leon County Code of Laws.

Default means that the mortgagee has filed a foreclosure action or notice of default on the mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said mortgage to be in default either by letter or notice to property owner, by recording a lis pendens, by commencing foreclosure proceedings, or by any other actions demonstrating a breach of a security covenant on a property.

Distressed property means any real property that is under *default*, or notice of mortgagee's sale, or pending lien sale and/or properties that have been the subject of a mortgage foreclosure sale where title is retained by the mortgagee, and/or any properties transferred under a deed-in-lieu of foreclosure sale, and short sale or any other legal means.

Foreclosure means the judicial process by which a property, placed as security for a mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

Sec. 14-72. Registration and Inspection of Distressed Real Property.

(a) Registration. Within ten (10) days of the date of taking an action which results in a property qualifying as *distressed*, a mortgagee who holds a mortgage for any real property located in unincorporated Leon County shall register the property that is the security for the mortgage. A registration is required for each property. Registration pursuant to this section shall contain, at a minimum, the name and mailing addresses of the mortgagee and servicer, as well as the e-mail addresses and telephone numbers of the mortgagee and servicer, and the name of the local property manager and said person's address, e-mail address, and 24-hour telephone number. A local property manager shall be designated at the time of registration and shall be responsible for inspecting, securing, and maintaining the property. The property manager named in the registration shall be located within twenty (20) miles of Leon County and available to be contacted by the County, Monday through Friday between 8:00 a.m. and 5:00 p.m.

(b) Within ten (10) days of the date of taking an action which results in a property qualifying as *distressed*, a mortgagee who holds a mortgage for any real property located in unincorporated Leon County shall have the property physically inspected.

(1) If the property is occupied, but the property remains *distressed*, the mortgagee shall register the property as "occupied" and shall inspect the property quarterly until:

(A) the property no longer qualifies as *distressed*, or

(B) the property is found to be *abandoned*, in which case the mortgagee shall update the property's status to "abandoned" within ten (10) days of the last inspection.

(2) Property which is found to be *abandoned* shall be inspected at least every sixty (60) days by the mortgagee or mortgagee's designee.

(3) The mortgagee or mortgagee's designee shall certify that each inspection has taken place and the results of each inspection in writing within three (3) working days of the inspection.

(c) Properties subject to this section shall remain under the registration requirement, and the inspection, security, and maintenance standards of this ordinance as long as they remain *distressed properties.*

(d) Any person or other legal entity that has registered a property under this ordinance must report a change to the information contained in the registration within ten (10) days of the change.

Sec. 14-73. Annual Registration Fee.

An annual registration fee in an amount approved by the Board of County Commissioners shall be paid upon the registration of each *distressed property.*

Sec. 14-74. Posting Requirements.

(a) When a property subject to this Ordinance becomes *abandoned*, it shall be posted with the name and twenty-four (24) hour contact telephone number of the local property manager, unless such posting is prohibited by recorded covenants and restrictions. The posting

shall be no less than 18 inches x 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language, at a minimum, with supporting information:

THIS PROPERTY IS MANAGED BY _____

AND IS INSPECTED ON A REGULAR BASIS.

THE PROPERTY MANAGER CAN BE CONTACTED

BY TELEPHONE AT _____

OR BY EMAIL AT _____

(b) The posting required in subsection (a) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property. Exterior posting shall be weather-resistant.

Sec. 14-75. Maintenance Requirements.

Properties subject to this Article shall be maintained in accordance with all relevant County regulations, including but not limited to those contained in Chapter 5 *Building Construction Regulations*, Chapter 6 *Code Enforcement Board*, Chapter 10 *Land Development Code*, and Chapter 14 *Public Nuisances* of the Leon County Code of Laws.

(a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), abandoned vehicles, discarded personal items including, but not limited to, furniture, clothing, large and

small appliances, printed material or any other items that give the appearance that the property is Abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the Leon County Code of Laws.

(d) Pools and spas shall be maintained so that the water remains free and clear of pollutants and debris. Pools and spas shall comply with all requirements of the Leon County Code of Laws and Florida Building Code, as amended from time to time.

(e) Properties subject to this Article shall be maintained in a secure manner so as not to be accessible to unauthorized persons or open to the elements. A "secure manner" shall include, but not be limited to, the closure and locking of all windows, doors, gates and other openings of such size that will not allow a child or adult to access the interior of the structure and pool area, if any. Broken windows or doors shall be secured by reglazing or boarding.

Sec. 14-77. Enforcement.

(a) Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of information as required by this Article is a violation of this Article and shall be subject to enforcement pursuant to the Leon County Code Enforcement procedures established in Chapter 6, Leon County Code of Laws.

(b) Failure of the mortgagee and/or property owner of record to properly inspect, secure, or properly maintain *distressed* or *abandoned* property, and post and maintain the signage noted in this Article, is a violation of this Article and shall be subject to enforcement

pursuant to the Leon County Code Enforcement procedures established in Chapter 6, Leon County Code of Laws.

Sec. 14-78. **Additional Authority.**

(a) If an appropriate County Code Inspector has reason to believe that a property subject to the provisions of this Article poses a serious threat to the public health, safety, and welfare, the Code Inspector may bring the violations before the County's Code Enforcement Board or a court of competent jurisdiction as soon as possible to address the conditions of the property.

(b) If there is a finding that the condition of the property poses a serious threat to the public health, safety, and welfare, then the Code Enforcement Board or a court of competent jurisdiction may direct the County to abate the violations and charge the mortgagee with the cost of abatement.

Sec. 14-79. **Provisions Supplemental.**

In addition to the remedies authorized in the Article, the County may enforce its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by law or ordinance.

Section 3. **Severability.**

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. **Effective Date.**

This ordinance shall become effective 120 days from the date of adoption by the Board of County Commissioners.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this _____ day of _____, 2013.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By:_____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

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

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
02/26/2008	LEC080128 Junk		1172 Cottonwood Lane	Certificateholders of CWABS Series 99-02 c/o Bank of New York, Trustee	7105 Corporate Drive, Mailstop PTX-B-35 Plano, TX 75024	03/13/2009		CEB heard case on 07/16/09 and Fine/Lien is Running
								5/20/2010 - Code Board directed staff to send to CAO to begin foreclosure proceedings
03/24/2009	LEC090253 Junk	Taronica White	10044 Blue Waters Road	Bank of America Cust Serv - 800-669-6607 Foreclosure - 800-669-6650 Field Serv - 866-515-9759		01/14/2010	04/03/2009	Informed by tenant in Foreclosure - No documentation - Monitoring Case
							10/29/2012	Home is occupied and can not proceed with clean up
							12/05/2012	Follow-up inspection - no change
03/24/2009	LEC090254 Bldg - w/o	Taronica White	10044 Blue Waters Road	Bank of America Cust Serv - 800-669-6607 Foreclosure - 800-669-6650 Field Serv - 866-515-9759		01/14/2010	04/03/2009	Informed by tenant in Foreclosure - No documentation - Monitoring Case
							10/29/2012	Home is occupied and can not do anything with buildings
							12/05/2012	Follow-up inspection conducted for junk case and noticed structure still on the property
06/01/2010	LEC100497 Mowing	Brooke E. and Chad R. Reynolds	8825 Minnow Creek Drive	Adorno & Yoss, LLP c/o Clive M. Ryan	2525 Ponce de Leon Blvd., Suite 400 Miami, FL 33134			11/18/2010 Code Board heard Case - Found in violation of Section 14-41 - 30 Days to comply
							01/19/2012	**CLOSED -** CEB reduced fine and was paid.
08/09/2010	LEC100765 Junk	Richard Davis	2011 Canewood Court	Chase Manhatten			08/11/2010	Informed by Mortgage Company Property Preservation - Monitoring Case
							03/09/2011	**CLOSED -** In Compliance
08/09/2010	LEC100766 Bldg - unsafe	Richard Davis	2011 Canewood Court	Chase Manhatten	800-848-9136		08/11/2010	Informed by Mortgage Company Property Preservation - Monitoring Case
							12/18/2012	Called Chase spoke with Dewana Peoples - sent email to property preservation dept. to contact staff

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
07/07/2011	LEC110432 Junk/Vehicl	Russell and Joanne Stewart	423 Shantilly Terrace	Washington Mutual Bank (Chase Bank)		10/24/2011	07/08/2011	Three (3) different firms notified per CAO
							12/04/2012	**CLOSED -** In Compliance
07/26/2011	LEC110468 Mowing	Sean Franceschi	4924 Vernon Road	Federal National Mortgage Assoc.			12/05/2011	Property owner contacted staff 12-05-11 regarding ownership of property - has not been there since 2009 filed bankruptcy. Court records found shows the property is in foreclosure. Property owner will fax documentation to staff. Once information is obtained will sent NOV to Mortgage Company
							07/18/2012	**CLOSED -** In Compliance
09/28/2011	LEC110689	Mahmoud Mike Askari	Velda Oaks Circle (New Subdivision) (Junk)	Hancock Bank	2510 14th Street One Hancock Plaza, 7th Floor Gulfport, MS 39502		12/12/2011	Staff contacted Realtor and found the property is in foreclosure - will call back with information of mortgage company
							01/25/2012	Sent copy of NOV and photos to bank representative
							02/12/2012	**CLOSED -** In Compliance
10/04/2011	LEC110705 Mowing	Jeffrey L. Christopher	2648 Onyx Trail	Bank of America 1-888-554-4690 (Katherine)			12/07/2011	While staff was conducting a follow up inspection - found posting on window of home
							12/08/2011	Staff contacted the mortgage company regarding the violation
							01/03/2012	**CLOSED -** In Compliance
10/11/2011	LEC110733 Junk and Mowing	Carlton and Jan Pulliam	2347 Southampton Drive	Chase Bank c/o Natalie Webster Preservation Coordinator	6504 Internation Parkway, Suite 1500 Plano, TX 75093		11/14/2011	Property owner contacted staff 11-14-11 regarding ownership of property - has not been at property for over 2 years and is in foreclosure - gave staff contact information
							12/21/2011	**CLOSED -** In Compliance
10/13/2011	LEC110747 Mowing	Melisa C. Smith	4912 Leah Lane	Chase Bank c/o High Risk Violations	10790 Rancho Bernardo Road San Diego, CA 92127		12/14/2011	Staff faxed documents to Chase - High Risk Violation Department and should have everything taken care of shortly
							01/03/2012	**CLOSED -** In Compliance

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
05/08/2012	LEC120333 Junk	Michael and Suzanne Martin	5649 Rustic Drive	Bank of America	P.O. Box 5170 Simi Valley, CA 93062		05/14/2012	Property owner contacted staff 05/15/12 regarding ownership of property - has not been at property for over 2 years and is in bankruptcy - gave staff contact information
							08/09/2012	**CLOSED** - In Compliance
06/05/2012	LEC120390	George D and Lucy M. Link	7732 Bass Ridge Trail	Wells Fargo Bank, NA	3476 Stateview Blvd Fort Mill, SC 29715 Cindy Corna-Hudson Tallahassee 544-2476		06/08/2012	HOA - informed staff the property was in foreclosure and gave information to staff for contact
							09/06/2012	**CLOSED** - In Compliance
07/05/2012	LEC120460 Mowing	D A and D McGibbon	3405 Sharer Road	Wells Fargo Bank, NA	800 Walnut Street DeMoines, IA 50309		07/16/2012	Property owners attorney office (Ms. Douglas) contacted staff stating this property was in bankruptcy and was surrendered last year. Will obtain mortgage information and get back in touch with staff.
							11/20/2012	**CLOSED** - In Compliance
06/27/2012	LEC120456 Junk	Elizabeth J. Boyd	3208 Majestic Prince Tr	SunTrust Mortgage Inc	901 Semmes Avenue Richmond, VA 23224		07/05/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/27/2012	Mortgage Company claimed certified mail
							12/20/2012	Work order scheduled to be completed sometime today (12/20/12) to address the violations
06/27/2012	LEC120576 Mowing	Elizabeth J. Boyd	3208 Majestic Prince Tr	SunTrust Mortgage Inc	901 Semmes Avenue Richmond, VA 23224		07/05/2012	Staff conducted a diligent search and found property foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/27/2012	Mortgage Company claimed certified mail
							12/20/2012	Work order scheduled to be completed sometime today (12/20/12) to address the violations
07/06/2012	LEC120457 Mowing	Esperanza and Juan Achurra	1030 Winfield Forest Dr	SunTrust	7455 Chancellor Drive Orlando, FL 32809		07/16/2012	Staff conducted a diligent search and found property foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/26/2012	Mortgage Company claimed certified mail
							12/04/2012	**CLOSED** - In Compliance

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
07/06/2012	LEC120458 Bldg (Pool)	Esperanza and Juan Achurra	1030 Winfield Forest Dr	SunTrust	7455 Chancellor Drive Orlando, FL 32809		07/16/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/26/2012	Mortgage Company claimed certified mail
							12/20/2012	We had a work order opened to clean and cover the pool to be completed 12/14/12, however the contractor reported that they had to order a custom cover for this pool because it has an odd peanut shape and they did not have a cover on hand that would fit properly. As soon as they receive it they will finish the job
07/09/2012	LEC120464 Mowing	Connie Knight	4604 Twin Oaks Drive	US Bank	17500 Rockside Road Bedford, OH 44146		07/16/2012	Property owner contacted staff 08/03/12 regarding ownership of property - has not been at property for over 2 years and is in foreclosure - will get mortgage information and contact staff
				Preservation Department	855-698-7627		11/02/2012	Issued a work order and should be completed by end of month
				Five Brothers - Shelly Warren	(586) 447-5854		11/19/2012	Scheduled to conduct an inspection on 12-04-12
							12/18/2012	**CLOSED** - In Compliance
07/17/2012	LEC120487 Junk	Lanny and Barbara Ward	5863 Nightingale Loop	Bank of America Cust Serv - 800-669-6607 Foreclosure - 800-669-6650 Field Serv - 866-515-9759	9000 Southside Blvd., Bldg 600 Jacksonville, FL 32256		07/20/2012	Property owner contacted staff 07/27/12 regarding ownership of property - has not been at property for over 2 years and is in bankruptcy - gave staff contact information
				Safeguard - Patrick	(972) 526-6308		11/19/2012	Scheduled to conduct an inspection on 12-04-12
							12/05/2012	**CLOSED** - In Compliance

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
07/18/2012	LEC120490 Junk	Scott Hall	1239 Redfield Road	Wells Fargo Bank, NA	2180 Satellite Blvd., Ste 225 Duluth, GA 30097		07/20/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/25/2012	Mortgage Company claimed certified mail
							12/20/2012	The work order we had scheduled for 12/16/12 was not completed because the contractor stated that the home was occupied at the time they went to complete the job. According to their notes they determined occupancy because lights were on in the home, there was mail in mailbox and there was a car parked in the driveway
07/18/2012	LEC120491 Mowing	Scott Hall	1239 Redfield Road	Wells Fargo Bank, NA	2180 Satellite Blvd., Ste 225 Duluth, GA 30097		07/20/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/25/2012	Mortgage Company claimed certified mail
							12/11/2012	**CLOSED** - In Compliance
08/03/2012	LEC120534 Junk	Shane and Danielle Plymel	1040 Coe Landing Road	SunTrust Mortgage Inc	901 Semmes Avenue Richmond, VA 23224		08/15/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/26/2012	Mortgage Company claimed certified mail
							12/20/2012	We have a work order scheduled for 12/25/12 to send contractors to the property. The note in the system from the client says to remove the debris from the property, but technically since this is a Fannie Mae I believe they will need to provide bids first and we will then submit them for Fannie Mae's approval
08/03/2012	LEC120535 Mowing	Shane and Danielle Plymel	1040 Coe Landing Road	SunTrust Mortgage Inc	901 Semmes Avenue Richmond, VA 23224		08/15/2012	Staff conducted a diligent search and found the property is in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		09/26/2012	Mortgage Company claimed certified mail
							12/11/2012	**CLOSED** - In Compliance

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
07/24/2012	LEC120512 Mowing	Jessee and April Pinner	332 Lexington Road	Wells Fargo Bank, NA	101 North Phillips Ave Sioux Falls, SD 57104		08/06/2012	Staff conducted a diligent search and found property in foreclosure
							12/04/2012	**CLOSED** - In Compliance
08/08/2012	LEC120539 Junk	Bruce and J A Durflinger	9050 T Bird Road	Amerifirst Financial Corp	616 West Centre Avenue Portage, MI 49024		08/15/2012	Staff conducted a diligent search and found the property is has a reverse mortgage
							12/05/2012	Follow-up inspection found house appears vacant and junk remains on the property
				Michael - FF_codeviolations@owb.com	1-800-441-4428		12/18/2012	Sent email to property preservation - will secure bid to clean up property and stay in contact with staff
08/08/2012	LEC120547 Mowing	Joseph Meyer	1904 Longview Drive	SunTrust Mortgage Inc	901 Semmes Avenue Richmond, VA 23224		07/05/2012	Staff conducted a diligent search and foundproperty in foreclosure
				Safeguard Properties - Nick 800-852-8306 x1994	Nikolas.Ladon@safeguardproperties.com		10/25/2012	Sent email to Safeguard Properties (Property Preservation for Bank)
							12/20/2012	Property is scheduled to be reinspected 12/25/12 to verify occupancy status
08/10/2012	LEC120550 Mowing	Jacqueline and Al Williams	4130 Mission Road	Ocwen Loan Servicing, LLC	1661 Worthington Road, Ste. 100 W. Palm Beach, FL 33409		08/16/2012	Staff conducted a diligent search and found the property is in foreclosure
				Altisource Property Preservation	Michila - 866-952-6514		11/02/2012	Work order issued on 10-31-12 - ready for inspection
							11/06/2012	**CLOSED** - In Compliance
08/23/2012	LEC120603 Mowing	Nancy L. Zeigler	2204 Mandrell Court	Branch Banking and Trust P.O. Box 2027 Greenville, SC 29602			09/11/2012	Staff conducted a diligent search and found the property is in foreclosure
							12/05/2012	**CLOSED** - In Compliance
08/31/2012	LEC120621 Mowing	Adrian F. Carroll	5310 Montejo Drive	U S Bank	4801 Frederica Street Owensboro, KY 42301		09/11/2012	Staff conducted a diligent search and found property in foreclosure
							10/23/2012	**CLOSED** - In Compliance

CODE CASES - FORECLOSURE / BANKRUPTCY TRACKING LOG								
DATE REC'D:	LEC NO:	PROPERTY OWNER(S)	ADDRESS	MORTGAGE COMPANY OR NEW OWNER	ADDRESS	DATE TO CAO	DATE NOV SENT	STATUS UPDATE
09/21/2012	LEC120658 Junk	Jerry E and Ann K. Garner	4308 Holder Lane - (AKA - 2815 Blount Creek Road)	Deutsche Bank National Trust Company	300 S Grand Avenue, 41st FL Los Angeles, CA 90071		10/03/2012	Staff conducted a diligent search and found property in foreclosure
							12/17/2012	Received call from Safeguard - still working on violation - will call when completed - more junk than they expected
09/21/2012	LEC120662 Bldg/unsafe	Jerry E and Ann K. Garner	4308 Holder Lane - (AKA - 2815 Blount Creek Road)	Deutsche Bank National Trust Company	300 S Grand Avenue, 41st FL Los Angeles, CA 90071		10/03/2012	Staff conducted a diligent search and found the property is in foreclosure
				Bank of America Cust Serv - 800-669-6607 Foreclosure - 800-669-6650 Field Serv - 866-515-9759	P.O. Box 941852 Simi Valley, CA 93094		10/26/2012	Received copy of Bank of America sent to Property Owners
				Safeguard - Patrick	(972) 526-6308		11/26/2012	Received call from Safeguard - ready for inspection
							12/17/2012	Received call from Safeguard - having to bid to secure the property - will call when completed
10/08/2012	LEC120687 Mowing	Michele A. Clinton and Anthony DeVos	8512 Bannerman Bluff Drive	Deutsche Bank National Trust Company	300 S Grand Avenue, 41st FL Loss Angeles, CA 90071		11/15/2012	Staff conducted a diligent search and found the property is in foreclosure
							12/10/2012	Staff contacted Preservation with inspection results - Not in compliance
10/30/2012	LEC120736 Mowing	David R. and Jennifer L. Jones	10972 Heartwood Hills Blvd	Ocwen Loan Servicing, LLC	1661 Worthington Road, Ste. 100 W. Palm Beach, FL 33409		11/02/2012	Staff conducted a diligent search and found the property is in foreclosure
				Altisource Property Preservation	Corey - 866-952-6514		11/05/2012	Will issue a work order and should be completed within 10 days
							12/12/2012	Received call from Altisource - should be ready for inspection after new year
OPENED:		15						
CLOSED:		20						
TOTAL CASES:		35						

01/09/2013

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, March 12, 2013, 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 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING PUBLIC NUISANCE BY ADDING AN ARTICLE V ENTITLED "ABANDONED PROPERTY REGISTRATION PROGRAM"; 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 Jon Brown 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: 606-5300 or 606-5000; 1-800-955-8771 (TDD), 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 426
Tallahassee, Florida 32301
Advertise: March 1, 2013

PUBLICATION: MARCH 1, 2013

Leon County
Board of County Commissioners

Notes for Agenda Item #29

Leon County
Board of County Commissioners

Cover Sheet for Agenda #29

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Consider Proposed Revisions to the Discretionary Funding Ordinance

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Damion R. Warren, Management & Budget Technician

Fiscal Impact:
This item has no fiscal impact.

Staff Recommendation:
Option #1: Conduct the first and only public hearing and adopt proposed revisions to the Discretionary Funding Ordinance (Attachment #1).

Report and Discussion

Background:
During the November 14, 2006 meeting, the Board adopted an ordinance governing the allocation of County discretionary funds. The ordinance requires the Board to set a maximum amount of discretionary funds that will be made available to outside agencies during the fiscal year in the following categories: Community Human Services Partnership (CHSP); CHSP – Emergency Fund; Commissioner District Budget; Midyear Funding; Non-departmental funding; and Youth Sports Teams. As the budget is developed and presented to the Board, these amounts could be lowered, depending on the funding available for competing priorities.

On September 13, 2011, the Board authorized staff to conduct a management review on the Council of Culture and Arts (COCA). Part of the review focused on analyzing procedures regarding organizations applying for grants from COCA and other County grant programs.

The management review revealed that a number of organizations had received funding from two or more County grant programs. This is in conflict with Leon County Code of Laws, Section 2-604 of Leon County's Discretionary Funding Ordinance 'Funding Category Guidelines', which does not allow funding an organization from more than one grant program category.

Subsequently, at the November 13, 2012 meeting, the Board approved Alternative Recommendation #16 from the COCA Management Review. This option directed staff to *"Revise the Discretionary Funding Ordinance to allow agencies to apply for programs or specific events as allowed through these three County grant programs (CHSP, Non-departmental funding and the COCA Leon County Grant Program) as long as the organization does not receive multiple County awards for the same program or event. Agencies that receive any funding through a County administered grant program would not be eligible to receive additional County Funding."*

Analysis:
The Ordinance revision is recommended in order to eliminate confusion and allow agencies to apply for programs or specific events, as allowed through CHSP, Non-departmental funding, and the COCA Leon County Grant Program as long as the organization does not receive multiple County Awards for the same program or event.

The revisions of the Discretionary Funding Ordinance 'Funding Category Guideline' include the following changes:

- Non-profits eligible for CHSP funding are eligible to apply for funding for other programs or specific event categories as long as the organization does not receive multiple County awards for the same program or event, or when requesting funding for an activity that is not CHSP eligible, such as capital improvements.
- Non-profits eligible for non-departmental funding are eligible to apply for funding in any other program or specific event categories as long as the organization does not receive multiple County awards for the same program or event.

- Non-profits eligible for funding through the COCA Leon County Grant Program (funded through the non-departmental process) are eligible for funding in other program or specific event categories as long as the organization does not receive multiple County awards for the same program or event.

It is recommended the following youth funding guideline be revised to reflect current practices:

- After the youth sports team funding level is established by the Board during the budget process, the County Administrator shall have the authority to appropriate expenditures from this account.

If this Ordinance revision is not adopted, agencies that distribute funds to outside agencies for Leon County would be required to take measures to ensure that organizations are not receiving multiple funding awards in conflict with Leon County's Discretionary Funding Ordinance. Organizations eligible for multiple grants would have to choose which grants to apply for, possibly causing some organizations to have to eliminate programs, especially with regard to those that receive both human service program and cultural program funds. Notice of the public hearing on the proposed revised Ordinance was timely advertised, pursuant to Section 125.66, Florida Statutes (Attachment #2).

Options:

1. Conduct the first and only public hearing and adopt proposed revisions to the Discretionary Funding Ordinance.
2. Conduct the first and only public hearing and do not adopt revisions to the Discretionary Funding Ordinance.
3. Board Direction

Recommendation:

Options #1

Attachments:

1. Proposed revised Discretionary Funding Ordinance
2. Public Notice

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE XI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "DISCRETIONARY FUNDING GUIDELINES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 2, Article XI of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE XI. DISCRETIONARY FUNDING GUIDELINES

Sec. 2-600. Application of article.

This article shall govern the allocation of discretionary funds and provide the board a maximum amount of annual funding available in each of the following fund categories:

(a) Community human services partnership fund;

(b) Community human services partnership – Emergency fund;

(c) Commissioner district budget fund;

(d) Midyear fund;

(e) Non-departmental fund; and

(f) Youth sports teams fund.

Sec. 2-601. Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the board in accordance with this article.

Sec. 2-602. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community human services partnership fund shall mean funds eligible for allocation to social service programs.

Community human services partnership - Emergency fund shall mean funds eligible for allocation for one time funding to meet an emergency situation.

Commissioner district budget fund shall mean funds eligible for allocation to each commissioner for activities relating to his or her district or the county at large.

Emergency situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded community human services partnership (CHSP) agency to provide services.

Midyear fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-departmental fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth sports teams fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

Sec. 2-603. Application process.

(a) The county administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or individual when submitting a request for funding consistent with the provisions herein.

(b) The county administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

Sec. 2-604. Funding category guidelines.

(a) *Community human services partnership program fund.*

(1) Non-profits eligible for community human service partnership (CHSP) funding are ~~not~~ eligible to apply for funding for other programs or specific event ~~any other county government funding~~ categor~~y~~ies as long as the organization does not receive multiple County awards for the same program or event, or ~~except~~ when requesting funding for an activity that is not CHSP eligible, such as capital improvements.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services program.

(b) *Community human services partnership program - Emergency fund.*

(1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one time funding through the community human services partnership program - Emergency fund.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services partnership program - Emergency fund.

(3) These funds are available to any agency that is currently funded through the CHSP process.

(4) The request for emergency funding shall be made at a regular meeting of the board. If deemed appropriate, the request for emergency funding shall then go before a CHSP sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an emergency situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the county administrator, who is authorized to approve the recommendation for funding.

(5) In the event the board does not meet in a timely manner, as it relates to an agency's request, the county administrator shall have the authority to appropriate expenditures from this account.

(c) *Commissioner district budget fund.*

(1) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the commissioner district budget fund.

(2) Expenditures shall only be authorized from this account for approved travel, and office expenses.

(d) *Midyear fund.*

(1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the midyear fund.

(3) In the event the board does not meet in a timely manner, as it relates to a funding request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(e) *Non-departmental fund.*

(1) Non-profits eligible for non-departmental funding are ~~not~~ eligible to apply for funding in any other ~~category~~ program or specific event categories as long as the organization does not receive multiple County awards for the same program or event. Eligible funding activities in this category are festivals and events and outside service agencies.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the non-departmental fund.

(3) Non-profits eligible for funding through the cultural resources commission (CRC) Leon County Grant Program (funded through the non-departmental process) are ~~not~~ eligible for funding in ~~any~~ other ~~category~~ program or

specific event categories as long as the organization does not receive multiple County awards for the same program or event.

(f) *Youth sports teams fund.*

(1) Non-profits or athletic teams of the Leon County School System that are eligible for the county's youth athletic scholarship program are not eligible for funding pursuant to this article.

(2) Annually, as part of the budget process, the board shall determine the amount of funding pursuant to this article.

(3) The award for youth sports teams shall not exceed $500.00 per team.

(4) Youth sports teams requesting funding from the Board shall first submit their requests in writing to the county administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.

(5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to $500.00, the remaining $500.00 will be divided equally among the applicants meeting the evaluation criteria.

(6) Applicants must have participated in a city, county, or school athletic program during the year in which funding is sought.

(7) Team participants must be 19 years of age or younger.

(8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.

(9) ~~In the event the board does not meet in a timely manner, as it relates to a youth sports teams' request,~~ After the Youth Sports Team funding level is established by the Board during the budget process, the County Administrator shall have the authority to appropriate expenditures from this account. ~~Such action is thereafter required to be ratified by the board.~~

(g) *Appropriation process.* Annually, prior to March 31, the board shall:

(1) Determine the amount of funding set aside for each funding category identified in this article;

(2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and

(3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

<u>Section 4.</u> **Effective Date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY:_____
NICHOLAS MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY:_____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY:_____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

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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, March 12, 2013, 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 2, ARTICLE XI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "DISCRETIONARY FUNDING GUIDELINES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Jon Brown 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: 606-5300 or 606-5000; 1-800-955-8771 (TDD), 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 426
Tallahassee, Florida 32301

PUBLICATION: MARCH 1, 2013

Leon County
Board of County Commissioners

Notes for Agenda Item #30

Leon County
Board of County Commissioners

Cover Sheet for Agenda #30

March 12, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing, to Consider Establishing a Domestic Partnership Registry

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
County Attorney Review and Approval:	Herbert W. A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Kim Dressel, Senior Assistant to the County Administrator LaShawn Riggans, Assistant County Attorney

Fiscal Impact:
This item does not have a fiscal impact. It is anticipated that the fees paid by domestic partners will pay the cost for the Clerk of Court of Leon County (County Clerk) to administer the domestic partnership registry, and to record related affidavits in the Official Records of Leon County.

Staff Recommendation:
Option #1: Conduct the first and only Public Hearing and adopt the proposed Ordinance amending Chapter 9 of the Code of Laws of Leon County, Florida, to enact a new Article V entitled "Domestic Partnership Registry" (Attachment #1).

Report and Discussion

Background:
Consideration of establishing a Domestic Partnership Registry was proposed by Commissioner Lindley as a new Strategic Initiative during the December 10, 2012 annual Board retreat. During its January 20, 2013 meeting, the Board approved the revised Leon County Board of County Commissioners Strategic Plan for FY 2012 and FY 2013, including the addition of this initiative. A draft proposed Ordinance was presented as part of the Board's February 12, 2013 meeting, and the Board directed staff to schedule the first and only Public Hearing to consider establishing a Domestic Partnership Registry for March 12, 2013 at 6:00 p.m.

Analysis:
Many citizens live in a committed family relationship, outside the bounds of traditional, legally recognized marriage, and are often denied certain benefits and rights because there is no established system for such relationships to be registered or recognized. In response, state and local governments, including the following Florida communities, have established domestic partnership registries and grant certain rights to registered domestic partners:

- Counties: Broward, Miami-Dade, Orange, Palm Beach, Pinellas and Volusia; and

- Cities: Gainesville, Key West, Sarasota, Tampa and Tavares.

Nearly half (46%) of all Floridians live in counties and cities with domestic partner registries and associated rights (Attachment #2):

The following information, from the 2010 U.S. Census, provides a perspective as to the number of unmarried partner households which may be impacted through the adoption of a domestic partnership registry, such as the one set forth by the draft proposed Ordinance. The census recorded "unmarried partner households", to identify people with a close and personal relationship to the householder, that goes beyond sharing household expenses. According to the U. S. Census Bureau's report, "Households and Families: 2010", "Two people may live together as an unmarried couple for a variety of reasons. For young men and women, the arrangement may represent a transitory or trial relationship, while for others it may be a precursor to an eventual marriage. For older couples that have been formerly married, it could represent an alternative lifestyle to the one they previously experienced, especially if they do not anticipate any future childbearing or childrearing activities. Unmarried partners can be either opposite-sex couple households or same-sex couple households."

According to the 2010 U.S. Census, 7,535 of Leon County's households were unmarried partner households (that equates to 6.8% of all Leon County households, and 15.6% of Leon County's "couple households" (i.e., husband/wife and unmarried partner households)) (Table 1). A total of 873 (12%) of those 7,535 unmarried couple households were same-sex partner households; and 6,662 (88%) were unmarried opposite-sex partner households.

Table 1 - 2010 Household Data						
	United States		Florida		Leon County	
	#	%	#	%	#	%
Households						
Husband-Wife Households (couple)	56,510,377	48.4%	3,457,149	46.6%	40,674	36.7%
Unmarried Partner Households (couple)	7,744,711	6.6%	544,907	7.3%	7,535	6.8%
Subtotal - Couple Households	*64,255,088*	*55.1%*	*4,002,056*	*53.9%*	*48,209*	*43.5%*
All Other Households	52,461,204	44.9%	3,418,746	46.1%	62,736	56.5%
Total Households	116,716,292	100.0%	7,420,802	100.0%	110,945	100.0%
% of Total Households that are Unmarried-Partner Households	**6.6%**		**7.3%**		**6.8%**	
Total Couple Households (Husband-Wife and Unmarried Partner)	64,255,088		4,002,056		48,209	
% of Total Couple Households that are Unmarried Partner Households	**12.1%**		**13.6%**		**15.6%**	
(Source: 2010 U.S. Census, Summary File 1)						

The proposed Ordinance provides for a domestic partnership registry, designed to ensure that adult couples, who live in a committed family relationship, but are unmarried under Florida law, have the ability to register their domestic partnership relationship so they may be granted certain legal rights to the extent these rights are not superseded by federal or state laws, or contrary to rights conferred by contract or separate legal instrument. The proposed Ordinance does not recognize or treat a registered domestic partnership as a marriage (refer to Section 9-56).

Those rights granted to registered domestic partners are identified in Section 9-62 of the proposed Ordinance and are summarized below:

1. Healthcare facility visitation - Healthcare facilities operating within or under the jurisdiction of Leon County shall allow a registered domestic partner visitation rights as provided under federal law. A dependent of a registered domestic partner shall have the same visitation rights as a patient's child.

2. Healthcare decisions - Each registered domestic partner is designated to make health care decisions for their incapacitated partner, and is authorized to act as the other's healthcare surrogate.

3. Funeral and burial decisions - Each registered domestic partner is authorized to direct the disposition of their partner's body for funeral and burial purposes, unless the decedent provided other written direction subsequent to registering their domestic partnership.

4. Notification of family members - In any situation providing for mandatory or permissible notification of family members, such as in an emergency or when permission is granted to inmates to contact family members, such notification shall include a registered domestic partner.

5. Preneed guardian designation - Each registered domestic partner has the same right as any other individual to be designated as a preneed guardian pursuant to Florida law, and to serve in such capacity in the event of his or her registered domestic partner's incapacity.

6. Correctional facility visitation rights - Each registered domestic partner is entitled to visit their partner, or other family member of their partner, who is an inmate at a correctional facility located within or under the jurisdiction of Leon County, under the same terms and conditions afforded to spouses, children or parents of inmates, and these visitation rights extend to an inmate's registered domestic partner, and an inmate's registered domestic partner's dependents, sons, daughters, and parents.

7. Participation in education – All educational facilities located within or under the jurisdiction of Leon County shall allow, to the extent allowed by federal and state law, a registered domestic partner to have the same rights to participate in the education of a dependent of the registered domestic partnership as a biological parent has to participate in the education of their child. However, if a biological parent of a minor dependent (whose parental rights have not been terminated) objects to a registered domestic partner (who is not the biological parent of the minor dependent) participating in education conferences or other dissemination of education information, then only the biological parents shall be allowed to participate.

Additionally, the proposed Ordinance provides for:

- Enforcement (refer to Section 9.63) – A person who fails to grant, within Leon County, Florida, the rights conferred is deemed to have committed a "discriminatory practice" and the aggrieved registered domestic partner injured by such discriminatory practice within Leon County may commence a civil action in a court of competent jurisdiction in Leon County against the person alleged to have committed a discriminatory practice, in accordance with Article 1, Section 9-4, Private cause of action; remedies (Attachment #3).
- Reciprocity (refer to Section 9.64) – The rights extended to registered domestic partners pursuant to the proposed Ordinance are also extended to individuals legally partnered under domestic partnership laws in another jurisdiction in the State of Florida, to the extent allowed by law. The extension of these rights is granted only while they are physically located in Leon County, and evidence of registered domestic partnership may be requested in advance of granting the rights that have been sought. If a conflict occurs between jurisdictions, then this chapter governs in Leon County.

In order to register a domestic partnership, both partners must complete an Affidavit of Domestic Partnership with the County Clerk and swear or affirm under oath that they meet the criteria summarized below (refer to Section 9-59):

1. Are at least 18 years old and competent to contract;

2. Are not currently married under Florida law;

3. Are not currently a partner in a domestic partnership relationship or a member of civil union with anyone else;

4. Are not blood relatives, where one is a direct ascendant or direct descendant of the other (such as a son, daughter, parent, or grandparent), or a sister, brother, aunt, uncle, niece or nephew;

5. Consent to the domestic partnership and to registering the domestic partnership without force, duress, or fraud;

6. Agree to be jointly responsible in the support of the domestic partnership;

7. Expressly declares his or her desire and intent to designate their domestic partner as their healthcare surrogate and agent to direct disposition of their body for funeral and burial; and

8. Consider himself or herself as being in a committed domestic relationship with the other domestic partner, and consider himself or herself to be a member of the immediate family of the other domestic partner.

Fees payable to the Clerk of the Court for administering the domestic partnership registry and recording the associated affidavits, are identified in Section 9-61. The fees may be adjusted by resolution of the Board.

If the Board adopts the proposed Ordinance, the County Clerk's office would have systems in place to begin domestic partnership registrations as of May 1, 2013.

Notice of the public hearing has been timely advertised pursuant to Section 163.3225, Florida Statutes (Attachment #4).

Options:

1. Conduct the first and only Public Hearing and adopt the proposed Ordinance amending Chapter 9 of the Code of Laws of Leon County, Florida, to enact a new Article V entitled "Domestic Partnership Registry."
2. Conduct the first and only Public Hearing and do not adopt the proposed Ordinance amending Chapter 9 of the Code of Laws of Leon County, Florida, to enact a new Article V entitled "Domestic Partnership Registry."
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance for the Establishment of a Domestic Partnership Registry
2. Florida counties and cities with domestic partnership registries
3. Leon County Code of Laws, Chapter 9, Article 1, Section 9-4, Private cause of action; remedies
4. Notice of first and only Public Hearing

ORDINANCE NO. 13-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 9 ENTITLED "HUMAN RIGHTS" OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ENACTING A NEW ARTICLE V ENTITLED "DOMESTIC PARTNERSHIP REGISTRY" PROVIDING FOR THE ESTABLISHMENT OF A DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR REGISTRATION OF A DOMESTIC PARTNERSHIP; PROVIDING FOR TERMINATION OF A REGISTERED DOMESTIC PARTNERSHIP; PROVIDING FOR ADMINISTRATION OF THE DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR RIGHTS OF REGISTERED DOMETIC PARTNERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RECIPROCITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of Leon County to treat all individuals fairly and equitably; and,

WHEREAS, the Leon County Board of County Commissioners (the "Board") finds that Leon County residents establish and maintain important personal, emotional, and economic relationships with individuals to whom they are not married under Florida law; and

WHEREAS, the Board recognizes that long-term committed domestic relationships foster economic stability and emotional and psychological bonds; and

WHEREAS, the Board has determined that the establishment of a domestic partnership registry will provide public acknowledgment of such couples' relationship status and serve the needs of individuals living in committed domestic relationships.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEON COUNTY, FLORIDA, that:

DRAFT

Section 1. Chapter 9, Article V entitled "Domestic Partnership Registry" of the Leon County Code of Laws is hereby created to read as follows:

ARTICLE V. DOMESTIC PARTNERSHIP REGISTRY.

Sec. 9-56. Purpose and Intent.

(a) The general purpose of this Article V is to afford adult couples, who are not currently married under Florida law, the ability to register their committed domestic partnership relationship, and to be extended certain legal rights with respect to healthcare decisions, funeral and burial decisions, preneed guardian designations, participation in the education of a child, notification in emergencies, and, where appropriate, healthcare and correctional facilities visitations.

(b) The provisions of this Article V shall be liberally construed to promote the public safety, health and general welfare of the residents of Leon County and to further the general policies and purposes stated herein. However, this Article V shall not be construed to supersede, alter, affect, or contravene any federal or state laws or regulations. Nothing in this Article V shall be construed as recognizing or treating a Registered Domestic Partnership as a marriage.

Sec. 9-57. Definitions.

The following words, terms and phrases, when used in this Article V, shall have the following meanings ascribed to them in this Section 9-57, except where the context clearly indicates a different meaning:

DRAFT

Affidavit means a sworn affidavit, signed and sealed by the County Clerk or his or her designee, unless otherwise provided herein, which requires the affiant to swear or affirm under oath, with penalty of perjury, that the statements and information provided within the Affidavit are true and correct.

Affidavit of Domestic Partnership means an Affidavit which certifies that the two Domestic Partners meet the requirements of a Domestic Partnership relationship.

Certificate of Registration means the certificate provided by the County Clerk's office recognizing a Registered Domestic Partnership.

Correctional Facility means holding cells, jails, and juvenile correction centers of any kind, located within or under the jurisdiction of Leon County.

County Clerk means the Clerk of the Court of Leon County, or his or her designee.

Dependent means an Individual who resides within the household of a Registered Domestic Partnership and is:

(1) A biological, adopted or foster child of a Registered Domestic Partner; or

(2) A dependent of a Registered Domestic Partner as defined under IRS regulations; or

(3) A ward of a Registered Domestic Partner as determined in a guardianship or other legal proceeding.

Domestic Partner means one of two Individuals who are parties to a Domestic Partnership.

Domestic Partnership means a committed domestic relationship between two Individuals that meets all of the criteria described in subparagraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Section 9-59(b) of this Article V.

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Healthcare Facility includes, but is not limited to, hospitals, convalescent facilities, nursing homes, walk-in clinics, doctor's offices, mental health care facilities and other short-term and long-term facilities located within, or under the jurisdiction of, Leon County.

Individual means a single human being as distinguished from a group, class, partnership, corporation, or association.

Jointly Responsible means each Domestic Partner mutually agrees to provide for the other Domestic Partner's basic food, shelter, and common necessities of life while the Domestic Partnership is in effect, except that such Domestic Partners need not contribute equally or jointly to said basic food, shelter and common necessities of life.

Recording means having the County Clerk's Office's record a document in the Official Records of Leon County, Florida.

Recorded means the County Clerk's Office has recorded a document in the Official Records of Leon County, Florida.

Registered Domestic Partnership means a Domestic Partnership which has been effectively registered in accordance with the provisions of this Article V; provided, however, that upon termination of such Registered Domestic Partnership, pursuant to this Article V, the Registered Domestic Partnership shall be deemed to be dissolved.

Registered Domestic Partner means one of two Domestic Partners who are parties to a Registered Domestic Partnership.

Sec. 9-58. Establishment of domestic partnership registry.

There is hereby created in the Leon County a domestic partnership registry, which shall be maintained by the County Clerk in accordance with the provisions of this Article V.

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Sec. 9-59. Registration of Domestic Partnership.

(a) *Registration*. Domestic Partners may register their Domestic Partnership by duly executing and Recording an Affidavit of Domestic Partnership. The Affidavit of Domestic Partnership shall comply with all requirements for establishing a Registered Domestic Partnership as described in this Article V. Upon payment of any required fees, the County Clerk's office shall record the Affidavit of Domestic Partnership as an Official Record of Leon County, issue the Registered Domestic Partners a Certificate of Registration and the original Recorded Affidavit of Domestic Partnership, and issue each Registered Domestic Partner a laminated card recognizing the Registered Domestic Partnership in Leon County.

(b) *Affidavit*. An Affidavit of Domestic Partnership shall contain the name and address of each Domestic Partner, the signature of each Domestic Partner, the signatures of two witnesses who are not related by blood to either Domestic Partner, and each Domestic Partner shall swear or affirm, in the presence of the County Clerk or his or her designee, under oath, with penalty of perjury, that they:

(1) Are at least eighteen (18) years old and competent to contract;

(2) Are not currently married under Florida law;

(3) Are not currently a partner in a domestic partnership relationship or a member of civil union with anyone other than the co-applicant;

(4) Are not blood relatives where one Domestic Partner is the direct

DRAFT

ascendant or direct descendant of the other Domestic Partner (such as son, daughter, parent, or grandparent), and are not blood relatives where one Domestic Partner is a sister, brother, aunt, uncle, niece or nephew of the other Domestic Partner;

(5) Consent to the Domestic Partnership and to registering the Domestic Partnership with the County Clerk's office without force, duress, or fraud;

(6) Agree to be Jointly Responsible in the support of the Domestic Partnership as defined in this Article V;

(7) Expressly declare his or her desire and intent to designate their Domestic Partner as their healthcare surrogate and as their agent to direct the disposition of their body for funeral and burial; and

(8) Consider himself or herself to be in a committed domestic relationship with the other Domestic Partner, and consider himself or herself to be a member of the immediate family of the other Domestic Partner.

(c) *Documentation*. As evidence of identity, each of the Domestic Partners shall present one of the following documents for review by the County Clerk or his or her designee, along with the Affidavit of Domestic Partnership: a Florida driver's license, a Florida Identification Card, a United States Passport, or any other document listed in the Florida Governor's Reference Manual for Notaries as satisfactory evidence. The County Clerk's office shall identify on the face of the Affidavits of

DRAFT

Domestic Partnership what types of documents were presented as evidence of identity; however such documents of evidence of identify shall not be Recorded.

(d) *Affidavit of Amendment*. Registered Domestic Partners may amend a Registered Domestic Partnership to reflect a change in either Registered Domestic Partner's legal name by presenting a certified copy of the court order granting the legal name change, for review by the County Clerk or his or her designee, and Recording an Affidavit of Amendment of Registered Domestic Partnership ("Affidavit of Amendment") with the County Clerk's office; however such court order shall not be Recorded. Affidavits of Amendment shall be signed by both Registered Domestic Partners in the presence of the County Clerk or his or her designee, and each Domestic Partner shall swear and affirm, in the presence of the County Clerk or his or her designee, under oath, with penalty of perjury, that the statements and information provided in the Affidavit of Amendment are true and correct.

Sec. 9-60. Termination of registered domestic partnership.

(a) *Obligation to notify County Clerk*. Registered Domestic Partners shall be required to notify the County Clerk's office, by duly executing and Recording an Affidavit of Termination of Registered Domestic Partnership ("Affidavit of Termination"), if one or more of the Domestic Partners wishes to terminate the Registered Domestic Partnership or if the Registered Domestic Partnership automatically terminates pursuant to

Section 9-60(d).

(b) *Affidavit of termination*. Either Registered Domestic Partner may terminate a Registered Domestic Partnership by duly executing and Recording an Affidavit of Termination. Affidavits of Termination shall be signed by one or both Registered Domestic Partners, in the presence of the County Clerk or his or her designee, who shall swear or affirm, with penalty of perjury, that:

(1) The Registered Domestic Partnership is to be terminated;

(2) That the statements and information provided in the Affidavit of Termination are true and correct, and,

(3) If the Affidavit of Termination is not signed by both Registered Domestic Partners, then the Registered Domestic Partner who is duly executing and Recording the Affidavit of Termination shall provide the County Clerk's office with their former domestic partner's last known mailing address. The County Clerk's office shall send a copy of the Certificate of Termination of Domestic Partnership to the former domestic partner at the address provided.

(c) *Effective date of termination*. Unless automatically terminated, pursuant to Section 9-60(d), the termination of the Registered Domestic Partnership shall become effective on the date the Affidavit of Termination was Recorded ("Date of Termination"). As of the Date of Termination, the parties to the terminated Registered Domestic Partnership shall no longer be considered Registered Domestic Partners,

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and the Registered Domestic Partnership shall be deemed dissolved.

(d) *Automatic termination.* A Registered Domestic Partnership shall automatically terminate in the event that:

(1) One (or both) of the Registered Domestic Partners becomes married under Florida law;

(2) One of the Registered Domestic Partners dies; provided, however, the provisions provided in this Article V relating to funeral and burial decisions shall survive; or

(3) One of the Registered Domestic Partners enters into a civil union or Registered Domestic Partnership with someone other than his or her Registered Domestic Partner.

The marrying, surviving or re-registering partner(s) shall be responsible for duly executing and Recording an Affidavit of Termination within ten (10) days of one of the occurrences listed in (d) 1 – 3 above; provided, however, the Date of Termination shall be deemed to be the date upon which such occurrence occurred. It shall not be the duty of the County Clerk, or any agent or employee of Leon County or of the County Clerk, to monitor or verify the continuing legal validity of a Registered Domestic Partnership.

Sec. 9-61. Administration of the domestic partnership registry.

(a) The County Clerk is authorized to collect the following fees, which may be adjusted by resolution of the Board:

(1) For Recording and administering the Affidavits of Domestic

DRAFT

Partnership, for providing the Registered Domestic Partners with a Certificate of Registration and the original Recorded Affidavit of Domestic Partnership at the time of Recording, and for providing each Registered Domestic Partner with a laminated card recognizing the Registered Domestic Partnership in Leon County - $50.00

(2) For Recording and administering Affidavits of Amendment - $20.00

(3) For Recording and administering Affidavits of Termination, and for sending the prior domestic partner a certificate of termination of domestic partnership when only one Registered Domestic Partner duly executes and has an Affidavit of Termination Recorded - $20.00

(4) For certified copies of an Affidavit of Domestic Partnership - $6.00

(5) For an additional copy of the Certificate of Registration, or an additional laminated card recognizing the Registered Domestic Partnership in Leon County - $5.00.

(b) The County Clerk shall collect a fee in the amount established pursuant to state public records law for copies of documents related to Domestic Partnerships.

(c) The County Clerk shall keep and maintain, or arrange for the maintenance of, an online searchable computer database record of all of

DRAFT

the Affidavits of Domestic Partnerships, Affidavits of Amendment, and Affidavits of Termination which have been Recorded with Leon County.

(d) The County Clerk shall provide the forms for the Affidavit of Domestic Partnership, Affidavit of Termination, and Affidavit of Amendment to Individuals requesting them. This provision may be satisfied by posting the forms online in a printable format.

Sec. 9-62. Rights of registered domestic partners.

To the extent not superseded or pre-empted by federal laws, state laws, or other Leon County law or ordinance, or contrary to rights conferred by contract or separate legal instrument, Registered Domestic Partners shall have the following rights:

(a) Healthcare Facility visitation. All Healthcare Facilities operating within Leon County or under the jurisdiction of Leon County shall honor the Registered Domestic Partnership documentation issued pursuant to this Article V as evidence of the Registered Domestic Partnership and shall allow visitation rights as provided under federal law to the following: a patient's Registered Domestic Partner, and a patient's Registered Domestic Partner's Dependents, sons and daughters.

(b) Healthcare decisions. This section pertains to decisions concerning both physical and mental health. Registry as a Registered Domestic Partner shall be considered to be written direction by each Registered Domestic Partner designating the other to make health care decisions for their incapacitated Registered Domestic Partner, and shall authorize each Registered Domestic Partner to act as the other's healthcare

surrogate as provided in Chapter 765, Florida Statute, and otherwise as provided by federal law. Further, no Individual designated as a health care surrogate shall be denied or otherwise defeated in serving as a health care surrogate based solely upon his or her status as the Registered Domestic Partner of his or her incapacitated Registered Domestic Partner on whose behalf health care decisions are to be made. If any health care surrogate designation forms are properly executed after the date the Domestic Partners' Affidavit of Domestic Partnership was Recorded, and such forms contain conflicting designations, the later dated authorization and direction shall control.

(c) *Funeral and burial decisions*. Registry as Registered Domestic Partners shall be considered to be written direction by the decedent Registered Domestic Partner ("Decedent") of his or her intention to have his or her Registered Domestic Partner direct the disposition of the Decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes, unless the Decedent provides conflicting, written inter vivos authorization and directions that are dated after the date the Domestic Partner's Affidavit of Domestic Partnership was Recorded, in which case the later dated authorization and directions shall control.

(d) *Notification of family members*. In any situation providing for mandatory or permissible notification of family members, including, but not limited to, notification of family members in an emergency, or when permission is granted to inmates to contact family members, such

notification shall include a Registered Domestic Partner.

(e) *Preneed guardian designation*. An Individual who is a Registered Domestic Partner shall have the same right as any other Individual to be designated as a preneed guardian pursuant to Chapter 744, Florida Statutes and to serve in such capacity in the event of his or her Registered Domestic Partner's incapacity. A Registered Domestic Partner shall not be denied or otherwise be defeated in serving as the plenary guardian of his or her Registered Domestic Partner or of his or her Registered Domestic Partner's property under the provisions of Chapter 744, Florida Statutes, to the extent that the incapacitated Registered Domestic Partner has not executed a valid preneed guardian designation, based solely upon his or her status as the Registered Domestic Partner of his or her incapacitated Registered Domestic Partner.

(f) *Correctional Facility visitation rights*. Any Registered Domestic Partner shall be entitled to visit his or her Registered Domestic Partner, or other family member of his or her Registered Domestic Partner, who is an inmate at a Leon County Correctional Facility under the same terms and conditions which such visitation is afforded to spouses, sons, daughters, and parents of inmates. Visitation rights provided by this section shall extend to an inmate's Registered Domestic Partner, and an inmate's Registered Domestic Partner's Dependents, sons, daughters, and parents. Leon County Correctional Facilities shall honor the Registered

DRAFT

Domestic Partnership documentation issued pursuant to this Article V as evidence of Domestic Partnership.

(g) *Participation in Education*. All educational facilities operating within Leon County or under the jurisdiction of Leon County shall honor the Registered Domestic Partnership documentation issued pursuant to this Article V as evidence of the Registered Domestic Partnership and shall allow, to the extent allowed by federal and state law, a Registered Domestic Partner to have the same rights to participate in the education of a Dependent of the Registered Domestic Partnership as a biological parent has to participate in the education of their child. However, if a biological parent of a minor dependent (whose parental rights have not been terminated) objects to a Registered Domestic Partner (who is not a biological parent of such minor dependent) participating in education conferences or other dissemination of education information, then only the biological parents shall be allowed to participate.

Sec. 9-63. Enforcement.

For the purpose of enforcing the provisions of this Article V:

(a) A person, as defined in Article I, Section 9-2 of this chapter, who fails to grant within Leon County, Florida the rights conferred in this Article V shall be deemed to have committed a "discriminatory practice", as defined in Article I, Section 9-2 of this chapter; and

(b) An aggrieved Registered Domestic Partner who claims to have been injured by such discriminatory practice within Leon County, Florida shall

be considered an "aggrieved individual", as defined in Article I, Section 9-2 of this chapter; and

(c) Such Registered Domestic Partner who is an aggrieved individual may commence a civil action in a court of competent jurisdiction in Leon County, Florida against the person alleged to have committed a discriminatory practice, in accordance with Article I, Section 9-4, Private cause of action; remedies; provided, however, that the venue for all purposes shall be in Leon County, Florida.

Sec. 9-64. Reciprocity.

All rights, privileges and benefits extended to Registered Domestic Partnerships registered pursuant to this chapter shall also be extended to all Individuals legally registered as a domestic partner under other domestic partnership laws within the State of Florida ("Registered Domestic Partnership in Other Jurisdiction") to the extent allowed by law; provided, however the extension of such rights, privileges and benefits shall be:

(a) extended only for the time that such Individuals are physically located within the geographical area of Leon County, Florida: and

(b) limited to only those rights, privileges and benefits provided in this Article V under Section 9-62, Rights of registered domestic partners.

Further, any person who has been asked to extend rights, privileges or benefits provided under Section 9-62 to an Individual under this Section may request the Individual to provide evidence of Registered Domestic Partnership in Other Jurisdiction, and may require such evidence in advance of their extending the rights, privileges or

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benefits that have been sought, and an Individual's failure to provide such evidence of Registered Domestic Partnership in Other Jurisdiction voids such Individual's claims under this chapter. If a conflict occurs between jurisdictions, this chapter shall govern in Leon County.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall become effective and in full force on May 1, 2013.

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Section 5. Codification.

It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Leon County Code of Laws; and that sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase in order to accomplish such intentions.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this _____ day of , 2013.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By:_____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

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

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Florida Counties and Cities with Domestic Partnership Registries Established

County/City	***Population***
Broward	1,771,099
Gainesville	123,903
Key West	24,607
Miami-Dade	2,551,290
Orange	1,175,941
Palm Beach	1,335,415
Pinellas	920,381
City of Sarasota	52,517
Tampa	341,771
Tavares City	14,054
Volusia	497,145
Total with Domestic Partnership Registries	*8,808,123*
Florida Total	19,074,434
% of Total	*46%*

*Plus the following cities within these counties:

Clearwater

Gulfport

Miami Beach/North Miami

Orlando

St. Petersburg

ARTICLE 1. – IN GENERAL

Sec. 9-4. - Private cause of action; remedies.

(a) An aggrieved individual may, under this chapter, commence a civil action in a court of competent jurisdiction against the person alleged to have committed a discriminatory practice; provided, however, that such civil action must be filed no later than one year after the discriminatory practice is alleged to have been committed.

(b) If, in a civil action commenced under this chapter, the court finds that a discriminatory practice has been committed or is about to be committed, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the discriminatory practice including, but not limited to, a temporary or permanent injunction or other equitable relief, a temporary restraining order, an award of actual damages, including back pay, punitive damages, an award of reasonable attorney's fees, interest, and costs, or other such relief as the court deems appropriate.

(c) With regard to attorney's fees, sanctions for raising unsupported claims or defenses, service of motions, and damages for delay of litigation, F.S. (2009) § 57.105, or as such section may thereafter be amended, is hereby adopted as follows:

(1) In any civil action commenced under this chapter, upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:

a. Was not supported by the material facts necessary to establish the claim or defense; or

b. Would not be supported by the application of then-existing law to those material facts.

However, the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client as to the existence of those material facts. If the court awards attorney's fees to a claimant pursuant to this subsection, the court shall also award prejudgment interest.

(2) Paragraph (1)b. does not apply if the court determines that the claim or defense was initially presented to the court as a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, as it applied to the material facts, with a reasonable expectation of success.

(3) At any time in any civil proceeding or action in which the moving party proves by a preponderance of the evidence that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for its reasonable expenses incurred in obtaining the order, which may include attorney's fees, and other loss resulting from the improper delay.

(4) A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

(5) In administrative proceedings under F.S. (2009) ch. 120, or as such chapter may thereafter be amended, an administrative law judge shall award a reasonable attorney's fee and damages to be paid to the prevailing party in equal amounts by the losing party and a losing party's attorney or qualified representative in the same manner and upon the same basis as provided in subsections (1)—(4). Such award shall be a final order subject to judicial review pursuant to F.S. (2009) § 120.68, or as such section may thereafter be amended. If the losing party is an agency as defined in F.S. (2009) § 120.52(1), or as such section may thereafter be amended, the award to the prevailing party shall be against and paid by the agency. A voluntary dismissal by a nonprevailing party does not divest the administrative law judge of jurisdiction to make the award described in this subsection.

(6) The provisions of this section are supplemental to other sanctions or remedies available under law or under court rules.

(Ord. No. 10-15, § 1, 5-11-10)

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, March 12, 2013, 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 9 ENTITLED "HUMAN RIGHTS" OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ENACTING A NEW ARTICLE V ENTITLED "DOMESTIC PARTNERSHIP REGISTRY" PROVIDING FOR THE ESTABLISHMENT OF A DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR REGISTRATION OF A DOMESTIC PARTNERSHIP; PROVIDING FOR TERMINATION OF A REGISTERED DOMESTIC PARTNERSHIP; PROVIDING FOR ADMINISTRATION OF THE DOMESTIC PARTNERSHIP REGISTRY; PROVIDING FOR RIGHTS OF REGISTERED DOMESTIC PARTNERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RECIPROCITY; PROVIDING FOR PURPOSE AND INTENT; 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 Jon Brown 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: 606-5300 or 606-5000; 1-800-955-8771 (TDD), 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 426
Tallahassee, Florida 32301

PUBLICATION: MARCH 1, 2013