



Jefferson County Board of County Commissioners

Thursday, October 6, 2022 at 6:00 pm

REGULAR SESSION AGENDA

Courthouse Annex, 435 W. Walnut Street, Monticello, FL 32344

1. 6 PM CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE
2. PUBLIC ANNOUNCEMENTS, PRESENTATIONS & AWARDS
3. CITIZENS REQUEST & INPUT ON NON-AGENDA ITEMS

(3 Minute Limit Please)

4. CONSENT AGENDA

- a. Vouchers
- b. Meeting Minutes
- c. Habitat for Humanity

Attachments:

- **Cover Letter** (Agenda_Item_-_Habitat_Humanity_Resolution_v3.doc)
- **Resolution** (22.9.21_Habitat_for_Humanity_Resolution_v3.docx)

d. Budget Amendment Ratification: Mosquito Control & Property Appraiser

Attachments:

- **Mosquito Control** (9-27-2022_Mosquito_Control_Budget_Amendment.doc)
- **Property Appraiser** (PJEFFERSON_BA_3_09-28-2022.pdf)

5. CONSENT AGENDA-REQUEST TO ADVERTISE FUTURE MEETING TOPIC

a. Real Property Ordinance-Request to Advertise

Attachments:

- **Cover Letter** (Agenda_Item_-_Real_Property_Ordinance.doc)
- **Proposed Ordinance** (Real_Property_Ordinance_DRAFT.9-23-22.docx)

b. Code Enforcement Ordinance-Request to Advertise

Attachments:

- **Cover Letter** (Agenda_Item_-_Code_Enforcement_Ordinance.doc)
- **Proposed Ordinance** (Code_Enforcement_Ord_v2.9.22.22.docx)

c. Purchasing Policy-Request to Advertise

Attachments:

- **Cover Letter** (Agenda_Item_-_Purchasing_Ordinance_.doc)
- **Proposed Ordinance** (Procurement_Policy_Ordinance_draft1_9.29.22_v2.do

6. GENERAL BUSINESS

a. Solid Waste Breakdown Discussion

b. Revised Road List

Attachments:

- **Revised List** (2022_Road_List_for_Improvements.xlsx)

c. Lake Road SCOP Contract Continued

d. Forensic Audit

Attachments:

- **Update** (Forensic_Audit_Update.jpg)

e. Social Media Policy

Attachments:

- **Cover Letter** (Agenda_Item_-_Social_Media_Policy_Resolution.doc)
- **Resolution** (Social_Media_Policy_Resolution._9.22.22.docx)

f. Voluntary Assessment Procedures

Attachments:

- **Cover Letter** (Agenda_Item_-_Voluntary_Assessments.doc)
- **Procedures** (Voluntary_Assessment_Procedures.9-22-22.docx)
- **Summary of Process** (Summary_of_Voluntary_Assessment_Process.9-22-22.doc)
- **Petition Form** (Petition_Form.docx)

g. Mandatory Connection (Septic to Sewer)

Attachments:

- **Cover Letter** (Agenda_Item_-_Mandatory_Connection.doc)
- **Ordinance** (MandatoryConnection_ord._9-20-22.docx)

h. Interlocal Agreement for DEO Grant with City of Monticello Discussion

Chris Tuten

i. Local Technology Planning Committee

Attachments:

- **Cover Letter** (Agenda_Item_-_Local_Tech_Planning_Team_Resolution.doc)
- **Resolution** (Local_Tech_Planning_Team_Broadband_Cmte_Resolution.9-22-22_Clean.docx)

j. Broadband Connectivity for Jefferson County

Commissioner Barfield

Attachments:

- **Aerial Map** (Comcast_Jefferson_County_Comcast_w_suggestedbuilds_2022-08-10.pdf)
- **Slides** (Broadband_Workshop_Slides_7-2022.pdf)

k. Minimum Wage Supplemental Agreement

Attachments:

- **Signed Agreement** (Medicaid-AHCA_Minimum_Wage_Agreement.pdf)

- 7. CLERK OF COURTS**
- 8. COUNTY COORDINATOR**
- 9. COUNTY ENGINEER**
- 10. COUNTY ATTORNEY**
- 11. COUNTY COMMISSIONERS**
- 12. ADJOURN**

From the manual "Government in the Sunshine", page 40: Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PARTICIPATING IN A COUNTY COMMISSION MEETING: A CITIZEN'S GUIDE

The Jefferson County Commission is pleased to have you at our Commission meeting. We appreciate your presence, welcome your participation, and want your visit to be interesting and informative. The following is a brief summary of the Commission's Meeting Rules of Procedure that apply to citizen participation.

See the meeting agenda so that you can follow each item of business the Commission will be discussing.

SPEAKING BEFORE THE COMMISSION: WHEN CAN I TALK?

If you want to address the Commission about an issue that's not on the agenda, notice there is a place to do this. To reserve a time to speak for up to 3 minutes, please sign a speaker request form usually found near the speaker's rostrum.

The first place to speak is soon after the meeting begins. This time is reserved for citizens who want to make a request or provide input that doesn't require discussion. The spot is frequently used by citizens who don't want to stay for the entire meeting and don't need an immediate response from the Commission.

DRAFT

Citizens may also have a chance to address the Commission about items of interest during the General Business part of the agenda. After the Commissioners have had a chance to discuss a general business item, the Chair usually asks if there are any comments from the audience. Again, if you wish to speak, please limit remarks to no more than 3 minutes.

For the record, always give your name and address before you begin speaking. If you're representing a particular group or organization, state that, too. Always address remarks to the Chair or the Commission as a whole, never to an individual commissioner or the audience. Speakers may speak only once on an issue and may not yield their time to another person.

THE COMMON COURTESY RULE: PLEASE BE BRIEF, RELEVANT, AND ALWAYS CIVIL

Commission meetings can be long. Our Commission works hard to keep meetings moving along in a productive and civil manner. Please plan your remarks so that you can make your point clearly and quickly. Always be courteous and civil.

The Chair may call down speakers (or members of the audience) who violate the Commission's rules of decorum. Here are some "no-no's": personal attacks or threats, booing, heckling, cheering, inappropriate clapping, verbal outbursts, and distracting private conversations during proceedings. Also, signs are okay outside of the meeting room but are not allowed in it.

Commission Meeting Rules of Procedure (available at jeffersoncountyfl.gov) give the Chair control of the meeting, much like a judge controls his courtroom. These same rules also give the Chair a lot of flexibility to use his or her judgment in running an efficient and orderly meeting. So if you think you need help or more time, let the Chair know. If time allows, the Chair will usually grant reasonable requests.

Again, thanks for your interest. We're glad you're here!

NOTE: Except for Common Courtesy rules, slightly different guidelines may apply to public hearings and workshops.

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 21, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Approval of a Resolution in Support of Big Bend Habitat for Humanity Operating in Jefferson County

Statement of Issue:

This agenda item requests Board approval of a Resolution in Support of Big Bend Habitat for Humanity Operating in Jefferson County.

Background:

Habitat for Humanity International is a nonprofit housing organization working in local communities across all 50 states and in more than 70 countries around the world that works toward a vision of a world where everyone has a decent place to live by building and improving homes in partnership with individuals and families in need of a decent and affordable place to live.

Big Bend Habitat for Humanity is a local affiliate of Habitat for Humanity International implementing its work and vision in Leon and Gadsden Counties that coordinates construction for selected homeowner applicants living in Leon and Gadsden Counties and operates a local ReStore home improvement center in Leon County.

On September 15, 2022, a representative of Big Bend Habitat for Humanity addressed the Jefferson County Board of County Commissioners. The representative indicated a willingness to expand operations into Jefferson County, should the County desire it.

Analysis:

Jefferson County encourages and supports the expansion of Big Bend Habitat for Humanity operations in Jefferson County as a means to help provide affordable housing to the County's residents. Pursuant to Article VIII, Section 1 of the Florida Constitution, Chapter 125, Florida Statutes, Jefferson County is authorized to protect the public health, safety, and welfare of its residents. Welcoming organizations like Big Bend Habitat for Humanity to operate within the County serves to protect and promote the health, safety, and welfare of Jefferson County's citizens.

Options:

1. Approve Resolution in Support of Big Bend Habitat for Humanity Operating in Jefferson County.

2. Do Not Approve Resolution in Support of Big Bend Habitat for Humanity Operating in Jefferson County.
3. Board Direction.

Recommendation:

Option #1

Attachments:

Resolution in Support of Big Bend Habitat for Humanity Operating in Jefferson County

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, IN SUPPORT OF BIG BEND HABITAT FOR HUMANITY OPERATING IN JEFFERSON COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1 of the Florida Constitution, Chapter 125, Florida Statutes, Jefferson County is authorized to protect the public health, safety, and welfare of its residents; and

WHEREAS, in accordance with Section 125.01055, Florida Statutes, the County may adopt and maintain laws, ordinances, and resolutions or other measures for the purpose of increasing the supply of affordable housing within the County; and

WHEREAS, Habitat for Humanity International is a nonprofit housing organization working in local communities across all 50 states and in more than 70 countries around the world that works toward a vision of a world where everyone has a decent place to live by building and improving homes in partnership with individuals and families in need of a decent and affordable place to live; and

WHEREAS, Big Bend Habitat for Humanity is a local affiliate of Habitat for Humanity International implementing its work and vision in Leon and Gadsden Counties; and

WHEREAS, Big Bend Habitat for Humanity coordinates construction for selected homeowner applicants living in Leon and Gadsden Counties and operates a local ReStore home improvement center in Leon County; and

WHEREAS, on September 15, 2022, representatives of Big Bend Habitat for Humanity addressed the Jefferson County Board of County Commissioners and indicated a willingness to expand operations into Jefferson County, should the County desire it; and

WHEREAS, Jefferson County welcomes Big Bend Habitat for Humanity to expand its operations to serve the citizens of Jefferson County; and

WHEREAS, the Jefferson County Board of County Commissioners find that it is in the best interest of the citizens of Jefferson County to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, THAT:

SECTION 1. The above recitals are true, correct, and are hereby incorporated and made part hereof as if fully set forth herein.

SECTION 2. Jefferson County hereby adopts this resolution in support of the Big Bend Habitat for Humanity expanding its operations to serve the citizens of Jefferson County.

SECTION 3. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Gene Hall, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq.
County Attorney

2021-2022 Mosquito Control Budget Amendment (9-27-2022):

For County Fiscal Year 2021-2022 (CFY 21-22) the following is the Mosquito Control's aggregate budget which consists of a State Grant and a Local Appropriation:

- CFY 21-22 State Grant is \$36,960.24
- CFY 21-22 Local Appropriation is \$35,000.

Historically, the Director of the mosquito control program expensed \$4,000 of State mosquito control grant salary to the Road Department. The State Grant is very specific about what can be expensed to their grant and charging the mosquito control administrators salaries is an authorized expense. To date, \$12,000 has been sent to the Road Department. We are requesting that \$10,500 of those transfers be transferred back to the local mosquito control budget. This would increase the local mosquito control budget to \$45,500.

Request Number 3

$$B/A \quad \times \quad B/T$$

Date 9/27/2022

(Approval Pursuant to Section 195.087(1)F.S.)

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 26, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Board Approval to Schedule and Advertise a Public Hearing to Consider Adoption of an Ordinance Establishing Procedures for the Disposition and Acquisition of Real Property

Statement of Issue:

This agenda item requests Board approval to schedule and advertise a public hearing to consider adoption of an ordinance establishing a new chapter 30 of the Code establishing procedures for the disposition and acquisition of real property.

Background and Analysis:

Following review of the existing Disposition of Surplus Lands (Real Property) Policy, and in the absence of any ordinance setting forth any such procedures related to real property in the existing Code, the office of the County Attorney determined that repeal of the existing Disposition of Surplus Lands (Real Property) Policy and adoption of an ordinance is advisable to ensure disposition of County-owned property and acquisition of county property are conducted in accordance with applicable law. The proposed ordinance can be summarized as follows:

- Provides procedures for disposing of County real property that is unusable or no longer needed for County purposes or otherwise usable for affordable housing purposes, including statutory competitive bids, private sale, property exchanges, sale to government or non-profits, disposal for affordable housing, encroachment and easement procedures, an alternative procedures based on minimum base bid, negotiated sales, and RFPs.
- Provides procedures for County acquisitions of real property, including approval thresholds for County Manager and Board approval.
- Provides that the County may adopt special provisions by resolution governing acquisitions of real property by eminent domain or under threat of eminent domain.

Options:

1. Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Establishing Procedures for the Disposition and Acquisition of Real Property and Repeal the Existing Disposition of Surplus Lands (Real Property) Policy.
2. Do Not Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Establishing Procedures for the Disposition and Acquisition of Real Property and

- Do Not Repeal the Existing Disposition of Surplus Lands (Real Property) Policy.
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Ordinance Establishing Procedures for the Disposition and Acquisition of Real Property

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, ESTABLISHING PROCEDURES FOR THE DISPOSITION OF COUNTY OWNED REAL PROPERTY; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY; PROVIDING FOR INCLUSION INTO THE JEFFERSON COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Jefferson County Board of County Commissioners (“Board”) is authorized to exercise governmental powers pursuant to Article VIII of the Florida Constitution and Section 125.01, Florida Statutes; and

WHEREAS, Florida Statutes authorizes Jefferson County to acquire and sell any real or personal property and to lease real property whenever the Board determines that it is in the best interest of the County to do so; and

WHEREAS, Section 125.35, Florida Statutes, provides set bidding and notice requirements for the sale or lease of county real and personal property, but authorizes the County to prescribe alternative disposition standards by ordinance so long as those standards (i) contain competition and qualification requirements; (ii) provide for reasonable public notice; (iii) identify the form and manner by which interested persons may acquire county property; (iv) provide for types of selection procedures applicable to disposition of county property; (v) specify the manner in which interested persons will be informed of the intended action; and (vi) otherwise adhere to the County’s comprehensive plan and zoning ordinances; and

WHEREAS, Section 125.355, Florida Statutes, allows the County to acquire real property for a public purpose and to adopt procedures for the purchase of real property; and

WHEREAS, the Board finds that the ability to utilize flexible acquisition and disposition procedures allow the County the ability to utilize the most advantageous approaches as the circumstances may require; and

WHEREAS, the Board hereby finds that it is in the best interest of the citizens of Jefferson County to enact an ordinance establishing alternative procedures for the acquisition and disposition of real property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS. The above recitals are true and correct and hereby incorporated herein by reference.

SECTION 2. CREATION OF CHAPTER 30 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. The Board hereby creates Chapter 30 of the Jefferson County Code of Ordinances, entitled “Real Property Procedures,” to read as follows:

Chapter 30 – Real Property Procedures

Article I – General Provisions

Sec. 30-1. – Definitions. The following words, terms, and phrases when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Surplus Property means real property that is owned by the County which is unusable or no longer needed for County purposes or otherwise usable for affordable housing purposes. The County Manager or designee shall periodically review all real property held by the County as frequently as is needed to determine whether such property constitutes surplus property.

Acquisition means the conveyance of real estate to the County from others under the authority contained herein. In any such acquisition, upon the acceptance and recordation of the deed, easement instrument, certificate of title, order of taking, or other such document that conveys such real estate to the County, the Acquisition shall be deemed accepted by the County.

Acquisition Under Threat of Eminent Domain means an acquisition of real estate that has been identified by the Board as being necessary to the completion of a project, regardless of an owner’s unwillingness to sell.

Acquisition By Exercise of Eminent Domain means an acquisition of real estate under the Board’s exercise of its eminent domain power with the commencement of a lawsuit in those instances when the pre-suit negotiations for an acquisition under threat of eminent domain are unsuccessful, provided, however, that in accordance with Section 127.02, Florida Statutes, as may be amended from time to time, such exercise of eminent domain shall not proceed unless the Board adopts a resolution authorizing such acquisition.

License means a grant of permission authorizing the licensee to do a particular act on a parcel of County-owned real estate. As distinguished from a lease, a license merely grants permission to use such real estate and does not convey any property. Such license cannot be assigned by the licensee and is revocable by the County at will.

Real Estate means any and all real property interests or rights in land, and the improvements attached thereto. Such real property interests and rights may include, but are not limited to, fee simple interests, temporary or permanent easement interests, or leasehold interests. The term real estate, however, does not include the right of temporary occupancy or use of real property pursuant to a License or grant of right-of-entry.

Sec. 30-2 to 30-9 – Reserved.

Article II - REAL PROPERTY DISPOSITION PROCEDURES.

Sec. 30-10. - Purpose. This Ordinance is adopted for the purpose of establishing alternative procedures for the disposition of County real property. The provisions contained herein are supplemental to the statutory methods available to the County under Florida law. The County Manager or designee shall have the option of utilizing the statutory methods of disposal, the procedures set forth in this Ordinance, or any combination thereof.

Sec. 30-11. - Authority, Purpose, and Standards.

(A) This section is enacted under authority of section 125.35, Florida Statutes, for sale, leasing, and donation of real property when it is determined by the Board to be in the best interest of the County.

(B) Any of the procedures specified in this article may be used and applied, when applicable, by the Board for the competitive or non-competitive sale or lease of any real property.

(C) At a minimum, persons or legal entities seeking to purchase or lease available County real property must be financially responsible and currently active, registered and in good standing with the Florida Department of State. Other standards for competition and qualification for the sale or lease of County real property are set forth below.

Sec. 30-12. - Declaration of Surplus Property.

(A) When the Board finds that any real property owned by the County is unusable or not needed for County purposes or usable for affordable housing the Board may declare the real property to be surplus property. Once the property is declared surplus, the property may be sold, dedicated, donated, leased, or otherwise conveyed to interested parties in accordance with applicable Florida Statutes or pursuant to the terms of this Ordinance.

(B) Any real property owned by the County may be declared as surplus as follows:

- (1) By the Board upon the recommendation of the County Manager or designee, or
- (2) Upon the request of an interested party. Such request shall be made to the County Manager or designee who shall provide a recommendation to the Board as to whether the property should be declared surplus property, or
- (3) The Board may declare property surplus on its own initiative.

Sec. 30-13. - Methods of Disposal. Once real property has been declared surplus, the County Manager or designee shall recommend to the Board a particular method of disposal as set forth in this section.

(A) **Statutory Competitive Bidding.** In accordance with Section 125.35(1), Florida Statutes, the County may sell, convey, or lease any real property, whenever the Board determines that is in the best interest of the County to do so, to the highest and best bidder for the particular use of the property the Board determines is the highest and best pursuant to the statutory procedures provided in Section 125.35(1), Florida Statutes. Notice shall be published in a newspaper of general circulation published in the County and on the County website for at least two weeks calling for bids on the property. Bids on the property shall be received by the County Manager at the specified date and time on the notice.

(B) **Private Sale.** In accordance with Section 125.35(2), Florida Statutes, the County may negotiate a private sale with an adjacent property owner when the Board finds that the real property is of insufficient size and shape to be issued a permit for any type of development, or when the value of the property is \$15,000.00 or less as determined by an independent appraisal or by the County Property Appraiser and of use only to the adjacent property owner(s). Notice of intended action shall be sent to the adjacent property owners by certified mail and no bids or public notice shall be required. However, if within ten days of the notice to the adjacent property owners, two or more adjacent property owners indicate an interest to purchase the property, then the County Manager or designee shall accept sealed bids for the parcel from those property owners and may convey the property to the highest bidder or reject all bids. If no response is received from the adjacent property owners, then a private sale may be completed.

(C) **Property Exchange.** In accordance with Section 125.37, Florida Statutes, the County may exchange surplus real property for another parcel of real property, provided that the Board has published a notice for at least two weeks in a newspaper of general circulation and on the County website, before adoption of a Resolution authorizing the exchange. The notice shall set forth the terms and conditions of the exchange of property.

(D) **Sale to Government or Non-Profit.** In accordance with Section 125.38, Florida Statutes, upon a finding by the Board that the property is required for use by another governmental entity or non-profit entity, the County may sell, transfer, lease or convey real property to that entity for such price, whether nominal or otherwise as the Board may determine. No advertisement is required. The fact of the application being made, the purpose for which such property is to be used, and the price or rent thereof shall be set out in a Resolution duly adopted by the Board, setting forth the following:

- (1) The facts of the application;
- (2) The purpose for which the property is to be used;
- (3) The rent and term of the lease or the purchase price and terms; and
- (4) A provision to be incorporated into the lease or deed which states that in the event the property is no longer used or ceases to be used for the stated purpose, the lease term shall immediately cease, or in the case of a purchase, the property shall revert to the County which shall thereafter have the right to re-enter and repossess the

property. Any improvements made to or on the real property shall also become property of the County with no compensation due to the other party.

(E) **Affordable Housing.** In accordance with Section 125.379, Florida Statutes, the County may sell, transfer, lease, or convey surplus real property to another governmental entity, a non-profit entity, or a private entity or person to carry out the provisions of Chapter 420, Florida Statutes, relating to affordable housing. The County may adopt requirements for such conveyances on a case-by-case basis and may include deed restrictions, percentage of affordable units for low-income, moderate-income, and very low-income persons as defined in Section 420.0004, Florida Statutes, and such other restrictions to ensure that said property will be permanently preserved as affordable housing.

(F) **License Agreements.** In those circumstances that private structures encroach upon County rights-of-way, the County may enter into a license agreement which would allow such private structure to remain within the rights-of-way. Such License Agreement shall be approved by the Board and shall contain at a minimum the following provisions and requirements:

- (1) That the County right-of-way is not currently being used or that a temporary intrusion on the right-of-way would not impact or affect the public uses of the right-of-way; and
- (2) That the removal of the structure at this time, would constitute a hardship upon the private property owner; and
- (3) The private property owner agrees to not expand the encroachment into the rights-of-way and to remove the private structure from the County's rights-of-way within thirty (30) days of notification by the County; and
- (4) The private property owners agree to be responsible for all of the costs of the removal of the private structure and any costs incurred by the County.

(G) **Easements on Public Property.** Easements on public property that are granted to private parties may only be given under such circumstances that failure to do so may result in loss or significant damage to property or result in adverse impacts to the property for which there are limited alternatives available to mitigate those adverse impacts other than by encumbering public land. Easements granted to private parties on public property may only be granted by the Board and shall include such terms as determined to be necessary.

(H) **Minimum base bid.** As authorized in Section 125.35(3), Florida Statutes, the County may sell, transfer, lease or convey surplus real property through the minimum base bid procedures outlined herein.

- (1) A minimum base bid for the lease or sale of real property may be determined by:
 - a. A written offer procured by a real estate broker; or

- b. An appraisal; or
- c. An unsolicited written offer made by a prospective lessee or purchaser; or
- d. Utilizing the property appraiser value.

- (2) After determining the minimum base bid, the County may elect to advertise for bids on the property which is the subject matter of the written offer. The election to advertise for bids must be brought up as a regular agenda item at a duly noticed regular public meeting of the Board of County Commissioners at which members of the public are afforded the opportunity to comment on the proposed sale or lease. The advertisement shall specify the minimum base bid and the specific terms and conditions, if any, to be bid upon. All bids shall be sealed and must contain a minimum of one percent or \$150.00, whichever amount is greater, as an earnest money deposit.
- (3) Upon receipt of the sealed bids, the property shall be sold or leased to the bidder submitting the highest, qualified, responsive, and best bid. The offer of the prospective purchaser used to establish the minimum base bid, if any, shall be deemed to constitute the bid of the lessee/purchaser unless a second sealed bid is submitted by the prospective lessee/purchaser. The Board reserves the right to reject any bid, including any minimum base bid, that is not reasonably close to the fair market value of the property at the time bids are opened.
- (4) If no other bids are received or if no bid exceeds the minimum base bid, the offer used as the minimum base bid, if any, shall be accepted by the County only if such minimum base bid is reasonably close to the fair market value of the property. If other bids are received, and at least one such bid is reasonably close to the fair market value of the property, the sale or lease shall be made to the highest and best bidder.

(I) **Negotiated sale.** The County may sell, transfer, lease or convey surplus real property by negotiated sale procedures through the use of a licensed real estate broker or through a public auction house in the following manner:

- (1) A licensed real estate broker or public auction house (including internet auction companies) shall be retained in accordance with Countys' Purchasing Policy to market, lease, or auction the real property. Any contract for services shall, at a minimum, set forth the amount of compensation due for services, the length of notice/advertising time, the time for auction, if being auctioned, and such other information as deemed necessary by the County Manager or designee.
- (2) Any offer made to a licensed real estate broker for sale of listed surplus property shall be brought to the Board in the form of a purchase agreement procured in accordance with the County's Purchasing Policy. If the Board approves the

purchase agreement, then the Chairman shall be authorized to sign all required closing documents, including the deed.

- (3) For any real property dispositions made through public auction, the county shall establish a base reserve for the property.

(J) **Request for proposals.** The County may sell, transfer, lease or convey surplus real property through the request for proposals (RFP) process in the following manner:

- (1) The election to use the RFP process must be brought up as a regular agenda item at a duly noticed regular public meeting of the Board at which members of the public are afforded the opportunity to comment on the proposed sale or lease.
- (2) Upon approval by the Board, the County Manager or designee shall proceed to issue the RFP, evaluate the proposals, and submit a recommendation regarding such proposals to the Board.
- (3) If the sale or lease of the property was initiated in response to an unsolicited offer by a prospective purchaser, then the offeror may submit another proposal. If no other proposal is received, the original proposal shall be accepted, unless the original offer was deemed unacceptable and rejected before issuing the RFP. The County reserves the right to reject any RFP in which the proposed sale or lease amount is not reasonably close to the fair market value of the property at the time RFPs are considered by the Board.

Sec. 30-14. - Negotiation procedures.

(A) In determining the terms and conditions of the disposal of surplus property, the County Manager or designee may take into consideration the following factors:

- (1) The appraised value of the real property;
- (2) The condition of the real property, and the extent to which the party seeking to acquire the property will have to expend funds to make the property usable, rezoning issues excluded, or, to bring the property into compliance with the County Code;
- (3) The proposed use of the party seeking to acquire the property; and
- (4) The proposed use of the property for affordable housing.

(B) In no event shall the disposition of surplus property violate the county comprehensive plan or the zoning regulations of the county.

Sec. 30-15. -Exemptions

(A) Notwithstanding anything in this article to the contrary, the County is expressly authorized to:

- (1) Negotiate the lease of an airport or seaport facility;
- (2) Modify or extend an existing lease of real property for an additional term not to exceed 25 years; or
- (3) Lease a professional sports franchise facility financed by revenues received pursuant to Sections 125.0104 or 212.20, Florida Statutes.

Sec. 30-16 to 30-26 – Reserved.

ARTICLE III – Acquisition of Real Property

Sec. 30-27. – Appraisals and Other County Estimates.

(A) Except as otherwise set forth herein, prior to the acquisition of real property, regardless of the interest in the property sought to be acquired, an appraisal shall be prepared by a qualified appraiser approved pursuant to section 253.025, Florida Statutes. To the extent that the County utilizes the acquisition procedures set forth in section 125.355, Florida Statutes, and seeks to maintain the confidentiality of the records and procedures, then the County shall obtain at least one (1) appraisal for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the County shall obtain at least two (2) appraisals.

(B) If the purchase price is \$100,000 or less, the Board may exempt the purchase of an interest in property whether in fee simple or an easement from the requirement for an appraisal.

Sec. 30-28. – Authority to Acquire Real Estate.

(A) The County Manager may acquire real property on behalf of the County, including any easements, for which the purchase price of the real property is less than \$25,000. The County Manager shall have the authority to execute any documents necessary to acquire such property without further approval of the Board.

(B) Any acquisitions of real property by the County, including any easements, for which the purchase price for the property is \$25,000.01 or more, shall be approved by the Board of County Commissioners.

(C) For the acquisition of all real property or interest in real property, the County shall have a title search prepared to assure that there are no encumbrances and that title may properly pass to the County upon execution. In the event of an emergency circumstance, the County Manager may approve the acquisition of an easement without the necessity of a title search. Title insurance shall be acquired for such acquisitions as determined by the County Manager.

Sec. 30-29. – Acquisition of Real Property by Eminent Domain.

(A) In the acquisition of real property by eminent domain or under the threat of eminent domain, the provisions of Florida Law, as modified herein, shall govern that process.

(B) The County may adopt special provisions for the identification, negotiation, and acquisition of real property eminent domain or under the threat of eminent domain. Such special provisions may be adopted by resolution.

SECTION 3. INCLUSION INTO THE JEFFERSON COUNTY CODE OF ORDINANCES. It is the intent of the Board that the provisions of this Ordinance shall become and be made part of the Jefferson County Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered.

SECTION 4. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this _____ day of _____, 2022.

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS:

Gene Hall, Chairman

ATTEST:

Kirk Reams, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

Heather J. Encinosa, County Attorney

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 22, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney
Evan Rosenthal, Assistant County Attorney

Subject: Board Direction to Schedule and Advertise a Public Hearing to Consider Adoption of an Ordinance Amending Chapter 21 of the Code Related to Code Enforcement

Statement of Issue:

This agenda item requests Board approval to schedule and advertise a public hearing to consider adoption of an ordinance amending chapter 21 of the Code related to code enforcement.

Background and Analysis :

The office of the County Attorney reviewed chapter 21 of the Code related to code enforcement and determined that certain changes are advisable to help ensure the efficient and effective operation of code enforcement within the County. Those changes are summarized as follows:

- Removal of a requirement that all complaints be submitted in writing. While Florida law provides that complainants must provide certain information including their name and address before a code enforcement investigation may be initiated, there is nothing in Florida law requiring that complaints be submitted in writing. This change will allow individuals to report potential code violations without having to submit a written form.
- Revision of the provisions governing the enforcement procedure in Section 21-9 of the Code to allow for cases to be brought more quickly before the special magistrate. Currently, it takes a minimum of 60 days to bring a case before the special magistrate. Florida law only requires that the violator receive a reasonable amount of time for correction of the violation, which can vary depending on the factual circumstances. The ordinance amends the code to make it consistent with Florida law.
- Deletion of a requirement that notice of hearings before the special magistrate be published in accordance with the LDC. Code Enforcement hearings are not governed by the LDC and this requirement could create confusion. Additionally, Florida law does not require code enforcement hearings to be noticed by publication, rather individual mailed notice is provided to the violator. The County could still provide published notice of all special magistrate hearings at its option.
- Creation of a new section of the code pertaining to violations that present a serious threat to

public health, safety, or welfare. If the code enforcement officer or special magistrate determines that a violation presents a serious threat to health, safety, or welfare and the property owner fails to correct the violation within 10 days or contest the determination, the County is authorized to go on to the property to perform the necessary work to abate the violation. Any costs incurred by the County may be charged against the property and collected as a special assessment pursuant to County Ordinance No. 2020-050720-02. This will allow the County the ability to quickly take action to address life/safety issues on a property and recover any costs associated with doing so as a special assessment which may be collected on the ad valorem tax bill.

Options:

1. Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Amending Chapter 21 of the Code Related to Code Enforcement
2. Do Not Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Amending Chapter 21 of the Code Related to Code Enforcement
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Draft Ordinance Amending Chapter 21 of the Code Related to Code Enforcement

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, AMENDING CHAPTER 21 OF THE CODE RELATED TO CODE ENFORCEMENT; AMENDING SECTION 21-5 ENTITLED LEGAL COUNSEL; AMENDING SECTION 21-8 RELATED TO COMPLAINT PROCEDURE; REPEALING AND REPLACING SECTION 21-9 RELATED TO ENFORCEMENT PROCEDURE; AMENDING SECTION 21-10 RELATED TO HEARING PROCEDURE; CREATING A NEW SECTION 21-17 OF THE CODE RELATED TO VIOLATIONS THAT PRESENT A SERIOUS THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Article VIII, Section I of the Florida Constitution, and Chapter 125, Florida Statutes, the Board of County Commissioners of Jefferson County, Florida, (the “Board”) has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

WHEREAS, pursuant to Article VIII, Section I of the Florida Constitution, Chapter 125, Florida Statutes, and Chapter 162, Florida Statutes, the Board enacted Chapter 21 of the Jefferson County Code of Ordinances (“Code”) entitled “Code Enforcement,” establishing processes and procedures related to the civil enforcement of violations of the Code; and

WHEREAS, on December 20, 2016 the Board adopted Ordinance No. 2016-12202016-01, which amended Chapter 21 of the Code and on May 2, 2016, the Board adopted Ordinance No. 2019-0502219-01, which further amended Chapter 21; and

WHEREAS, the Board now finds it necessary and in the best interest of the public health, safety, and welfare of the County to amend Chapter 21 of the Code, as previously amended, as provided herein.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Jefferson County, Florida, as follows:

SECTION 1. INCORPORATION OF RECITALS. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. AMENDMENT OF SECTION 21-5, JEFFERSON COUNTY CODE OF ORDINANCES. Section 21-5 of the Jefferson County Code of Ordinances, entitled “Legal Counsel,” is hereby amended as follows:

Sec. 21-5. – Legal Counsel

(a) The county attorney is hereby designated by the board of county commissioners to attend meetings of the code enforcement board in order to assist and advise the code enforcement board in the conduct of its hearings, including the application of the procedures for hearings as set forth herein.

(b) An attorney (~~other than the county attorney~~) may be appointed by the board of county commissioners to represent the county staff during proceedings before the code enforcement board or special magistrate. The appointed attorney or a member of the administrative staff of the county shall present each case before the code enforcement board or special magistrate. ~~The board may appoint the county planning commissioner's attorney to function in this capacity.~~

(c) In no event may an attorney represent both the code enforcement board and county staff. ~~the county attorney serve in both capacities.~~

[underline indicates additions; ~~striketrough~~ indicates deletions]

SECTION 3. AMENDMENT OF SECTION 21-8, JEFFERSON COUNTY CODE OF ORDINANCES. Section 21-8 of the Jefferson County Code of Ordinances, entitled "Complaint Procedure," is hereby amended as follows:

Sec. 21-8. – Complaint Procedure.

(a) ~~Any citizen of Jefferson County~~ person may make a complaint to the County for investigation by the code enforcement officer.

(b) Any person who reports a potential violation of the code for investigation must provide their name and address to the code enforcement officer before the county initiates an investigation. Provided, the county may initiate an investigation if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources. Complaints shall be made in writing on a form to be supplied by the code enforcement officer and shall contain the following:

———(1)———~~Date of offense and date of filing the complaint.~~

———(2)———~~General statement of facts of the offense including the location and owners name and contact information, if known.~~

———(3)———~~Name, signature and contact information of the complainant.~~

[underline indicates additions; ~~striketrough~~ indicates deletions]

SECTION 4. REPEAL AND REPLACEMENT OF SECTION 21-9, JEFFERSON COUNTY CODE OF ORDINANCES. Section 21-9 of the Jefferson County Code of Ordinances, entitled "Enforcement Procedure," is repealed in its entirety and replaced with the following:

Sec. 21-9. – Enforcement Procedure.

(a) Upon initiation of a complaint pursuant to Section 21-8, it shall be the duty of the code enforcement officer to investigate said complaints. No member of the code enforcement

board or the special magistrate(s) may initiate enforcement proceedings. After investigation, the code enforcement officer may initiate enforcement proceedings according to the process set forth in this section when the officer has reason to believe that there is a violation of any of the County codes and ordinances enumerated in Section 21-6.

(b) If a violation of the code is found, the code enforcement officer shall notify the violator and give them a reasonable time to correct the violation. All notices of violation shall contain the following:

1. a sufficient description by address, property appraiser identification number, and/or legal description to identify the property upon which the violation exists;
2. a description of the violation, including a reference to the applicable code provision(s) violated, and any additional actions, authorizations, or permits required to achieve compliance;
3. the time period for correction of the violation; and
4. a statement that if the described violation is not corrected within the specified period of time, the matter may be set for a hearing before the special magistrate which may result in the imposition of fines against the property.

(c) Should the violation continue beyond the time specified for correction in the notice of violation, the code enforcement officer shall notify the special magistrate or code enforcement board and request a hearing. If a violation is corrected and recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the special magistrate or code enforcement board even if the violation has been corrected prior to the ~~board~~ hearing, and the notice shall so state.

(d) If the code enforcement officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate or code enforcement board and request a hearing.

(e) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time for correction. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the special magistrate or code enforcement board and request a hearing. The special magistrate or code enforcement board, through its administrative staff, shall schedule a hearing and shall provide notice pursuant to this chapter. The case may be presented to the special magistrate or code enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.

SECTION 5. AMENDMENT OF SECTION 21-10, JEFFERSON COUNTY CODE OF ORDINANCES. Section 21-10 of the Jefferson County Code of Ordinances, is hereby amended as follows:

Sec. 21-10. - Hearing procedure.

~~(a) — All hearings before the code enforcement board or special magistrate pertaining to this article shall be public hearings and shall be noticed by publication as provided in the Land Development Code (in addition to the notices to the violator as provided elsewhere in this Chapter) and shall be conducted in accordance with the procedures set forth in this Code.~~

* * *

~~(e) — In any instance where the violation constitutes a serious threat to the public health, safety or welfare and has not been corrected within a reasonable period of time, the code enforcement board or special magistrate may notify the board of county commissioners, which may authorize entry onto the property in order to make such repairs as are necessary, or take such other actions as law may allow to cure the violation and eliminate such threat, and the cost of such repairs or other actions shall constitute a lien as provided in F.S. § 162.09(1).~~

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 6. CREATION OF A NEW SECTION 21-17, JEFFERSON COUNTY CODE OF ORDINANCES. A new Section 21-17 of the Jefferson County Code of Ordinances, is hereby created to read as follows:

Sec. 21-17. - Violations that present a serious threat to public health, safety or welfare.

(a) When, in the opinion of a code enforcement officer, there is a violation that presents a serious threat to public health, safety or welfare, the code enforcement officer shall provide the owner with a notice of violation ordering the owner to perform the necessary work to cure the violation within a specified time not to exceed ten days. If the property owner contests the code enforcement officer's opinion that a serious threat to public health, safety or welfare exists, the property owner shall request a hearing before the special magistrate within the ten-day period.

(b) In the event the special magistrate determines there is a violation that presents a serious threat to public health, safety or welfare, the special magistrate shall issue an order requiring the owner to perform the necessary work to cure the violation within a specified time not to exceed ten days. If the property owner contests the special magistrate's determination, the property owner may file an appeal to the circuit court within 30 days of the execution of the order to be appealed pursuant to Section 162.11, Florida Statutes and Section 21-11 of the Code.

(c) In the event the owner fails to perform the necessary work or fails to contest the code enforcement officer's opinion or the special magistrate's determination within the time specified, the county is authorized to go upon the premises and perform the necessary work to abate the violation. Costs incurred in the performance of necessary work shall initially be paid by the county. The county's costs of performing the necessary work may also be assessed against the property pursuant to County Ordinance No. 2020-050720-02.

SECTION 7. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Jefferson County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 8. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 9. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within 10 days after its enactment by the Board and shall take effect as provided by law.

PASSED AND DULY ENACTED by the Board of County Commissioners of Jefferson County, Florida in regular session, this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Gene Hall, Chair

ATTEST:

Kirk Reams, Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather Encinosa, County Attorney

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 29, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney
Evan Rosenthal, Assistant County Attorney

Subject: Request Board Approval to Schedule and Advertise a Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy

Statement of Issue:

This agenda item requests Board approval to Schedule and Advertise a Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy.

Background and Analysis:

At a prior Board meeting, the County Attorney discussed issues related to the County's existing purchasing policy and the need to make changes to same in order to ensure that the County's purchases of goods, services, and equipment are done in a manner that is compliant with applicable laws, rules, and regulations, and further achieves the goals of encouraging fair and open competition, efficiently using available County resources, obtaining the best value for the County, and ensuring integrity in the procurement process.

The attached draft Ordinance repeals the County's existing purchasing policy and establishes a revised purchasing policy, to be codified as a new Article I within Chapter 2 of the Code (related to Administration). The Ordinance establishes the following signature authority thresholds (i.e. who has final approval authority over a procurement) and methods of procurement to be followed:

PROCUREMENT THRESHOLDS			
TIERS	PROCUREMENT REQUIREMENTS	THRESHOLD AMOUNTS	SIGNATURE AUTHORITY
Tier 1	Petty Cash	Not to exceed \$100.00	Department Director
Tier 2	Verbal Quotes	\$100.01 to \$2,500.00	Department Director
Tier 3	Written Quotes	\$2,500.01 to \$20,000.00	County Manager
Tier 4	Competitive Sealed Bids/Proposals	\$20,000.01 and up	Chairman

For procurements within the verbal quote threshold (not to exceed \$2,500) the county must obtain at least two quotes. For procurements within the written quote threshold (not to exceed \$20,000) the county must obtain at least three written quotes (or provide written justification as to why obtaining three quotes is not practicable). All purchases that are projected to be over \$20,000 require the use of a formal competitive procurement process and would be approved by the Board of County Commissioners.

For competitive procurements, the County's existing purchasing policy only contemplates use of an invitation to bid process. Procurements can take many forms, and there are times when it would be advantageous to the County to use a different method of procurement, such as a request for proposals, invitation to negotiate, and request for qualifications. These methods are particularly appropriate when the County is unable to clearly define the required scope of services.

The Ordinance authorizes the following methods of competitive procurement:

- Request for Proposals
- Request for Qualifications
- CCNA Procurements (for engineers, architects, surveyors/mappers, and landscape architects)
- Invitation to Bid
- Invitation to Negotiate

The Ordinance further dictates how solicitations are to be prepared and advertised and provides procedures related to the conduct of procurements (including pertaining to the cone of silence, establishment of selection committees, evaluation/scoring of responses, correction/withdrawal of responses, bid protests, etc.).

The Ordinance also establishes certain exemptions from competitive procurement, including for real property, travel, advertisements, utility services, and consultant services. The Board may also waive the requirements of the purchasing policy when deemed to be in the best interests of the County.

Options:

1. Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy
2. Do Not Approve Scheduling and Advertising a Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Draft Ordinance Creating a New County Purchasing Policy Within Chapter 2 of the Code

ORDINANCE NO. 2022-_____ 22-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY FLORIDA, ESTABLISHING REGULATIONS AND PROCEDURES APPLICABLE TO COUNTY PURCHASING; PROVIDING PURCHASING CONCEPTS, OBJECTIVES, AND DEFINITIONS; ESTABLISHING GENERAL GUIDELINES AND PURCHASING THRESHOLDS; PRESCRIBING THE METHOD OF PROCUREMENT TO BE FOLLOWED DEPENDENT ON THE CIRCUMSTANCES; AUTHORIZING EMERGENCY PURCHASES; ESTABLISHING REQUIREMENTS APPLICABLE TO COMPETITIVE PROCUREMENTS; ESTABLISHING REQUIREMENTS FOR PAYMENT AND PERFORMANCE BONDS; ESTABLISHING PROVISIONS APPLICABLE TO VENDORS LISTS AND THE SUSPENSION AND DEBARMENT OF VENDORS; ESTABLISHING PROVISIONS APPLICABLE TO CONFLICTS OF INTEREST IN PROCUREMENTS; ESTABLISHING PROVISIONS APPLICABLE TO PROCUREMENTS UNDER COUNTY GRANTS; ESTABLISHING PROVISIONS APPLICABLE TO THE USE OF PURCHASING CARDS; ESTABLISHING PROVISIONS APPLICABLE TO THE ACQUISITION AND DISPOSAL OF SURPLUS PROPERTY; ESTABLISHING PROVISIONS APPLICABLE TO THE SOLICITATION OF MINORITY, WOMEN, AND SMALL BUSINESSES ENTERPRISES; REPEALING SECTIONS 2-1, 2-2, AND 2-3 OF THE CODE OF ORDINANCES; RE-CODIFYING SECTIONS 2-2 AND 2-3 OF THE CODE AS NEW ARTICLES WITHIN CHAPTER 2; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) of Jefferson County, Florida (“County”), previously adopted a purchasing policy establishing regulations and procedures applicable to the County’s procurement of goods and services; and

WHEREAS, the Board has determined that certain updates and modifications to the County’s purchasing policies and regulations are warranted; and

WHEREAS, to ensure that state and federal procurement laws, rules, and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and to the extent possible achieve the best value for the County, the Board now desires to repeal the County’s existing purchasing policy and adopt a new Purchasing Ordinance to provide regulations and procedures to guide both County staff and potential vendors and service providers.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Florida:

SECTION 1. REPEAL OF SECTIONS 2-1, 2-2, AND 2-3 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. Section 2-1 of the Jefferson County Code of Ordinances entitled "Authority of Officers and Employees to Make Purchases," Section 2-2 of the Code entitled "Cemetery Maintenance," and Section 2-3 of the Code entitled "Economic Development Fund" are hereby repealed in their entirety.

SECTION 2. CREATION OF A NEW ARTICLE I WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION. There is hereby created a new Article 1 within Chapter 2 of the Jefferson County Code of Ordinances, to be entitled "Purchasing," to read as follows:

ARTICLE I. PURCHASING

Sec. 2-1. Concepts and objectives.

(a) *Purpose.*

- (1) The purpose of this Purchasing Policy is to maximize the value of public funds in procurement; to provide safeguards for maintaining a procurement system of quality and integrity; and to provide for fair and equitable treatment of all persons involved in public procurement; to encourage the growth of small and minority businesses through the promotion of an atmosphere conducive to the development and maintenance of small and minority business participation in the county's procurement system. It is the goal of the Jefferson County Board of County Commissioners (hereinafter referred to as "Board") to develop a comprehensive procurement system. This system will provide greater cost-effectiveness and public accountability in the procurement process.
- (2) This Article governs all of the procurements made by the County. No contract or purchase shall be subdivided to avoid the requirements of this article.

(b) *Concepts.* The procurement function is to ensure that procurement laws, rules, and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and to the extent possible achieve the best value for the county. Strict adherence by all county officers, employees, agents and by the suppliers and contractors to specific ethical considerations is required to maintain the confidence of the public, the county, and the business community in the expenditures of county funds. To this end, the county strives:

- (1) To procure for the county the highest quality in commodities, equipment and services at the least expense and/or the best value to enable the greatest cost effectiveness in performance to the county.
- (2) To encourage uniform bidding and to endeavor to obtain full and open competition on all purchases and sales.
- (3) To keep informed of current developments in the field of procurements, prices, market conditions and new products to secure for the county the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

(c) *Objectives.* The objectives of the Purchasing Policy are:

- (1) To deal fairly and equitably with all suppliers wishing to do business with Jefferson County.
- (2) To assure adherence to all purchasing laws, regulations, and procedures.
- (3) To maximize competition for all procurements.
- (4) To obtain maximum savings through bulk purchases and other value adding techniques.
- (5) To administer the contracting function with internal efficiency.
- (6) To purchase goods and services at the lowest price, consistent with quality, performance, and delivery requirements from capable suppliers meeting the county's needs.
- (7) To obtain maximum value from transfer, trade, sale or other disposition of surplus and/or obsolete property.

(d) *Purchasing Policy Ethics.*

- (1) Acceptance of gifts at any time, other than advertising novelties, is prohibited. Acceptance of entertainment is also prohibited. Employees must not become obligated to any suppliers and shall not conclude any county transaction from which they may personally benefit.
- (2) No county officer or employee shall bid for, enter into, or be in any manner interested in any contract for county purchases nor shall any officer or employee seek to influence the purchase of a product or service from any bidder; except this restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase.
- (3) The provisions of Section 112.313, Florida Statutes, pertaining to standards of conduct for public officers, employees of agencies, and local government attorneys expressly applies to this Purchasing Policy. A violation of Section 112.313, Florida Statutes, pertaining to purchasing or contractual relationships shall also be deemed a violation of this Purchasing Policy. Specific statutory provisions pertaining to purchasing and contracting include but are not limited to: § 112.313, Fla. Stat. (Standards of Conduct), § 218.70, Fla. Stat. (the Florida Prompt Payment Act), § 255.05, Fla. Stat. (Performance and Payment Bonds for Public Works), § 255.0525, Fla. Stat. (Advertising for Competitive Procurements), § 255.101, Fla. Stat. (Minority Business), § 287.055, Fla. Stat. (Consultants' Competitive Negotiation Act), § 287.087, Fla. Stat. (Preference to Businesses with Drug Free Workplace), §§ 336.41 and 336.44, Fla. Stat. (County Roadwork).

Sec. 2-2. Definitions.

For the purposes of this article and any documents pertaining to the use of this article (e.g., contracts, purchasing orders, etc.), the following terms, phrases, words and their derivations shall have the meaning given herein, unless otherwise specifically defined in any specific document:

Agreement. A contract for the procurement or disposal of supplies, services, materials, real property, equipment or construction.

Appropriation. Legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and also to the time when it may be expended.

Award. The determination of a successful response to a solicitation resulting in an offer to provide goods or perform services.

Bid Bond. An insurance contract in which a third party agrees to be liable to pay a certain amount of money in the event that a selected vendor fails to accept the contract as bid.

Board. The Jefferson County Board of County Commissioners, the legislative body of Jefferson County, Florida.

Brand Name or Equivalent Specification. A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet the county requirements and which provide for the submission of equivalent products.

Business. Any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company, or any other legal entity, engaged in the commercial provision of commodities, services or labor.

CCNA Thresholds. The monetary threshold in Section 287.017, Florida Statutes, category five, for basic construction cost, and in Section 287.017, Florida Statutes, category two, for planning or study activities.

Change Order. A written order amending the scope of, or correcting errors, omissions, or discrepancies in, a contract or purchase order.

Commodity. Goods or products that the county may contract for or purchase for the use and benefit of the county. It is a specific item and it is different from the rendering of time and effort by a provider.

Competitive Procurement. An open and competitive process for the procurement of commodities, equipment and services, including, but not limited to, invitations to bid, invitations to negotiate, requests for proposals, and request for qualifications.

Cone of Silence. The prohibition of any communication between a vendor and a County officer, contract staff/employee, or agent regarding a pending competitive procurement, except for such communications at a duly noticed pre-proposal conference, oral presentation, or with the BOCC's designated representative noted in the competitive procurement documents. Upon the advertisement of a competitive procurement, the cone of silence shall apply. The cone of silence shall terminate upon the issuance of the notice of award, the rejection of all responses, or the termination of the competitive procurement, whichever occurs first. Violation of the cone of silence by a vendor shall disqualify the vendor from participation in the competitive procurement.

Construction. The process of building, altering, repairing, improving, or demolishing any structure or building, or other public improvements of any kind to any real property including roadways, utilities, and facility site work.

Consultant's Competitive Negotiations Act (CCNA) Professional Services. Services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Contract. A deliberate written agreement between two or more competent parties to perform a specific act or acts, or for the procurement of goods, services, consultant services, or construction.

Contract Amendment or Modification. Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quality, or other provision of any contract accomplished by mutual action of the parties to the contract.

Contractor. Any business that provides goods or services to the county.

Contractual Services. The rendering by a contractor of its time and effort rather than the furnishing of specific commodities.

Cooperative Procurement. Competitive procurement conducted by, or on behalf of, more than one public procurement unit or the use of another federal, state or local government procured contract (this term is also known as piggybacking).

County. Jefferson County, Florida.

County Manager. The County Manager for Jefferson County, Florida, or such person's Designee.

Debarment. A vendor is prohibited from submitting bids, proposals, quotes, or responses to any competitive procurement, or otherwise conducting business with the county until such time they are reinstated to the status of active vendor.

Department Director. The director of an official County department.

Designee. The duly authorized representative of a person holding a superior position.

Emergency. Any occurrence or threat thereof whether natural, manmade, or technological, in war or in peace, which results or may result in substantial injury or harm to the public health, safety, or welfare, or substantial damage to or loss of property, or those situations where the operation of an essential department would be seriously impaired if immediate action were not taken.

Emergency Procurement. An expeditious purchase of goods, services, consultant services and/or construction to address an emergency.

Fixed Asset/Equipment. Any item of capital nature, of cost or value exceeding \$1,000.00, and with an estimated life span of over one year. A capital fixed asset is an item with a cost or value of \$5,000.00 or more.

Formal Solicitation. The placement of a notice in a newspaper of general circulation according to legal requirements to inform the public that the county is requesting responses for a specific procurement it intends to make.

Invitation to Bid (ITB). A written solicitation document used for competitive procurement of goods, services, and/or real property, when specifications are available and the selection will be based upon the lowest responsive and responsible bidder. Factors other than price will be considered in the award determination.

Invitation to Negotiate. A written solicitation document used for the competitive sealed bidding of the purchase of goods or services when the scope of the project is not certain and the county desires input from the vendors on the project specifications.

Irregularity. Any change or omission in an offer or contract that does not have an adverse effect on the county's best interest, and does not affect the outcome of the source selection process by giving an offeror an advantage or benefit not enjoyed by any other offeror, and, not inconsistent with applicable laws.

Material Mistake. Any deviation or variance from the procurement requirements or other mistake that gives one vendor a substantial advantage over other vendors in a competitive procurement.

Negotiation Team. A group of members established by the county for the purpose of conducting negotiations as part of a competitive procurement.

Non-Material Mistake. Any deviation or variance from the procurement requirements or other mistake that does not affect price, give one vendor an advantage or benefit not enjoyed by other vendors and does not adversely affect the interests of the county.

Payment Bond. The approved form of security furnished by the vendor and its surety that assures payments, as required by law, to all persons supplying goods or services for the completion of work under the contract, also known as a contract bond.

Performance Bond. The approved form of security furnished by the vendor and its surety as a guarantee that the vendor will fully perform in accordance with the terms of a contract.

Personal Property. Property consisting of movable articles that are either tangible, such as furniture or computers, or intangible, such as stocks, bonds, licenses.

Posting. An act whereby the county places on a bulletin Board, in a designated location, and/or on the county website, a listing which indicates the county's recommendations for bid awards and solicitations for bids and proposals.

Pre-bid Conference. A meeting held with prospective bidders prior to solicitation of, or the date of receipt of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject, and to elicit expertise and bidder's interest in pursuing the task.

Procurement Office. The County department which is designated with the primary responsibility for preparing, advertising, and overseeing all County purchases in accordance with this Article. The Procurement Office shall be the Office of the County Manager unless otherwise designated by the County Manager.

Professional Services. The technical, and/or unique functions performed by independent contractors whose business is the rendering of such services. This includes accountants, appraisers, attorneys, auditors, medicine and the medical arts, architects, engineers, surveyors, management and systems consultants, research, the arts and other professionals as designated by the procurement services manager.

Proposal. An executed formal document submitted to the county describing the goods, consultant services, and/or services offered to satisfy the need as requested in the request for proposal.

Purchase Order. A document generated by the county documenting a written sales agreement between the county and a seller detailing the exact commodities, equipment or services to be rendered from a single vendor.

Purchase/Procurement. Buying, procuring, renting, leasing, or otherwise acquiring any supplies, materials, equipment, goods, consultant services, construction, and/or services required by the county for public purposes.

Quotation. Any oral or written informal offer by a vendor to the county to furnish specific goods and/or services at a stated price.

Real Property. Property consisting of land and all rights, privileges, or improvements belonging to and passing to lands, as buildings, crops, or mineral rights.

Request for Proposals (RFP). A solicitation of responses for the supply of commodities, equipment or services for which the scope of work, specifications, or contractual terms and conditions cannot be well defined. The RFP outlines the procurement process and contract terms, and provides guidance on how the response should be formatted and presented. The RFP process requires a technical and management approach and a fee proposal; however, evaluation of a proposal or response is based on prior established criteria which involves more than price. The RFP shall state the relative importance of price and other evaluation criteria.

Request for Qualifications (RFQ). A solicitation of responses for services where the specifications of required services are broad and specialized in nature, such as attorney, auditor, CPAs, etc. The RFQ outlines the procurement process and contract terms and provides guidance on how the response should be formatted and presented. RFQ solicitations focus on the qualifications of the potential providers, rather than price. Primary qualifications include experience of key staff, relevant past experience of the company and client references.

Request for Quotation. An informal request either oral or written to solicit prices for specific, defined goods and/or services.

Responsible Vendor. A vendor submitting a response who has the capability in all respects to perform fully the contract requirements and the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and having the integrity and reliability with a record of timely and acceptable past performance that will assure good faith performance.

Responsive Vendor. A vendor submitting a response that substantially conforms with all material respects to the requirements and criteria set forth in the competitive procurement.

Selection Committee A group of members established by the county for the purpose of evaluating requests for proposals, requests for qualifications and invitations to negotiate as part of a competitive procurement.

Services. The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than that which is not defined as supplies and which is merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

Single Source. A commodity that can be procured from multiple sources, but, in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Sole Source. A commodity that can be legally procured from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential supplier for that item. Use of brand names and model numbers does not constitute a sole source.

Specifications. A description of the physical or functional characteristics of the nature of a material, supply, service, construction, or equipment item. It may include a description of any requirement for inspection, testing, recycled or degradable materials content, or preparing a material, supply, service, construction, or equipment item for delivery.

Surplus Property. Any tangible personal property or real property in excess of the needs of the county and not required for its foreseeable need.

Suspension. A vendor is prohibited from submitting bids, proposals, quotes, or responses to any competitive procurement, or otherwise conducting business with the county for a definite period of time.

Vendor. Any business that will be or has been awarded a contract or purchase order by the county.

Sec. 2-3. General Guidelines.

The procurement method and authorizing authority varies based upon the amount of the purchase. Generally, all purchases for commodities, equipment and services, when the estimated cost thereof shall equal or exceed \$20,000.01, shall be purchased competitively. Purchases below \$20,000.01 shall be handled in the manners specified herein, which are designed to maximize competition and ensure the county is receiving a fair price while balancing that against the need for an efficient use of staff resources. The Board may at any time waive the competitive procurement requirements when deemed to be in the best interest of the county.

- (1) *Procurement Categories: Summary and Signature Authority.* The following procurement thresholds and procedures are hereby established to govern the procurement of commodities, equipment and services. Additionally, the authority for approving purchases within the established thresholds set forth below is hereby delegated to the persons with designated signature authority.

PROCUREMENT THRESHOLDS			
TIERS	PROCUREMENT REQUIREMENTS	THRESHOLD AMOUNTS	SIGNATURE AUTHORITY
Tier 1	Petty Cash	Not to exceed \$100.00	Department Director
Tier 2	Verbal Quotes	\$100.01 to \$2,500.00	Department Director
Tier 3	Written Quotes	\$2,500.01 to \$20,000.00	County Manager
<i>For procurements not exceeding \$5,000.00 the purchasing card method is highly recommended with obtaining appropriate quotes.</i>			
Tier 4	Competitive Sealed Bids/Proposals	\$20,000.01 and up	Chairman

- (2) *Budget and authority.*

- a. It is the responsibility of each department director to ensure sufficient and proper funding is available prior to obligation and/or expenditure.
- b. No county employee, except in cases of emergency as defined in this Purchasing Policy, or as provided by Chapter 252, Florida Statutes, and as instructed by the

County Manager, shall issue any order for delivery on a contract or open market procurement until there is, to the credit of the using department concerned, a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order and the order is for a budgeted commodity or service.

- c. After determination of availability of funds, a purchase order shall be approved by the finance department after receipt of the purchase order or contract authorized by the county with justification, and competitive quotes/proposals or bids as required and set forth in section 2-3(1) of this Purchasing Policy.
- d. The Board shall review and approve an annual budget by line item for each department of the county. Upon approval of the line item budget, subsequent procurements that follow the guidelines set forth in this Purchasing Policy shall be considered to be authorized by the Board and the clerk of court, serving as the finance department for the Board, and the custodian of county funds shall be authorized to process payment for such goods and services with the appropriate signature authority as outlined in section 2-3(1) above.

Sec. 2-4. Procurement guidelines.

(a) *Tier 1: Petty Cash (not to exceed \$100.00).*

- (1) Commodities, equipment, and services with an estimated cost within the thresholds authorized in section 2-3(1) for tier 1 shall be procured through petty cash. Petty cash transactions are limited (maximum of \$100.00) to the immediate need of making change for citizen's purchases or small cash purchases necessary to continue productivity, such as tools, supplies and repair parts which do not individually exceed \$100.00. Purchases at this level do not require competitive quotes, except when deemed advisable by the procurement office. Employees who are authorized cardholders in the county's purchasing card program, are strongly encouraged to use the purchasing card whenever possible to reduce administrative time and costs.
- (2) Purchases from any petty cash fund or the reimbursement for a purchase shall be governed by the following requirements:
 - a. No purchase of any single item from any petty cash fund or for reimbursement shall exceed the authorized dollar limit for petty cash (tier 1) in section 2-3(1).
 - b. Reimbursement for employee travel expenses from a petty cash fund shall not be allowed.
 - c. The custodian of petty cash should perform a weekly reconciliation and inform the finance department of any discrepancies.
- (3) Misuse of petty cash funds is subject to personal liability and disciplinary action up to and including termination of the county employee, as determined by the County Manager. Petty cash purchases must be authorized in advance by the department director.

(b) *Tier 2: Verbal Quotes (not to exceed \$2,500.00).*

- (1) Commodities, equipment, and services with an estimated cost within the thresholds authorized in section 2-3(1) for tier 2 shall be procured by competitive, verbal quotes. Purchases at this level do not require written quotes, except when deemed advisable by the procurement office. Additionally, if there is an ongoing need for certain commodities, equipment, or services on a fairly regular basis that would otherwise qualify as a tier 2 purchase if viewed in isolation, then competitive procurement is required if \$20,000.01 or more will be spent within a single fiscal year.
 - (2) At least two quotations must be obtained for each purchase, which must then be approved by the department director. In those instances where the securing of two quotations is not practicable, the department director or procurement office shall provide written justification of such. The county employee soliciting the quotes shall clearly document the commodities, equipment, or services requested on a consistent basis from each vendor to assure a like-to-like comparison and shall document the date, vendor, and quotation received for the purchasing file. Quotes may also be obtained from reputable internet vendors. All vendors providing verbal quotes must have the required expertise and capability to perform the work or supply the commodities or equipment. In determining if a vendor has the capability to perform the work or supply the commodities or equipment, consideration shall be given to the vendor's geographic proximity to the county for future ease of delivery, mobilization, or customer support after a purchase. The lowest cost, responsible and responsive vendor who is capable of performing the services or supplying the commodities or equipment will be issued a purchase order or awarded the contract.
 - (3) Employees who are authorized cardholders in the county's purchasing card program, are strongly encouraged to use the purchasing card whenever possible to reduce administrative time and costs. Misuse of purchasing cards is subject to personal liability and disciplinary action up to and including termination of the county employee, as determined by the County Manager. Purchases in this tier must be authorized by the department director.
- (c) *Tier 3: Written Quotations (not to exceed \$20,000.00).*
- (1) *General.*
 - a. Commodities, equipment, and services with an estimated cost within the thresholds for tier 3 in section 2-3(1) shall be procured by competitive, written quotations.
 - b. At least three written quotations must be obtained for each purchase. In those instances where the securing of three quotations is not practicable, the department director or procurement office shall provide written justification of such. The county employee soliciting the quotes shall prepare a written quotation solicitation form that clearly documents the commodities, equipment, or services requested and when needed, contact information, the due date for the quotation, any vendor requirements, and other relevant transactional terms. The requested commodities, equipment, or services must be adequately described on a consistent basis to assure a like-to-like comparison among vendors. This written quotation solicitation form shall be emailed, mailed, or otherwise transmitted to at least three vendors who have the required expertise and capability to perform the work or supply the commodities

or equipment. Additionally, all written quotation solicitations shall be posted on the county website for a minimum of seven days so that interested vendors may submit.

- c. Quotes must be on company letterhead, a county approved quote form, or in a similar format with a date and signature of an authorized representative of the vendor.
 - d. All vendors providing written quotes must have the required expertise and capability to perform the work or supply the commodities or equipment. In determining if a vendor has the capability to perform the work or supply the commodities or equipment, consideration shall be given to the vendor's geographic proximity to the county for future ease of delivery, mobilization, or customer support after a purchase. The award will be made to the lowest cost, responsible and responsive vendor who is capable of performing the services or supplying the commodities or equipment.
 - e. The procurement office shall review the written quotations and may require additional quotations prior to award to ensure the county is receiving a fair and competitive price for the services, commodities, or equipment. The County Manager shall approve all final awards. Upon award approval, the county employee will generate a disbursement request and send to the procurement office for final review and approval. The procurement office will be responsible for obtaining appropriate signatures and will send the disbursement request to the finance department for payment processing.
- (d) *Tier 4: Competitive Procurements (greater than \$20,000.01).* Commodities, equipment, and services with an estimated cost equal to or greater than \$20,000.01 must comply with the competitive procurement provisions of section 2-5 of this Purchasing Policy and be approved by the Board.
- (e) *Emergency Procurement.*
- (1) Emergencies under this section shall be as defined in section 2-2 hereof, or as otherwise provided by applicable law.
 - (2) Following all purchases under this emergency procurement section, a report shall be prepared by the department director who initiated the procurement. The report must include complete documentation clearly stating justification for exception from normal purchasing procedures, an itemization of all individual transactions relating to the emergency procurement, an itemization of any additional work hours above and beyond the affected employees' usual work schedule, and documentation of communication with other governmental entities (FEMA, SERT, etc.) that have taken place. This report must be submitted to the Board in concurrence with any ratification for payment items and retained by the department director as required by the records retention schedule.
 - (3) In the case of emergencies that require the immediate purchase of commodities, equipment or services, the County Manager, or their designee, shall be empowered to secure such commodities, equipment or services without competitive bidding. In this event, all measures as are reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the county of the commodities, equipment or services procured.

- (4) In addition during non-business hours, a department director, is authorized to make purchases without competitive bids, when an emergency arises and such immediate purchases are necessary to protect the health, safety, welfare, or property of the county or any of its citizens or to continue operations of the department.
 - (5) Documentation for emergency purchases pertaining to the above shall be submitted to the County Manager with a detailed explanation, and support materials attached if applicable, within five working days after the event occurred. Emergency purchases that are equal to or greater than \$20,000.00 shall be submitted to the Board for ratification.
- (f) *Cooperative Procurement.*
- (1) The procurement office shall have the authority to purchase from and join with other units of governments in cooperative purchasing ventures when the best interest of the county would be served thereby. It is standard policy of the county to cooperate with other government agencies in the purchase of commodities, equipment and services required by the county.
 - (2) The most common form of cooperative purchasing is purchasing from contracts issued by the State of Florida, Federal General Services Administration, and other government pricing for specific commodities, equipment and services.
 - (3) When any other government agency has competitively procured and awarded any contract for any commodities or service, Jefferson County may purchase that commodity or service from the awarded vendor at the awarded price if the original bid specifications and award allow it. Where the public purchasing unit administering a cooperative purchase complies with the requirements of this purchasing policy, the county, when participating in such a purchase, shall be deemed to have complied with the provisions of this article. Such purchases shall be made without additional county competitive procurement provided that funding has been appropriated and approved by the Board and the purchase has been authorized by the person with signature authority as provided in section 2-3(1).
 - (4) The County may bid and award the purchase of any commodities, equipment or services with the stipulation that any other government agency may also purchase the awarded product or service at the same awarded price.
 - (5) Documentation requirements. The following documentation is the minimum required to use another government awarded contract.
 - a. *Florida Contracts.* The procurement office is authorized to purchase commodities, equipment or services for any dollar amount from authorized vendors listed on the respective state contracts (state term continuing supply contracts, SNAPS agreements (state negotiated agreement price schedules), agreements resulting from invitations to negotiate (ITN), the Florida Sheriffs Association statewide purchasing contract, or other such contracts authorized by statute for use by local governments) of the Florida Department of Management Services, other state agencies and groups.

For all cooperative procurements off state contracts, the required documentation includes:

1. The current state contract number.
 2. If the contract has fixed unit prices, a copy of the contract is required.
 3. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in a form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.
- b. *Federal GSA Contracts.* The procurement office is authorized to purchase commodities, equipment or services for any dollar amount from authorized vendors listed on the eligible federal supply schedules issued by the Federal Grant Services Administration.

For all cooperative procurements off federal GSA contracts, a copy of the GSA contract showing the contract name, number and contract term is required. The ordering information pages and the pages with the pricing are also required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in the form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

- c. *Contracts from Other Government Entities.* The procurement office shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the county would be served thereby, and the same is in accordance with county and state law. Such cooperative purchasing ventures may take the form of joint procurements issued collectively by the county and one or more other government entities for commodities, equipment, or services required by the county and such other government entities. The procurement office may also purchase commodities, equipment, or services utilizing contracts that were competitively procured by other government entities. The procurement office shall appropriately document such cooperative procurement arrangements. All cooperative procurements conducted under this section shall be through contracts awarded through full and open competition, including use of source selection methods equivalent to those required by this article. Each selection method shall clearly state the intention to include participation by other units of government as a requirement for use in cooperative procurement. For all cooperative procurements from other government entities, the required documentation includes:

1. A complete copy of the original bid/RFP;
2. A copy of award letter/memo/agenda item with minutes by the government entity to the vendor to document award;
3. A complete copy of vendor's proposal; and
4. A complete copy of the current contract with the vendor and any amendments thereto.

(g) *Receiving and Inspection.*

- (1) It shall be the responsibility of each department to have an individual inspect commodities or services immediately upon receipt or performance to ensure that it meets

the specifications as set forth in the contract. The person should inspect for proper quantities, proper quality, prompt delivery, and any damages. The receiving person should have available a copy of the contract for verification purposes. Any deviations should be immediately documented and sent to the supplier and to the procurement office.

- (2) Signing a delivery slip does not necessarily constitute acceptance of an order. Any problems with an order should be documented and reported to the vendor as soon as possible to resolve the issue. Time is of the essence when dealing with problems on an order. If items received are damaged or defective, the department receiving the commodities should not use the items and immediately notify the vendor and freight carrier for the corrective action. Failure to timely advise the vendor and/or freight carrier may limit the County's remedies. Also if an item is delivered damaged, the receiving user has the responsibility to protect it and all packing materials from any further damage, and to make it available to the vendor and/or freight carrier for inspection.
- (3) When signing for services performed, the designated County staff person should sign only for what was actually performed. County staff shall never sign blank invoices or service tickets. It is the obligation of the designated County staff person to ensure that the County receives a copy of the service/delivery ticket for the work performed.

(h) *Payment of Invoice.*

- (1) All payment requests shall be made on authorized forms, be accompanied by the original documentation, have proper signatures based on purchase conditions and amount and shall be date and time stamped when turned in. Goods or services must be received or performed before payment is requested. All payments to vendors shall be in accordance with the "Florida Prompt Payment Act," which governs payment for commodities, equipment and services by government agencies. It is imperative that all invoices are paid as promptly as possible.
- (2) It is the responsibility of the department to request payment for commodities, equipment and services received and to attach all necessary documentation required to process payment. All requests for payments for a new vendor will require the department to obtain a W-9 form from the vendor before the payment will be processed. The finance department will provide instruction as needed on policies and procedures for processing payment requests.
- (3) A request to release a payment that has not been approved by the Board must be made in writing to the County Manager and must include justification for the exception. The County Manager has discretion to approve or deny the request if good cause is shown. All approvals will be ratified by the Board at its next available meeting.
- (4) All purchases shall be made utilizing the county's tax-exempt certificate and number to exercise the county's tax-free benefit. A copy of the certificate may be obtained from the clerk or the procurement office.

(i) *Fixed Asset Procedure.*

- (1) Items with a cost or value of \$1,000.00 and/or an estimated lifespan of at least one year shall be considered a fixed asset and be added to the County's property inventory. The fixed asset officer assigned by the clerk's office has the discretion to determine if an item

should be added to the property inventory if the item has a cost or value less than \$1,000.00.

- (2) It is the responsibility of the department making the purchase to include all information required to enter the asset into inventory with the request for payment. Payments will not be processed without the required information. The fixed asset officer will issue a unique number to each qualifying item, will conduct an annual audit of all assets to ensure county property is properly assigned to each department and functional, will maintain record of all transactions relating to purchase, transfer and disposal of all inventory and will provide details and instructions regarding county property as required.
- (j) *Federal and State Funded Grant Procurements.* Prior to procuring any goods or services under a federal or state funded grant award, the employee or department responsible for the procurement shall consult with the procurement office and the county attorney's office concerning applicable procurement requirements to be followed under the grant award. For federal and state grant funded projects the county shall follow the procurement processes and procedures required by the funding agency, the grant agreement, and applicable state and federal law.

Sec. 2-5. Competitive Procurements.

- (a) *Standard Formats.* All competitive procurements shall be developed using a standardized format, unless an exception is made by the County Manager and/or county attorney. All competitive procurements shall contain language indicating that the county retains the right to reject any and all responses for any or no reason and may choose to reissue the procurement.

(1) Requests for Proposals.

- a. The request for proposals method of procurement is used when it is not practicable for the county to specifically define the scope of work for which the commodities or contractual services is needed. Instead, the county can describe what it wants to accomplish but the methods or means to accomplish the desired outcome cannot be easily defined. There may be several methods available to accomplish a task, and the county is considering all the available options.
- b. The procurement office and department director shall decide, based on the services needed, if professional services are required. This decision can be made once it is determined that in-house resources are not available to adequately provide such service.
- c. The department director shall outline needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the request for proposal which should include, but not be limited to, the following:
 - Introduction
 - Terms and conditions
 - Background

- Scope of services required
 - Evaluation criteria, including price
 - Proposal schedule
 - Selection process
 - Required forms
 - Proposed contract
- d. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.

(2) *Requests for Qualifications.*

- a. The request for qualifications method of procurement is used in the recruitment of qualified professional consulting and/or legal services. There may be several providers available to accomplish the work and the county is considering all the available options.
- b. The procurement office and department director shall decide, based on the specific services needed, if professional services are required. This decision can be made once it is determined that in-house resources are not available to adequately provide such services.
- c. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the request for qualifications which should include, but not be limited to, the following:
- Introduction
 - Terms and conditions
 - Background
 - Scope of services required
 - Evaluation criteria
 - Proposal schedule
 - Selection process
 - Required forms
 - Proposed contract
- d. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.

(3) *Consultants' Competitive Negotiation Act (CCNA) Procurements*

a. The purpose of obtaining CCNA Professional Services is to offer to the County special expertise, practical experience, knowledge, resources and an objective outside professional opinion. The provisions and exemptions contained in Section 287.055, Florida Statutes (commonly known as the Consultants' Competitive Negotiation Act, or "CCNA"), shall apply herein for the procurement of all professional architecture, engineering, landscape architecture, or registered surveying and mapping Services for projects that exceed the CCNA Thresholds.

b. The following provisions are applicable to the County's selection, engagement, and use of CCNA Professional Services for County projects exceeding CCNA Thresholds and for which CCNA Professional Services are required to be secured pursuant to Section 287.055, Florida Statutes, the Consultants Competitive Negotiation Act.

1. The Competitive Procurement of CCNA Professional Services shall be conducted in accordance with the procedures in Section 2-5(a)(2) hereof (for Requests for Qualifications) with the following exceptions:

i. Price and compensation shall not be considered in the initial evaluation of Proposals.

ii. In ranking responding Vendors' qualifications, the selection committee may consider: ability and adequacy of professional personnel; if applicable; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads; and other factors relevant to the specific procurement, if any.

iii. The selection committee will rank all Vendors in numerical order and select no fewer than the top ranked three firms deemed to be the most highly qualified for purposes of competitive negotiations. In the event three qualified Vendors do not respond, the Procurement office will reject all Proposals and reissue the Request for Qualifications. In the event the County does not receive three qualified Proposals on the second procurement, the Procurement office may proceed with less than three (3) Proposals. The Intent to Award and Notice of Award shall contain the selection committee's numerical rankings.

2. The County may request, accept, and consider Proposals for compensation only during the competitive negotiation phase.

3. The County may enter into continuing contracts, as defined in Section 287.055, Florida Statutes, with Vendors providing CCNA Professional Services; provided, however, that individual projects exceeding those amounts in Section 287.055(2)(g), Florida Statutes, shall not be authorized under a continuing contract.

c. At the procurement office's discretion, the County may procure design-build contracts with Vendors pursuant to this Section 2-5(a)(3) or through an Invitation to Bid or a Request for Proposals subject to the following conditions:

1. The CCNA Professional Services Vendor that prepares the design-criteria package must be procured in accordance with this Section and said Vendor will not be eligible to provide design-build Services on the same project.

2. The County shall solicit, through a Competitive Procurement process, responses based on the design criteria package and evaluate the Proposals based upon the evaluation criteria in the Competitive Procurement documents which shall include price, technical, and design aspects of the public construction project, weighted for the project.

3. At the procurement office's discretion, the County may procure a construction manager at risk pursuant to this Section 2-5(a)(3) and Section 255.103, Florida Statutes, which Vendor shall provide advice to the County during the project planning phase on cost effectiveness of various design and construction alternatives, scheduling, value engineering, and management, and will then take on the obligation for construction of the project.

(4) *Invitation to Bid.*

- a. The invitation to bid should be utilized when the county is capable of establishing precise specifications for a commodity or defining, with specificity, a scope of services for the commodities or contractual services sought and when the estimated cost of these commodities, equipment or services exceeds the amount specified in section 2-4(d) of this article. Through this process, vendors are able to compete on a cost basis for like items or services. The selection will be based upon the lowest priced, responsive, and responsible bidder.
- b. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the invitation to bid which should include, but not be limited to, the following:
 - Introduction
 - Terms and conditions
 - Background
 - Scope of service or commodities required
 - Schedule
 - Selection process
 - Required forms
 - Proposed contract

(5) *Invitation to Negotiate.*

- a. The invitation to negotiate should be utilized when the scope of the project is not clearly defined and the county has determined that negotiations may be necessary to receive the best value. The invitation shall invite vendor input on the scope,

schedule, and process for initiating the project. This method of procurement is frequently used in areas experiencing constant change in the marketplace and the county wants the opportunity to obtain current up-to-date goods or services at the time of contracting.

- b. The department director shall outline the general scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the invitation to negotiate which should include, but not be limited to, the following:
 - Introduction
 - General conditions
 - Background
 - Evaluation criteria
 - Schedule and selection process.
- c. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.

(6) *Request for Quotations.*

- a. The request for quotations format should be utilized when the county is capable of establishing precise specifications for a commodity or defining, with specificity, a scope of services for the commodities or contractual services sought and when the estimated cost of these commodities, equipment or services does not exceed the amounts specified in section 2-4(c) of this article. Through this process, vendors are able to compete on a cost basis for like items or services. The selection will be based upon the lowest priced, responsive, and responsible bidder.
- b. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the request for quotations which should include, but not be limited to, the following:
 - Terms and conditions
 - Scope of service or commodities required
 - Schedule
 - Selection process

(b) *Noticing Requirement for Competitive Procurements.*

(1) *Newspaper.*

- a. Noticing of all requests for proposals, requests for qualifications, invitations to bid, and invitations to negotiate (unless otherwise provided by law or waived by the Board) shall be done by publishing once in a newspaper of general circulation in

the county at least 14 calendar days prior to the date set for the receipt of the competitive procurement.

- b. Section 255.0525, Florida Statutes, states that any construction project that is projected to cost more than \$200,000.00 shall be publicly advertised at least once in a newspaper of general circulation in the county at least 21 calendar days prior to the bid received date and at least five calendar days prior to any scheduled pre-bid conference. If the construction project is expected to cost more than \$500,000.00, it must be advertised at least 30 calendar days prior to the bid received date and at least five calendar days prior to any pre-bid conference.
 - c. The notice shall include a general description of the goods or services to be purchased, the location where specifications may be obtained, closing date, and the time and place for receipt of and the opening of the competitive procurement.
 - d. Noticing of all requests for written quotations pursuant to section 2-4(c) shall not require a newspaper ad.
- (2) *Active Vendor List.* Vendors on the active vendor list shall be provided notice of the competitive procurement which states the same information appearing in the written notice. This may be via e-mail, mail or other communicative technology as deemed appropriate by the county. Active vendors' list procedures are contained in section 2-8(a) hereof.
- (3) *Website.*
- a. When advertised in newspapers, the notice shall also be listed on the official county website.
 - b. All requests for written quotations shall be listed on the official county website for a minimum of seven days.
- (c) *Cone of Silence.* Prospective vendors shall not communicate or attempt to communicate with any county staff, officers, or agents regarding the competitive procurement beginning with the date of the advertisement of the competitive procurement and ending with the issuance of a notice of award, the rejection of all responses, or the termination of the competitive procurement, whichever occurs first. No interpretation of the meaning of plans, specifications or other documents can be made to a prospective vendor orally. Vendors who violate this cone of silence will be disqualified from participating in the competitive procurement. The cone of silence does not apply to:
- (1) Communications at any public proceeding or meeting, including pre-bid conferences, site visits, selection committee presentations, or pre-award meetings.
 - (2) Communications during contract negotiations between designated BOCC contract staff/employees and the vendor named in the notice of award.
 - (3) Communication with a vendor by an BOCC contract staff/employee or agent following competitive procurement opening to clarify the vendor's proposal.
 - (4) Communication following the filing of a challenge to a competitive procurement between the protesting vendor or the selected vendor and designated BOCC contract staff/employees or agents concerning the challenge.

- (5) Purchases exempt from competitive procurement pursuant to this policy.
 - (6) Communications with a designated County staff person or agent specified in the solicitation documents for the purpose of asking questions or seeking clarification regarding aspects of the procurement.
- (d) *Competitive Procurement Process.* All competitive procurements are to be prepared by the procurement office in conjunction with staff, who will provide input on the scope of the commodities, equipment or services needed, the legal ads, dates, opening, vendor lists and other pertinent information as may be required by the procurement office.
- (1) *Response Submission.*
- a. Responses to all competitive procurements shall be submitted to the county no later than the date and time designated in the instructions. The envelope containing the competitive procurement shall be sealed and marked according to instructions in the specifications. The procurement office, or designee, shall date and time stamp each response as it is received and file the responses, unopened, in a secure file until the time designated for the opening. Responses received after the designated time shall be returned unopened to the sender.
 - b. Mandatory and non-mandatory conferences may be held when deemed necessary by the affected department director, procurement office, or the County Manager. Notification of the conferences will be outlined in the competitive procurement package or provided by separate notice. However, any written material to be distributed to potential respondents must be approved in advance by the procurement office and made part of the competitive procurement.
 - c. Registration or certification under Chapter 489, Florida Statutes, is required before any contract is awarded for construction work on buildings or other improvements to real property, except for roads or utilities as specified in Section 489.113, Florida Statutes, or is otherwise exempt under Section 489.103, Florida Statutes.
- (2) *Opening of Responses.*
- a. Upon receipt, all responses shall be clocked in at the procurement office and held unopened until the opening date. All competitive procurements shall be opened in public at the time and place stated in the public notice with at least two witnesses present. At least one witness shall be a county employee to record the opening, the other witness may or may not be an employee of the county but they cannot be a respondent to the competitive procurement.
 - b. The purpose of the opening is to record the responses received and to ensure that the responses are in compliance with the basic requirements of the competitive procurement. Responses are not analyzed for quality or substance at the opening. A recording of all responses received shall be available for public inspection unless the procurement responses result in the reissuance of the procurement. A copy may be provided upon request and a copying charge may apply.
- (3) *Rejecting Responses.* The procurement office, after consultation with the affected department director, County Manager and/or the county attorney, shall have the

authority to reject any and all responses for any or no reason. The county will not be held responsible for any costs incurred by vendors/bidders in the case of rejection.

(4) *Correction or Withdrawal of Responses; Material Mistakes; Cancellation of Awards.*

- a. A response submitted to the county as part of a competitive procurement may not be withdrawn unilaterally by the respondent. Correction or withdrawal of inadvertently erroneous responses before or after the competitive procurement opening, or cancellation of awards or contracts based on such mistakes, may be permitted where appropriate, as determined by the County. Mistakes discovered before the competitive procurement opening may be modified or withdrawn by written notice received in the office designated in the procurement prior to the time set for opening.
- b. After the competitive procurement opening, corrections of mistakes shall be permitted only to the extent that the vendor can show by clear and convincing evidence that a material mistake of nonjudgmental character was made, the nature of the mistake, and the price actually intended. After the competitive procurement opening, no changes in prices or other provisions prejudicial to the interests of the county or fair competition shall be permitted. The assigned unit price, when applicable, will be the prevailing decision when an extension price is in error. In place of correction, a low bidder establishing a non-judgmental material mistake of fact may be permitted to withdraw its bid if:
 1. The response was submitted in good faith;
 2. The magnitude of the error made would make enforcement a severe hardship;
 3. The miscalculation was not the result of gross negligence;
 4. The error was reported immediately to the county;
 5. It is not later than 24 hours after the competitive procurement opening, except that if the following day is not a business day for the county. In such case, a withdrawal may be made until 12:00 noon the next county business day.
- c. All decisions to permit the correction or withdrawal of responses, or to cancel awards or contracts based on material mistakes, shall be supported by a written determination by the county attorney.

(5) *Evaluation of Invitations to Bid.*

- a. In an invitation to bid process, the county may consider the following factors in addition to price when determining whether a bidder is responsive and responsible:
 1. Ability, capacity and skill of the bidder to perform the contract.
 2. Whether the vendor can perform the contract within the time specified, without delay, interference, or conflict with current workload.
 3. Character, integrity, reputation, judgment, experience and efficiency of the vendor.
 4. Quality of performance of previous contracts.

5. Previous and existing compliance by the vendor with laws and regulations relating to the contract.
 6. Sufficiency of the financial resources and ability of the vendor to perform the contract or provide the product or service.
 7. Quality, availability and adaptability of the supplies or contractual services to the particular use required.
 8. Ability of the vendor to provide further maintenance and service for the use of the subject of the contract.
 9. Number and scope of conditions attached to the bid or quote.
 10. Qualifications of personnel, licensing and corporate qualifications.
 11. Evidence of improper litigation.
 12. Use of one or more subcontractors with a record of poor performance.
- b. For the purposes of this section, the county may consider evidence from the ten-year period preceding the subject bid.
 - c. In the event the lowest, responsive, responsible bid for a construction project exceeds the architectural or engineering cost estimates, the County Manager is authorized, when time or economic considerations preclude rebidding of work of a reduced scope, to negotiate an adjustment of the scope of work with the lowest, responsive, responsible bidder, in order to bring the bid within the amount of available funds.
- (6) *Evaluation of Requests for Proposals, Requests for Qualifications, and Invitations to Negotiate.*
- a. The procurement office will evaluate proposals for responsiveness. All responses to a request for proposals, requests for qualifications, and invitations to negotiate that are deemed to meet the basic requirements of the competitive procurement and have not been rejected shall be distributed to the selection committee for review in accordance with the established time frames outlined in the competitive procurement.
 - b. The selection committee shall consist of at least three persons appointed by the procurement office, the County Manager, or the Board. Eligible selection committee members include county employees, persons holding positions on advisory councils or committees appointed by the Board, employees of other government agencies, employees or associates of governmental support organizations and employees or associates of other support agencies (i.e., local planning councils, etc.). Persons who are not county employees, may serve on a selection committee as either a voting member or as an advisory, non-voting member. No supervisor will serve on a selection committee with an individual under their direct supervision. Selection committee members must be physically present at all meetings of the committee. Selection committee members must be free of conflicts and the appearance of conflicts.

- c. Selection committee members will be identified prior to the advertisement and release of a competitive solicitation. The procurement office will provide a copy of the competitive solicitation to all selection committee members at the time of release. The selection committee shall use an appropriate form, as approved by the procurement office when evaluating responses and shall conduct its evaluation in accordance with the selection criteria outlined in the competitive procurement. Selection committee members must not seek additional information or perform independent research on vendors submitting proposals. Selection committee members must evaluate and score proposals individually and must not discuss proposals with other selection committee members outside of a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes. The selection committee may hear presentations from all, or selected vendors based on the selection criteria outlined in the competitive procurement. Any presentations, ranking or shortlisting of responses shall be done at a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes.
- d. When price is included as part of an evaluation, the lowest price proposal will receive the maximum weighted score for the price criteria. Scoring of other proposals is based on the ratio of that proposal's price in relation to the lowest price. The ratio will be multiplied by the score assigned for the pricing criteria. For example:
 Lowest price \$10.00 assigned maximum score of 25 points
 Next lowest price \$11.00
 $\$10.00 \div \$11.00 = 0.90$
 Multiply maximum score of 25 by 0.90 equals 22.5 points
 Next lowest price score is 22.5 points

(7) *Intent to Award.*

- a. Once the successful vendor has been determined, the procurement office shall prepare and post a notice of intent to award the competitive procurement.
- b. The notice of intent to award shall be sent by electronic mail to the selected vendor and all responsive vendors to the competitive procurement within 24 hours of the determination. The notice of intent to award shall also be posted in the county administration building and on the county website within 24 hours of the determination.
- c. Upon the distribution of the notice of intent to award to all responsive vendors, which shall be considered done once the notice is sent by the county, the time period for a procurement challenge, as outlined in section 2-5(g) below, shall begin to run.

(8) *Notice of Award.*

- a. After the challenge period in section 2-5(g) has expired, the procurement shall be awarded with reasonable promptness by the entity authorized to approve the purchase, as provided in section 2-3(1) of this article. The notice of award shall be sent to the successful vendor.

- b. The notice of award shall also be posted in the county administration building and on the county website. After conclusion of contract negotiations, as outlined in section 2-5(f) below, all procurements will be formalized by entering into either a contract with the successful vendor or issuing a purchase order to the successful vendor, as described below.
1. *Contracts (written contract).* A written contract, as described below, is used when engaging in construction, purchase of goods and/or services where a purchase order is not adequate to describe all the terms and conditions, and is required to be executed by both parties. A purchase order, as described below, may be used as backup to a contract and processed as encumbrance of funds. The department director, county attorney, County Manager, and/or Board must approve the written contract where applicable per this purchasing policy. A contract refers to a written document, between the supplier, contractor, and/or vendor and Jefferson County. This document establishes the legal working relationship between two parties. It specifies everything that is to be provided: what, when, where, how much, how many, what size, what color, how delivered, where delivered, etc. It specifies how and when payments of goods and services are to be made, maintenance terms, guaranties, etc. The contract establishes in advance the ground rules of the terms and conditions.
 2. *Purchase Order.* A purchase order is the county's official legal document between the county and contractor, issued separately or in conjunction with a contract. A purchase order is used to authorize a vendor to proceed with the purchase of goods, services and/or construction as specified, and obligates the county for payment. The purchase order is used in support of other contracts or by itself to establish legal financial obligations. A purchase order may result from price research, informal quotations, sole source or competitive negotiations, or formal solicitation of bids. A purchase order shall be issued upon receipt of an acceptable, authorized requisition, after having justification, competitive quotes, or bids (as determined in accordance with the purchasing policy limits contained in Section 2-3(1)) and after confirming the availability of funding. A purchase order is issued only after a requisition has been completed and approved. The purchase order must be written so that all the pertinent information is clear, concise and complete, therefore preventing any unnecessary misunderstandings with the vendor.
 3. *Change Order or Contract Amendment.* A change order or contract amendment is processed whenever a change to the original agreement is necessary. Change orders or contract amendments are completed for modifications to scope, descriptions, unit cost, quantities, completion times etc. Change orders and contract amendments must be executed by the entity originally approving the purchase order or contract as provided in section 2-3(1). Should the change order or contract amendment increase the total dollar amount such that the approval levels, in accordance with section 2-3(1), change, then the change order or contract amendment will be required to be reapproved by the appropriate authority. Change orders and contract amendments shall not be used to avoid any standard purchasing procedure for

procurement by the competitive procedures. The change order and contract amendment must be clearly and concisely defined as to the modifications and justification why the change is being requested.

- (e) *Bid Bonds/Deposits.* The County Manager and/or the procurement office shall determine if bid bonds/deposits shall be prescribed. All contracts for construction or facility improvements governed by 2 CFR § 200.326, shall require bid bonds/deposits in accordance therewith for such projects exceeding the simplified acquisition threshold, as set pursuant to 48 CFR Subpart 2.1. If required, a bid bond/deposit shall be for five percent of the amount of the bid. Unsuccessful bidders shall be entitled to full return of their bid bond/deposit. Upon determination by the Board, the successful bidder shall forfeit this bid bond/deposit or a portion thereof, upon failure to enter into a contract or act on the purchase order issued within ten working days of the notice of award and presentation of a contract by the county, whichever occurs later.
- (f) *Contract Negotiations.* Upon approval of the selection, the County Manager with the assistance of the county attorney, if requested, will negotiate a contract with the top ranked vendor. Should the County Manager be unable to negotiate a satisfactory contract with the top ranked vendor within a reasonable time, negotiations with that vendor shall be formally terminated by letter to the vendor. The County Manager shall then undertake negotiations with the second ranked vendor, if any. Failing to satisfactorily negotiate with the second most qualified vendor, the County Manager shall terminate negotiations by letter to the vendor. The County Manager shall then undertake negotiations with the third ranked vendor, if any. Should the County Manager be unable to negotiate a satisfactory contract with any of the selected vendors, the County Manager shall, with the approval of the Board, select additional vendors from the original shortlist to continue negotiations or reissue the procurement. Once a satisfactory contract has been reached, the contract shall be presented for approval and execution by the appropriate authority as provided in section 2-3(1). Upon execution by both parties, the notice to proceed shall be issued.
- (g) *Procurement Challenge.*
 - (1) Any procurement award recommendation may be challenged on the grounds of material irregularities in the procurement procedure, or material irregularities in the evaluation of the response. To initiate a challenge, the vendor must file a notice of intent to challenge the procurement in writing with the procurement office within 72 hours of posting of the notice of intent to award. A formal written procurement challenge shall be filed within five working days in the County Manager's office after the date on which the notice of intent to challenge has been submitted. Failure to file a timely notice of intent to challenge or failure to file a timely formal written procurement challenge shall constitute a waiver of procurement challenge proceedings. Vendors who do not submit a legitimate response to the competitive procurement do not have standing to file a protest. Furthermore, vendors who would not be awarded the subject contract even if the protest were successful lack standing.
 - (2) The notice of intent to challenge shall contain at a minimum: the name of the vendor, the vendor's address, e-mail address, phone number, the name of the vendor's representative to whom notices may be sent, the name and procurement number of the

competitive procurement, and a brief factual summary of the basis of the intended challenge.

- (3) The formal written procurement challenge shall: identify the vendor and the competitive procurement involved, include a clear statement of the grounds on which the challenge is based, refer to the statutes, laws, ordinances, or other legal authorities which the vendor deems applicable to such grounds, and specifically request the relief to which the vendor deems itself entitled by application of such authorities to such grounds. The vendor shall mail a copy of the notice of challenge and the formal written challenge to the selected vendor. The County Manager shall, within ten working days of receipt of the formal written challenge, cause the challenge to be investigated. In the event the challenge is not resolved, the Board shall, within a reasonable time, be presented with the written challenge and the County Manager's decision to the challenge prior to award of the procurement. The procurement, which is the subject of the protest, shall not proceed until a final decision has been made, unless the Board makes a determination that the contract must proceed without delay to protect substantial interest of the county.
- (4) Nothing herein relinquishes the county's rights to waive irregularities and formalities in accordance with its procurement package and instructions. Further, nothing herein shall create any rights in the unsuccessful respondent. All decisions of the Board shall be final.

(h) *Exemption from Competitive Procurement.*

- (1) The requirement for competitive procurement is hereby waived for the purchase of the following unless the county determines that a competitive procurement is warranted for a specific purchase:
 - a. All books, periodicals, software, printed materials, artwork, photographs, film, film strips, video tapes, disk or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency, or a recognized educational institute;
 - b. Heavy equipment repairs;
 - c. All purchases of used equipment having a value of \$20,000.00 or less; however, each such purchase shall be supported by one independent estimate of value;
 - d. Cooperative purchasing (ref: section 2-4(f));
 - e. The purchase, lease, or rental of real property, except to the extent required by state law;
 - f. Abstracts of titles for real property and title insurance;
 - g. Sole source purchases (ref: section 2-5(i));
 - h. Public utility services whose rates are determined and controlled by the public service commission or other governmental authority, including but not limited to electricity, water, sewer, telephone and cable television services are exempt from the competitive procurement requirements;
 - i. Consultant services, other than those regulated by Section 287.055, Florida Statutes;

- j. Social services (e.g., burials and indigent patient services);
 - k. Advertisements; postage; legal services, expert witnesses; court reporter services;
 - l. Dues and memberships in trade or professional organizations; fees and costs of job-related seminars and training;
 - m. Travel;
 - n. Artists, music ensembles (bands) and other entertainment providers;
 - o. Emergency purchases (ref: section 2-4(e));
 - p. Statutorily dictated procurements (such as medical examiners, forestry fire assessments, etc.); and
 - q. Other commodities, equipment or services, as determined by the Board.
 - r. Vehicle collision damage or county building damage covered by insurance claims.
 - s. Appraisal services related to the purchase or sale of real property or buildings.
- (2) The requirement for competitive procurement may be waived for the purchase of:
- a. Single source purchases (ref. section 2-5(j)); and
 - b. Other commodities, equipment or services, as determined by the Board.
- (i) *Sole Source.*
- (1) The term "sole source" means that the commodity can be legally and reasonably purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase if, there is more than one potential supplier for that item. Use of brand names and model numbers does not constitute a sole source.
 - (2) A contract may be awarded, except as otherwise provided for under state law, for a supply, service, material, equipment or construction item(s) without competition when the procurement office, with the concurrence of the County Manager, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s).
 - (3) Such awards will be made within the authorized procurement limits identified in section 2-3(1) of this article. When a purchase exceeds the threshold amount for staff approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a sole source.
 - (4) The procurement office shall be authorized, after initial sole source certification, to make additional purchases for a sole source vendor for not less than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.
- (j) *Single Source.*
- (1) The term "single source" means that a commodity can be purchased from multiple sources, but, in order to meet certain functional or performance requirements (repair

parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

- (2) Purchases of goods and/or services from a single source may be exempted from the competitive procurement requirements upon confirmation that: (1) the use is justified based on costs or interchangeability factors; (2) the use is recommended by the project architect, engineer, or affected department director; (3) the rationale for single source is approved by the County Manager. Such awards will be made within the authorized procurement limits identified in section 2-3(1) of this article.
- (3) When a purchase exceeds the threshold amount for staff approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a single source.
- (4) The procurement office shall be authorized, after initial single source certification, to make additional purchases for a single source vendor for not less than one year or until such time as contrary evidence is presented regarding single source eligibility, whichever period is less.

Sec. 2-6. Unauthorized Procurements.

- (a) *Ultra Vires Procurements.* Except as herein provided, it shall be a violation of Board policy for any officer, employee or agent of the Board to order the purchase of any commodities, equipment or services or to make any contract within the purview of this article other than through the guidelines established in this article. Any purchase order or contract made contrary to the provisions herein shall be considered to be an ultra vires act, shall not be approved, and the county shall not be bound thereby.
- (b) *Subdividing Procurements.* Purchases, orders, or contracts that are subdivided to circumvent the requirements of this article shall be considered unauthorized purchases and are prohibited.

Sec. 2-7. Payment and Performance Bonds.

- (a) The County Manager and/or procurement office shall determine if payment and performance bonds shall be required. All contracts for construction or repairs of public buildings and public works require payment and performance bonds in accordance with Section 255.05, Florida Statutes. All contracts for construction or facility improvements governed by 2 CFR § 200.325, require payment and performance bonds in accordance therewith for such projects exceeding the simplified acquisition threshold in 2 CFR § 200.88. Any required bond(s) will be noted in the competitive procurement documents, if applicable. Vendors are not required to secure a surety bond from a specific agency or bonding company.
- (b) All contracts that require payment and performance bonds from a surety company shall require approval by the Board. Payment and performance bonds shall be at least 100 percent of the contract price. At the discretion of the County Manager or Board, an entity entering into a contract that is for \$200,000.00 or less, may be exempted from executing payment and performance bonds.
- (c) A contractor or vendor shall provide a surety bond from a surety company authorized to do business in the State of Florida to guarantee the full and faithful performance of their contractual obligations and the payment of labor and material expended pursuant to the

contract whenever and in such amounts as is deemed necessary by the procurement office. Alternative surety devices, such as letters of credit, may be authorized by the Board.

Sec. 2-8. Vendors List, Suspension and Debarment.

- (a) *Active Vendors' List.* A vendors list for the purpose of competitive procurements shall be maintained by the county. The list shall consist of vendors that apply with the county to be placed on the list for the provision of particular commodities, equipment, and services. It is the responsibility of any potential vendor to ensure that it is placed on the active vendors' list for a particular category of commodities, equipment or services.
- (b) *Suspension and Debarment.* As set forth below, the County Manager may suspend or debar, for cause, the right of a vendor to be included on the county's vendor list. Any subsequent bid or proposal from that vendor during the pendency of such suspension or debarment shall be rejected by the county. The county shall only solicit offers from, award contracts to, and consent to subcontracts with vendors known to be reliable, ethical, and responsible. To that end, the suspension or debarment of vendors from county work that do not meet these criteria may be undertaken. The serious nature of suspension or debarment requires that such sanction be imposed only when it is in the public interest for the county's protection, and not for purposes of punishment. Such suspension or debarment shall be imposed in accordance with the procedures contained in this section 2-8(b). Suspension or debarment applies to all officers, principals, directors, partners, qualifiers, divisions or other organizational elements of the suspended or debarred vendor. The suspension or debarment applies to any existing affiliates of the vendor if they are specifically named and are given written notice of the proposed suspension or debarment and an opportunity to respond.
 - (1) *Suspension.* A vendor may be suspended based upon the following:
 - a. Failure to fully comply with the conditions, specifications, or terms of a contract with the county.
 - b. Failure to fulfill a bid, proposal or quote upon award.
 - c. Commission of any misrepresentation in connection with a bid, quotation or proposal.
 - d. Charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract. If charges are dismissed or the vendor is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the county.
 - e. Charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty may affect the responsibility as a county government contractor. If charges are dismissed or the vendor is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the county.

- f. Vendor becomes insolvent, proceedings in bankruptcy regarding the vendor are filed or, vendor compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property.
 - g. Commission of any act or omission to perform any act which is grounds for debarment.
 - h. Any other cause the County Manager determines to be compelling as to materially and adversely affect the responsibility of a vendor as a county government contractor, including but not limited to, suspension by another governmental entity.
 - i. Violation of the ethical standards set forth in local, state or federal law.
- (2) *Debarment.* A vendor may be debarred for the following:
- a. Repeated failure to fully comply with the conditions, specifications, or terms of a contract with the county.
 - b. Repeated failure to fulfill a bid, proposal or quote upon award.
 - c. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor's commercial enterprise stated in section 2-8(b)(1)d. and e. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition from the vendor to the county.
 - d. Conviction for the commission of any fraud or act of collusion in connection with any sale, bid, quotation, proposal or other act incident to doing business with the county.
- (3) *Effect of Suspension and Debarment.* The county shall not solicit offers from, award contracts to, or consent to subcontracts with suspended or debarred vendors, unless the County Manager determines that an emergency exists justifying such action and obtains approval from the Board. Such vendors are also excluded from conducting business with the county as agents, representatives, subcontractors, or partners of other vendors.
- (4) *Contract Provision.* All proposed county contracts shall incorporate this provision and specify that suspension or debarment may constitute grounds for termination of such contracts.
- (5) *Suspension and Debarment Process.* The following procedures shall be utilized for the suspension or debarment of a vendor:
- a. The county department requesting the suspension or debarment shall submit to the County Manager a written complaint which shall state with specificity the facts supporting such a request for suspension or debarment and shall identify a recommended suspension or debarment period.
 - b. The County Manager shall review the complaint, verify whether it is compliant with the provisions of this article, direct any appropriate changes and forward the complaint to the vendor.

- c. The vendor shall review the complaint and provide a written response, with supporting documentation, to each allegation. The response shall be provided to the County Manager within ten business days of receipt of the complaint. In the event the vendor fails to respond to the complaint within the prescribed time period, the complaint, as forwarded to the vendor, shall become an effective suspension or debarment decision without further appeal.
- d. In the event the vendor files a timely and complete response to the complaint, the County Manager shall determine whether the vendor should be suspended or debarred and, if applicable, the time period for such suspension. The County Manager's decision shall be based on the facts set forth in the complaint, the vendor's response and the parameters set forth in this article.
- e. If the vendor chooses to appeal the County Manager's determination, the vendor shall have three business days to file an appeal to the Board. At its next available meeting, the Board shall review the suspension or debarment record compiled by the County Manager and the vendor. If the original decision to suspend or debar is determined to be proper and justified, the vendor shall be suspended or debarred. The Board's determination shall constitute final action by the County with respect to the matter.

(6) *Suspension or Debarment Period.*

- a. *Suspension.* The County Manager, or the Board in the case of an appeal, shall determine the period of suspension. Such period shall be commensurate with the severity of the cause(s). At the conclusion of the suspension period, the vendor shall automatically be reinstated to the status of active vendor and be eligible to submit bids, proposals, quotes, or otherwise conduct business with the county.
- b. *Debarment.* The period of debarment shall remain in effect until the vendor is reinstated to the status of active vendor.
- c. *Reinstatement.* A suspended or debarred vendor may appeal for reinstatement at any time during the suspension or debarment period based on one or more of the following reasons:
 - 1. Newly discovered material evidence;
 - 2. A reversal of the conviction, civil judgment or other action upon which the suspension or debarment was based;
 - 3. Bona fide change in ownership or management;
 - 4. Elimination of other causes for which the suspension or debarment was imposed; or
 - 5. Other reasons that the Board deems appropriate.
- d. *Appeal for Reinstatement.* The vendor's appeal for reinstatement shall be based on one or more of the aforementioned reasons. The County Manager, with the assistance of the affected department, shall have 30 days from receipt of such appeal to render a written decision to the vendor. If the vendor chooses to appeal the County Manager's determination, the vendor shall have three business days to file

an appeal to the Board. The Board's determination shall constitute final action by the County with respect to the matter.

Sec. 2-9. Conflict of Interest.

- (a) No elected official, employee, or agent of the county shall participate in the selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved.
- (b) Such a conflict would arise when the elected official, employee, or agent, or his or her immediate family has a financial or other interest in the firm selected or considered for award or any other circumstance concerning the selection, award or administration of any contract that would violate the standards of conduct in Section 112.313, Florida Statutes. The county's elected official, employees, or agents shall neither solicit nor accept gratuities, favors, or anything, regardless of value, from contractors, potential contractors, or parties to subagreements.
- (c) Violations of these standards of conduct may result in disciplinary action as set forth in Section 112.317, Florida Statutes, provided that such disciplinary action does not conflict with the jurisdiction of the State of Florida Commission on Ethics.

Sec. 2.10. Public Records and Public Meetings.

(a) *Public Records.*

- (1) The county is governed by the state public records laws provided in Chapter 119, Florida Statutes. Pursuant to current state law, responses to competitive procurements received by the county are exempt until such time as the county provides notice of an intended decision or until 30 days after opening, whichever occurs first. Certain proprietary and financial information from vendors may also be confidential or otherwise exempt from public disclosure under certain circumstances.
- (2) Official records and documents shall be retained per the requirements set forth in the Florida State Statutes regarding records retention.

(b) *Public Meetings.*

- (1) The county is governed by the state public meeting laws as provided in Section 286.011, Florida Statutes. Any meetings of a Board or committee where presentations, rankings, short listings, or other award decisions are to be made shall be done at a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes.
- (2) Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive procurement, at which a vendor makes an oral presentation as part of a competitive procurement, or at which a vendor answers questions as part of a competitive procurement is exempt from Section 286.011, Florida Statutes.
- (3) Any portion of a negotiation team meeting at which negotiation strategies are discussed is exempt from Section 286.011, Florida Statutes.
- (4) A complete recording shall be made of any meeting, or portions thereof, that are exempt from state public meeting laws. The recording of, and any records presented at, the exempt meeting are exempt from Section 119.07(1), Florida Statutes, until such time as

the county provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs first.

Sec. 2-11. Grants.

- (a) Expenditures from funds other than general fund tax dollars may require special processing because of specific legal terms and conditions placed by the funding agency. Grants often have certain purchasing requirements that are different or additional to the county's purchasing policy and they require special purchasing procedures. It is the responsibility of the using department to identify any special purchasing requirements or provisions, notify the procurement office of them, and to ensure that all requirements are followed.
- (b) Unless otherwise specified in the grant, all grant purchases shall follow the county's purchasing policy.
- (c) The provisions of 2 CFR 200 and Rule 73C-23, F.A.C. are hereby incorporated herein by reference and shall be applicable to procurements funded pursuant to a grant agreement that is governed by those provisions.

Sec. 2-12. Purchasing Cards.

- (a) Utilization of the purchasing card is limited to the authorized cardholder whose name appears on the face of the card. Purchasing cards are issued by the county's purchasing card administrator following:
 - (1) Completion (and approval) of a cardholder profile information form; and
 - (2) Completion of purchasing card program training.
- (b) The Board encourages the use of the purchasing card for purchases under \$5,000.00, as well as approved travel expenditures. This process enables the cardholder to procure small dollar commodities and some services without issuance of a purchase order.
- (c) Under the purchasing card program, the cardholder may order commodities, equipment or services within procurement guidelines provided by the procurement office and within their authorized monthly or single transaction dollar limit which is established by the department director and approved by the purchasing card administrator. Using the purchasing card is intended to:
 - (1) Expedite the delivery of commodities, equipment and services;
 - (2) Reduce the number of small dollar purchase orders;
 - (3) Reduce paperwork from vendors and provide immediate payment to vendors;
 - (4) Permit purchasing in emergency situations;
 - (5) Lower overall purchasing transaction costs and increase accountability; and
 - (6) Provide certain management information in an electronic format.
- (d) When a purchasing card is issued to an employee, it constitutes a delegation of purchasing responsibilities to that employee. Therefore, cardholders must follow good purchasing practices and comply with all applicable purchasing statutes and procedures.

Sec. 2-13. Surplus Property and Disposal.

(a) *Obtaining Surplus Property.*

- (1) The procurement office has the authority to obtain property from authorized surplus property programs such as other government agencies, manufacturers, businesses or public auction when purchased in accordance of the purchasing policy thresholds.
- (2) Surplus property obtained from another government agency (i.e. a county, city, etc.) shall be reviewed and the appropriate process determined by the County Manager on a case-by-case basis.

(b) *Disposing of Surplus Property.*

- (1) The county will routinely dispose of surplus property held by the county, when there is sufficient amount of surplus property to dispose of, by means of public auction, recycling, scrapping, cannibalization, trade or donation to non-profit and civic groups as approved by the Board. Other government agencies are also invited to participate in these government auctions.
- (2) Departments identifying property as surplus shall advise the County Manager and provide all pertinent information regarding the item. After the Board approves the list of surplus property, the County Manager shall initiate and coordinate disposal as directed by the Board, in accordance with established regulations. Any auctions shall be advertised and posted on the county's official website.

Sec. 2-14. Minority, Women, and Small Business Enterprise Program.

- (a) The purpose of the minority, women, and small business enterprise program is to provide guidance in the outreach of W/MBEs to ensure awareness and opportunities of doing business with Jefferson County. The minority, women, and small business enterprise program shall only apply to those projects, services or commodities funded by a federal or state grant/contract/agreement having W/MBE requirements and not otherwise covered by a W/MBE or disadvantaged business enterprise program.
- (b) The procurement office will ensure compliance with this purpose by ensuring its requirements are included in competitive procurements as it applies to both primary and subcontractors.
- (c) The county will accept certification of W/MBE status from the City of Tallahassee, Leon County, and State of Florida, Office of Supplier and Diversity as well as the Florida Department of Transportation (FDOT), DBE program in lieu of creating its own certification program. The county may also consider and accept certification from other State of Florida, county or city programs on a case-by-case basis.
- (d) The minimum W/MBE requirements to be included in each applicable competitive procurement are as follows. The County shall also include any such additional requirements as necessary to ensure compliance with a federal or state grant/contract/agreement or as otherwise required by applicable state or federal law:
 - (1) The county will utilize the State of Florida, City of Tallahassee, Leon County, and FDOT directories to notify certified W/MBE firms of procurement opportunities in Jefferson

County. The efforts of such outreach shall be maintained in the original procurement solicitation file.

- (2) Each primary contractor that intends to use subcontractors shall also use the State of Florida, City of Tallahassee, Leon County and FDOT directories of W/MBE to solicit W/MBEs for subcontracting opportunities under a primary contract.
- (3) Each primary contractor that intends to use subcontractors shall be responsible for documenting outreach activities in accordance with the competitive procurement document.

Secs. 2-14 – 2-20. Reserved.

SECTION 3. CREATION OF A NEW ARTICLE II WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION. There is hereby created a new Article II within Chapter 2 of the Jefferson County Code of Ordinances, to be entitled “Cemetery Maintenance,” to read as follows:

ARTICLE II. CEMETERY MAINTENANCE

Sec. 2-21. Cemetery Maintenance.

- (a) *Policy and Purpose.* It is hereby declared to be the public policy of the county that, in order to safeguard the life, health, property and public welfare of its citizens, historical cemeteries located in the county, but outside the City of Monticello, Florida, should receive the minimum basic maintenance to allow continued use by the citizens and that this is a matter affecting the public interest.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cemeteries means lands dedicated in the county where local communities, churches or individuals have set aside land for burial purposes.

Cemeteries available for public burial. The county will not perform any maintenance unless the cemetery is available to the public for burial purposes. This does not include the following:

- (1) Any private cemeteries;
- (2) Commercial cemeteries or cemeteries where burial plots are sold or otherwise require compensation for its use; and
- (3) Cemeteries where discrimination is practiced on the basis of race, sex, gender or otherwise.

County Maintenance includes basic and limited maintenance provided by the county road department which includes brush cutting and mowing and limited maintenance on the access road leading to the nearest county or state road system.

- (c) *County Activity.*

- (1) The county will provide these maintenance services, provided funds are available and it reserves the right to discontinue these services in general or specifically to any cemetery.

- (2) The county is not responsible for any maintenance, repair or replacement to graves, grave markers, fences or other improvements.
- (3) The county will furnish limited maintenance which allows for the continued use of these historical cemeteries and it is not the purpose of the county to provide improvements, repairs, replacement or maintenance to individual gravesites, gravestones, markers, fences or any other improvements.
- (4) It is the purpose of the county to encourage individuals, groups or organizations to provide improvements, repairs and replacement of gravesites in the historical cemeteries located in the county.

SECTION 4. CREATION OF A NEW ARTICLE III WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION. There is hereby created a new Article III within Chapter 2 of the Jefferson County Code of Ordinances, to be entitled "Economic Development Fund," to read as follows:

ARTICLE III. ECONOMIC DEVELOPMENT FUND

Sec. 2-22. Economic Development Fund.

- (a) *Fund Authorized and Established.* The Board of County Commissioners (the "Board") hereby creates a separate fund to be known and designated as the economic development fund. The economic development fund will be funded through appropriations from general revenue, or other proper sources, and through additional funding as may be authorized by the Board.
- (b) *Use of Funds.* Grants from the economic development fund shall be made for the purpose of, among other things, promoting and fostering the economic development of Jefferson County, inducing additional investment through a new location or expansion of any industry of business, and bringing additional year-round payrolls to supplement the present economy, Such uses and purposes are hereby declared to be a county purpose.
- (c) *Amount of Grant.* The availability and amount of grants from the economic development fund shall be decided on a case-by-case basis by the Board based on the fund balance, the proposed use of the funds and other considerations deemed appropriate by the Board. Generally, the incentives will be based on job development and capital investment. An outline of types and amounts of incentives is attached as exhibit "A", and is intended to be a basis for discussion. The board shall have final discretion in the awarding of funds.
- (d) *Powers of Board with Respect to Fund.* The Board may spend monies from the economic development fund directly or indirectly; and the Board may, at its discretion, make available all or part of such funds to the Jefferson County Economic Development Council, Inc., to be used by such council solely for the purposes set forth in this section and subject to such supervision, accounting and regulation as the Board may impose.
- (e) *Grant Applications.* Any business relocating to, or expanding within, Jefferson County may make application, on a form approved by the Board. Said grant application shall be submitted to the Jefferson County Economic Development Council, Inc., which is designated as the county's economic development representative. Applicants to the program must be recommended by the Jefferson County Economic Development Council to the Board, and the

Board must approve the application. The Jefferson County Economic Development Council should consult with the clerk of court, property appraiser and other county departments to determine the availability of funds, to verify taxable values and to otherwise evaluate the application.

- (f) *Reporting.* The Jefferson County Economic Development Council, Inc. shall provide the Board with quarterly reports detailing new jobs created and an analysis of the performance of the program.
- (g) *Grant Agreements.* Each successful applicant shall execute a grant agreement approved by the Board, which shall include but not be limited to criteria and time frames for carrying out the grant requirements. Failure to comply with requirements of the grant agreement shall be considered a default and will result in the forfeiture of all funds paid to the grantee.
- (h) *Records and Reports.* Each grantee shall, in addition to other requirements in the grant agreement, document the use of funds and certify that funds have been expended in accordance with the grant agreement; create and maintain records of new jobs created; and supply to the Board all records relating to the grant on an annual basis. For a period of five years after execution of the grant agreement, the grantee must provide the Board with an annual status report of its business operations and must maintain all such records for five years after termination of the grant.

SECTION 5. REPEAL OF PREVIOUSLY ADOPTED COUNTY PURCHASING POLICIES. All purchasing and/or procurement policies and procedures adopted by the Board prior to the effective date of this Ordinance are hereby repealed in their entirety. Nothing herein shall be deemed to invalidate or otherwise effect the validity of any County purchases or contracts entered into prior to the effective date of this Ordinance.

SECTION 6. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Jefferson County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 7. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 8. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within 10 days after its enactment by the Board and shall take effect as provided by law.

PASSED AND DULY ENACTED by the Board of County Commissioners of Jefferson County, Florida in regular session, this _____ day of _____, 2022.

**JEFFERSON COUNTY, FLORIDA
BOARD OF
COUNTY COMMISSIONERS**

Gene Hall, Chair

ATTESTED BY:

Kirk Reams, Clerk of the Circuit Court

APPROVED AS TO FORM & SUBSTANCE:

Heather J. Encinosa, County Attorney

Paving List for 2022: Phase One

Road Name	District	Mileage
South Gilley Road	1	2
Total for District: 2		
Oetinger Road	2	1.1
Sledge Road	2	0.6
Johnson Road	2	0.7
North Norias Road	2	0.2
Simpson Road	2	0.3
Total for District: 2.9		
Curtis Mill Road	3	0.9
Old Drifton Road (N. End)	3	0.8
Lake Side Road	3	0.2
Campbell Road	3	0.3
Total for District: 2.2		
Steel Road	4	0.8
Hayfield Spur	4	1.5
**Lukens Road	4	0.4
**Miller Road	4	0.1
Total for District: 2.8		
Robert Thompson Road	5	0.6
St. Augustine Road	5	1
Avalon Road	5	0.3
Fallow Road	5	0.5
Avalon Side Road	5	0.2
Total for District: 2.6		
**Stabilize		

End of Phase One

Paving List for 2022: Phase Two

Road Name	District	Mileage
North Gilley Road	1	1.8
Steen Road	1	1.2
Joiner Road	1	1.7
Total for District: 4.7		
Doke	3	0.5
Cook Side Road	3	0.5
Total for District: 1		
Merrit Road	4	0.25
Total for District: 0.25		
Peter Brown Lane	5	0.7
Walker Springs Road	5	0.3
Lanier Road (N. End)	5	0.3
Total for District: 1.3		
Hartsfield Road	1	0.9
Fornes Road	1	0.6
Tindell Road	1	0.4
Lonnie Road	1	0.6
Turney Anderson Road	1	0.6
Gramling Road	1	1.3
Luther Fountain Road	1	0.5
Rudd Road	1	0.8
Bonnet Pond Road	1	0.6
Frank Lacy Road	1	1.2
Reichdorff Road	1	0.1
Lovett Road	1	1.2
Total for District: 8.8		

Clerk Reams,

We received the files provided via your counsel on Friday 9/23/2022 and Monday 9/26/2022. We have various follow up questions and responses, and think that a phone call would be the easiest way to address them. We have availability today until 3:00 PM and tomorrow from 9:00 AM to 3:00 PM (other than 10:30-11:15 AM). Please let us know if there is a time in either of these windows for a discussion. If not, please let me know what times you are available and we can find something that works.

The general topics are as follows:

1. Items requested that the Clerk's team marked as "need more information"
 1. Original request #1.8 and #1.9
2. Status of the trial balance with groupings requested from your auditor
 2. Original request #4.1 and #14.1
3. Although we received a listing of reimbursements, our request also pertained to the supporting details (e.g., receipts and expense reports) of each
 3. Original request #6
4. We did not receive any additional information for two items and would like to know if any other information exists that will be forthcoming
 4. Original request #7 and #8
5. New G/L detail and trial balance reports for Clerk FYs 2018-2021 were provided, but these reports still appear to be missing the agency fund/fiduciary fund details
 5. Secondary request items A-C
6. We did not receive the information requested related to Board G/L details and trial balances; the items provided appear to be the same as before
 6. Secondary request list Items D-E

If you would like, we can follow up our call with another written request in a format similar to the grid we provided on September 7, where you can mark "yes" or "no" regarding the completeness of the files provided to us & keep going with that format until all answers are marked "yes."

Thank you,
Julian

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 22, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney
Evan Rosenthal, Assistant County Attorney

Subject: Consideration of a Resolution Creating a County Social Media Policy

Statement of Issue:

This agenda item requests Board approval of a Resolution creating a policy governing the creation and use of County social media sites.

Background and Analysis :

Social media constitutes a valuable tool for communicating information and increasing public awareness of county government. However, the use of social media by local governments is also fraught with potential issues, including issues related to the First Amendment, sunshine law, and public records law.

The attached Resolution creates a County Social Media Policy in an effort to ensure the effective, responsible, and appropriate use of social media. The Resolution establishes the policy of the County concerning the use of “social media,” which term includes include blogs, websites, Facebook profiles/pages, Twitter feeds, Instagram, Tik Tok, and related platforms available for the dissemination of information and viewing by the public.

Pursuant to the Resolution, only County employees/agents authorized in writing by the County Manager or their respective department director may create a County Social Media site or otherwise communicate via social media on behalf of the County. Each County Social Media site must have at least one “Page Administrator” who is responsible for the administration, updating, and maintenance of the site. All Page Administrators must undergo training administered by the County Attorney or another legal professional covering state public records laws including but not limited to those contained in Chapter 119, Florida Statutes, First Amendment laws, and other applicable topics.

The Resolution further establishes rules related to what can and cannot be posted on County Social Media sites. Each County Social Media site must contain certain information including the County’s name, the applicable Department’s name, and contact information for the Page Administrator. County Social Media sites. County Social Media Sites may be used to share official Department/County information, resources, calendars, events, and news. County Social Media Sites

may not be used to communicate political advertisements/electioneering communications, to communicate personal opinions, or to communicate irrelevant, impertinent or slanderous information.

At the discretion of the Page Administrator, County Social Media Sites can be set up to allow for one-way or two-way communication (i.e. where the public is allowed to post comments and other content). In the event two-way communication is permitted, the Page Administrator must post specific terms of use on the Page, which are detailed in the Resolution.

The Resolution takes no position with respect to County officers and employee who elect to use and participate in personal social media sites. Provided, to protect the County while balancing the rights of County employees to freely express themselves via social media, the Resolution provides certain guidelines for personal use of social media, including:

- Each person is solely responsible for the content published on their personal Social Media site.
- Use of personal Social Media sites must be restricted and scheduled so as not to infringe upon an employee, agent, volunteer, or contractor's County duties and work productivity.
- Use of personal Social Media sites on County equipment is prohibited.
- Employees are prohibited from disclosing confidential information on any social media network.
- Employees are prohibited from making statements about the County, their co-workers, partners, or agents that could be considered as harassing, threatening or defamatory.
- Personal Social Media sites/pages shall not be represented as official County Social Media sites/pages or as representations of the views of the County or the Jefferson County Board of County Commissioners.

With respect to the use of social media by County Commissioners, the policy states that Commissioners may use social media to communicate news and their own views and opinions regarding county business, but they must ensure they do not hold out such views as representative of the County as a whole. The Resolution further provides that commissioners and other members of public bodies subject to the sunshine law must not engage in an exchange or discussion of matters with other members of the same public body via Social Media on matters that will foreseeably come before such body.

From a public records standpoint, all communications made through social media regarding County business by County officers, agents, employees, volunteers, or contractors are public records and must be stored in a manner consistent with the retention schedule established by the Department of State. The County should take steps to ensure that all content posted on County Social Media sites is captured and archived in accordance with the state's public records laws.

Options:

1. Approve Resolution Creating a County Social Media Policy

Consideration of a Resolution Creating a County Social Media Policy

October 6, 2022

Page 3

2. Do Not Approve Resolution in Creating a County Social Media Policy Jefferson County.
3. Board Direction.

Recommendation:

Option #1

Attachments:

Resolution Creating a County Social Media Policy

RESOLUTION NO. 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, RELATING TO THE USE OF SOCIAL MEDIA; PROVIDING PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR THE CREATION AND USE OF COUNTY SOCIAL MEDIA SITES; PROVIDING GUIDELINES APPLICABLE TO THE USE OF SOCIAL MEDIA SITES BY COUNTY OFFICERS AND EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, social media constitutes a valuable tool for communicating information and increasing public awareness of county government; and

WHEREAS, the County wishes to adopt rules and regulations intended to ensure the effective, responsible, and appropriate use of social media.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Jefferson County, Florida, that:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. PURPOSE. The County wishes to utilize social media as a means to disseminate information and increase public awareness of county government, programs, policies, and services. The rules set out herein are intended to provide for the responsible and appropriate use of social media in furtherance of this purpose.

This Resolution establishes the policy of the County concerning the use of “social media” as defined herein, which shall apply to all County officers, agents, employees, volunteers, and contractors in making any communication through social media on behalf of the County or pertaining to county business. Policies governing the creation and use of personal Social Media pages, sites, platforms, or profiles by County employees are also set out herein.

SECTION 3. DEFINITIONS. As used herein, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

“County Social Media Site” shall mean any Social Media that is established, endorsed, or funded by the County by its officers, employees, agents, volunteers, or contractors. The term County Social Media shall encompass Social Media sites established by individual members of the Board of County Commissioners and/or other public officials acting in an official or public capacity, but shall not include personal Social Media sites of members of the Board of County Commissioners and other County officers, employees, agents, volunteers, or contractors.

"Page Administrator(s)" shall mean the individual designated by the applicable department director or the County Manager, who shall be responsible for the administration, updating, and maintenance of a specific County Social Media Site.

"Social Media" shall mean and include blogs, websites, Facebook profiles/pages, Twitter feeds, Instagram, Tik Tok, and related platforms available for the dissemination of information and viewing by the public.

SECTION 3. USE OF SOCIAL MEDIA SITES BY COUNTY COMMISSIONERS.

County Commissioners may create, manage, administer, or communicate news and their own views and opinions regarding county business through Social Media, but must ensure that they do not hold out such views as representative of the County as a whole.

SECTION 4. SUNSHINE LAW REQUIREMENTS FOR COUNTY COMMISSIONERS OR BOARD MEMBERS UTILIZING COUNTY OR PERSONAL SOCIAL MEDIA. Members of the Board of County Commissioners and other public boards, councils and public bodies who use County Social Media Sites or personal Social Media sites must exercise caution to comply with Chapter 286, Florida Statutes. Pursuant to the requirements of Chapter 286, Florida Statutes, members of the Board of County Commissioners and other public boards, councils and bodies must not engage in an exchange or discussion of matters with other members of the same board, council, or public body via Social Media on matters that will foreseeably come before that board, council, or other public body.

SECTION 5. CREATION AND USE OF COUNTY SOCIAL MEDIA SITES.

A. Only County employees, agents, volunteers, or contractors who have been authorized in writing by their respective department directors or the County Manager may create a County Social Media Site or otherwise communicate via Social Media on behalf of the County.

B. Except as provided herein, no County officer, agent, employee, volunteer, or contractor may create, manage, administer, or communicate through Social Media on behalf of the County or any of its departments.

SECTION 6. DESIGNATION OF PAGE ADMINISTRATOR(S).

A. Each County Social Media Site shall have at least one individual Page Administrator, who shall be responsible for the administration, updating, and maintenance of the designated County Social Media Site.

B. Each Page Administrator shall be required to undergo training covering. Such training shall be administered by a legal professional from the Office of the County Attorney or other qualified person.

SECTION 7. COUNTY SOCIAL MEDIA SITES.

A. An authorized employee shall post the following on all County Social Media Sites:

1. The Jefferson County Department's name.
2. Approved/official Jefferson County logo or approved official secondary logos.
3. A County e-mail address or County telephone number for contact purposes.
4. Official department information, resources, calendars, events, and news.

B. County Social Media Sites may not be used for the following:

1. To communicate political advertisements or electioneering communications concerning an issue, referendum, or other matters that may be subject to the vote of the electors. Provided, factual information concerning an issue, referendum, or other matter subject to the vote of the electors may be posted on a County Social Media Page if approved in advance by the County Attorney's office.

2. To communicate personal opinions unless approved in writing by the County Manager.

3. To communicate irrelevant, impertinent or slanderous information.

4. Employee, agent, volunteer, or contractor personal e-mail addresses shall not be used when setting up County Social Media Sites. If necessary, the County's Information Technology (IT) Office will create a unique e-mail address for Social Media use. A Social Media site user ID and password may only be given to an employee, agent, volunteer, or contractor who has been authorized to use that department's social media page. The County Manager shall be provided with up-to-date log-in credentials and passwords for all County Social Media Sites.

5. At the discretion of the Page Administrator, County Social Media Sites may be structured to allow for two-way communication between the County and the Public. Where two-way communication is permitted, members of the general public may be allowed to post comments and other content which relates to the general purpose and subject matter of the site. In the event a Page Administrator elects to allow for two-way communication, the following terms of use shall be posted on the County Social Media Site:

"[Insert Department Name] has created this page as a limited public forum for the purpose of facilitating the dissemination

of information and communication with the public concerning [Insert Description of Department/Type of Info to Be Provided]. Please be aware that when engaging with the [Insert Department Name] through social media, you agree to adhere to the following terms of use:

- Florida has broad public records laws. All postings on this page, including personal information, may be public records under Florida public records laws and all information is being preserved by the County.
- Please keep all comments and discussion on topic and related to the purpose of the page.
- The following are **expressly prohibited**: pornography; graphic or obscene content; content that promotes illegal activity; violations of copyrights and trademarks; content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity or sexual orientation; content that constitutes an imminent threat; and solicitations, advertisements, or other content that is commercial in nature.”

6. Use of County Social Media Sites must not interfere with an employee’s performance of his/her responsibilities or compromise the functionality of the division or county network.

SECTION 8. RETENTION OF RECORDS. In accordance with Chapters 119 and 257, Florida Statutes, all communications made through Social Media regarding County business by County officers, agents, and employees, volunteers, or contractors and comments by the public on County Social Media Sites are public records and must be stored according to the retention schedule established by the Department of State.

SECTION 9. ABUSE OF COUNTY SOCIAL MEDIA SITES. Inappropriate use or abuse of County Social Media Sites may subject employees, agents, volunteers or contractors to disciplinary action, up to and including termination.

SECTION 10. PERSONAL SOCIAL MEDIA SITES. The County takes no position on employees’ decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information without censorship by the County. However, employees must avoid posting information that could harm the County using the guidelines in this policy and listed below.

County officers, employees, agents, volunteers, and contractors may create and utilize personal, non-County Social Media sites subject to the following:

A. Each person is solely responsible for the content published on their personal Social Media site.

B. Use of personal Social Media sites must be restricted and scheduled so as not to infringe upon an employee, agent, volunteer, or contractor's County duties and work productivity.

C. Use of personal Social Media sites on County equipment is prohibited.

D. Employees are prohibited from disclosing confidential information on any social media network.

E. Employees are prohibited from making statements about the County, their co-workers, partners, or agents that could be considered as harassing, threatening or defamatory.

F. Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that could contribute to a hostile work environment (racial, sexual, religious, etc.) as well as any behavior not in agreement with the County's other policies and objectives.

G. Personal Social Media sites/pages shall not be represented as official County Social Media sites/pages or as representations of the views of the County or the Jefferson County Board of County Commissioners.

H. Jefferson County's name, telephone numbers, e-mail addresses, and logos may not be posted on a personal Social Media site/page. However, an employee may list the County as their employer and/or use their County title for identification purposes. County employees that choose to identify themselves as such must affirmatively state in a conspicuous place and manner that the views expressed online do not represent the views of the County or the Jefferson County Board of County Commissioners.

I. Communications on personal Social Media sites regarding Jefferson County business or the duties and responsibilities of an elected official, employee, agent, volunteer, or contractor may be considered a public record under the definitions in Chapter 119, Florida Statutes. It is the sole responsibility of the officers, agents, employees, volunteers, and contractors who utilize personal Social Media sites to capture and save any communications received on the social media sites which relate to official County business and provide such communications to the public records custodian for the County so that such communications may be retained according to the retention schedule established by the Department of State.

SECTION 11. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED AND DULY ADOPTED at the meeting of the Board of County

Commissioners of Jefferson County, Florida on the ____ day of _____, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA**

Gene Hall, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq.

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 22, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Approval of a Resolution Establishing Procedures for Voluntary Assessments

Statement of Issue:

This agenda item requests Board approval of a Resolution establishing uniform procedures for implementation of Voluntary Assessments to ensure the effective, responsible, and appropriate use of this method of funding and to provide consistent guidance to County staff and the public.

Background:

On May 7, 2020, the Board of County Commissioners of Jefferson County, Florida (the “Board”) adopted the Master Capital Project and Service Assessment Ordinance, No. 2020-050720-02, authorizing the imposition of non-ad valorem assessments within the County to fund services and improvements providing a special benefit to property and establishing the processes and procedures for the imposition of such assessments by the Board.

Certain neighborhoods within the County have sought assistance from the Board to voluntarily impose assessments on their properties to fund identified neighborhood improvements and services, including Aucilla Shores, Casa Bianca, and Valley View. Additional neighborhoods have inquired about the process for pursuit of similar programs.

While Florida law allows the imposition of assessments to fund private road improvements under certain conditions, 100% of any costs associated with a private road assessment program must be recovered from the property owners so that no public monies are being used to subsidize a private program.

Controlling law also requires that property owner consent before the government can make improvements to private property. Accordingly, before proceeding with a private road voluntary assessment program, for example, the required right-of-way should be donated or, at a minimum, a construction license be provided.

Analysis:

As interest grows in the voluntary assessment process, it is increasingly important to prescribe uniform procedures for implementation of Voluntary Assessments to ensure the effective, responsible, and appropriate use of this method of funding and to provide consistent guidance to County staff and the public.

Additionally, Voluntary Assessment programs can consume staff time and may require the expenditure of public funds. To ensure these costs are borne by the entities seeking a Voluntary Assessment Program, a program fee is recommended.

The attached resolution establishes a proposed Voluntary Assessment process, including an initial citizen petition and then a straw ballot, and prescribes a proposed program fee. The resolution also outlines rules for the balloting process.

The County Attorney's office is seeking input from the Board on the Voluntary Assessment process recommended and the Program Fee.

Also included for your review are exemplary forms to aid interested citizen groups and a proposed citizen handout that outlines the Voluntary Assessment process with deadlines to ensure any Voluntary Assessments can meet applicable statutory deadlines.

Options:

1. Approve the Resolution Establishing Procedures for Voluntary Assessments
2. Do Not Approve the Resolution Establishing Procedures for Voluntary Assessments
3. Board Direction.

Recommendation:

Option #3

Attachments:

- (1) Resolution Establishing Procedures for Voluntary Assessments
- (2) Citizen Handouts outlining process and forms

RESOLUTION NO. 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, ESTABLISHING PROCEDURES FOR VOLUNTARY ASSESSMENTS; PROVIDING CERTAIN RECITALS AND DEFINITIONS; ESTABLISHING A VOLUNTARY ASSESSMENT PROCESS; PRESCRIBING A PROGRAM FEE; PROVIDING FOR VOLUNTARY ASSESSMENT PROGRAM BALLOTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 7, 2020, the Board of County Commissioners of Jefferson County, Florida (the "Board") adopted the Master Capital Project and Service Assessment Ordinance, No. 2020-050720-02, authorizing the imposition of non-ad valorem assessments within the County to fund services and improvements providing a special benefit to property and establishing the processes and procedures for the imposition of such assessments by the Board; and

WHEREAS, certain neighborhoods within the County have sought assistance from the Board to voluntarily impose assessments on their properties to fund identified neighborhood improvements and services; and

WHEREAS, given the increased interest in such Voluntary Assessments, the County wishes to adopt procedures to ensure the effective, responsible, and appropriate use of this method of funding and to provide consistent guidance to County staff and the public.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Jefferson County, Florida, that:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. DEFINITIONS. Unless otherwise defined below, all capitalized terms used herein shall have the meanings ascribed in the Ordinance unless the context clearly indicates otherwise. As used herein, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"Ballot" means the written document which will be provided to the Owner to register a vote for or against the proposed Voluntary Assessment.

"Board" means the Jefferson County Board of County Commissioners.

"Ordinance" means the Master Capital Project and Service Assessment Ordinance, No. 2020-050720-02, authorizing the imposition of non-ad valorem

assessments within the County to fund services and improvements providing a special benefit to property and establishing the processes and procedures for the imposition of such assessments by the Board.

“Program Fee” means the charge due the County to cover the actual costs associated with identifying the assessable budget, developing an apportionment methodology, and preparing and mailing the straw Ballot for a Voluntary Assessment.

“Tax Parcel” means a parcel of property located within the County to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Voluntary Assessment” means an Assessment initiated by a subdivision, neighborhood, or other geographically defined area and imposed by the Board in accordance with the procedures set for the herein to fund the Service Cost of an identified service providing the requisite special benefit to the Assessed Property or the Capital Cost or Project Cost of an identified Local Improvement providing the requisite special benefit to the Assessed Property.

SECTION 3. VOLUNTARY ASSESSMENT PROCESS. A subdivision, neighborhood or other geographically defined area may voluntarily seek the imposition of a Voluntary Assessment program by the Board through the following process:

(A) Upon the receipt of a petition signed by at least 51 percent of the Owners of property within a geographically defined area seeking the creation of an Assessment Area and imposition of a Voluntary Assessment to fund the Service Cost of an identified Service or the Capital Cost or Project Cost of an identified Local Improvements which will provide a special benefit to the property within such area, the Board may adopt a resolution providing for the development of a Voluntary Assessment program and the preparation of a non-binding Ballot to be sent to all Owners within the area asking whether they support or oppose the imposition of the Voluntary Assessment.

(B) Subsequent to approval of the resolution required by Section 3(A) of this Resolution and before staff can proceed with the development of the Voluntary Assessment program pursuant to Section 3(C) of this Resolution, the applicants shall pay to the County the Program Fee calculated in accordance with Section 4 of this Resolution.

(C) Upon payment of the Program Fee, County staff or a qualified expert retained by the County shall develop the requested Voluntary Assessment program, including the identification of costs associated with the Local Improvements or service, and development of an assessable budget (including project costs, service costs, notice costs, statutory discount costs, a reasonable contingency, and any administration costs) and apportionment methodology allocating such costs to the Owners of property in the proposed Assessment Area.

(D) Once the Voluntary Assessment program has been developed, the County shall conduct a non-binding Ballot election by mail pursuant to Section 4 of this Resolution.

(E) After the deadline date for receipt of the Ballots, the County shall count the votes, and if at least 66 percent of the owners who respond support imposition of the Voluntary Assessment, the County may, but is not required to, move forward with the imposition of the Voluntary Assessment.

(F) All Voluntary Assessments the Board elects to impose will be imposed in accordance with the Ordinance and collected in accordance with Section 197.3632, Florida Statutes.

(G) The Board may approve the imposition of a Voluntary Assessment for Local Improvements or services even if the results of the Ballot reveal that less than 66 percent of the owners support imposition of the Voluntary Assessment upon a finding that it is in the best interest of the public health, safety, or welfare to do so.

(H) Under no circumstances shall this Resolution be construed to require that the Board receive a petition or conduct a Ballot to impose assessments generally in accordance with the Ordinance.

SECTION 4. PROGRAM FEE. The Program Fee shall be comprised of the following components:

(A) A fee equal to \$2.00 per Tax Parcel to cover the costs associated with the development, printing, and mailing of the required Ballots; and

(B) A fee equal to \$30 per Tax Parcel, with a minimum fee of \$1,500 and a maximum fee of \$3000, to partially cover the costs associated with the development of the costs, assessable budget, and apportionment methodology.

(C) If the County incurs actual costs for these items that are in excess of the Program Fee then those costs can be included in the assessable budget and recovered through the Voluntary Assessment in the event a Voluntary Assessment program is imposed.

SECTION 5. VOLUNTARY ASSESSMENT PROGRAM BALLOTS.

(A) The Ballot shall include the following:

(1) a description of the proposed Local Improvements or services to be provided; and

(2) a statement that such Local Improvements or services would be funded through imposition of a Voluntary Assessment imposed on all Owners of property that will be benefitted; and

(3) a statement that the Voluntary Assessment, if imposed, would be collected on the ad valorem tax bill and failure to pay will result in a tax certificate to be issued against the property, which may result in a loss of title; and

(4) the proposed amount of the Voluntary Assessment per Assessment Unit along with the term of the Voluntary Assessment;

(5) The deadline date for return of the Ballot; and

(6) at the end of the Ballot, a question asking whether the Owner supports or opposes the imposition of the Voluntary Assessment.

(B) The following rules shall govern the Balloting process:

(1) Ballots shall be mailed by First Class Mail to all Owners within the proposed Assessment Area that would be subject to the Voluntary Assessment;

(2) The Owners shall be identified using the most recent data available from the Property Appraiser;

(3) Each Tax Parcel shall receive one Ballot and be entitled to one vote;

(4) Ballots must be timely returned either by mail or hand delivery to the County;

(5) Only Ballots timely returned by the deadline noted within the instructions included with the Ballot will be counted;

(6) Only Ballots properly signed by the Owner, in accordance with the following rules, will be counted:

(a) For Tax Parcels in joint ownership, only one Affected Property Owner must sign the Ballot.

(b) For Tax Parcels owned by a corporation or other similar entity, an authorized officer of the corporation, as verified through the Secretary of State SunBiz database or other governmental entity in another state, must sign the Ballot.

(c) For Tax Parcels owned by a trust, an authorized trustee, as verified by an executed affidavit for the trust provided to the County, must sign the Ballot.

(7) Any Ballot not returned will not be considered a “yes” or a “no” vote and shall be disregarded.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA**

Gene Hall, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq.

Voluntary Assessments

In accordance with the Jefferson County Voluntary Assessment Program Resolution, a process to allow individuals to request the creation of a special assessment program for construction of neighborhood capital improvements or provision of neighborhood services for the following types of services and facilities:

- Sidewalks
- Neighborhood road paving and maintenance
- Beautification (landscaping, signs, entrance markers)
- Broadband improvements
- Street lighting
- Stormwater
- Utility undergrounding and other utility improvements

This voluntary process is intended to be used primarily for improvements on public property and the provision of public services to the benefit of a specific neighborhood, but may be used for improvements on private property or for private facilities if the property owners impacted by the improvements agree. It may be used for private roads, if the County is granted the right to construct the improvements by donation of all necessary right-of-way or other construction license. This process is comprised of the following major steps:

Year Prior to the Year the Assessment is Imposed	
<u>Deadline</u>	<u>Action</u>
October 1*	Property owners submit petitions signed by at least 51% of the affected property owners in the neighborhood to the County. If a private road is involved, the property owners must also provide ROW deeds/easements or, at a minimum a license for the construction activities to occur from every property owner with an ownership interest in the road. The ROW deeds or easements will be accepted by resolution of the Board if project goes forward.
October-November*	Board adopts a resolution approving development of the Voluntary Assessment program and preparation and mailing of non-binding ballot.
October-November*	Property owners pay program fee to County.
Year Assessment Imposed	
<u>Deadline</u>	<u>Action</u>
January-April	County staff or a consultant develop the proposed assessment program, including costs of improvements or services, financing terms, a project budget, and the apportionment methodology.
End of April	County staff prepares and mails non-binding ballot to all owners subject to assessment. Ballots due 30 days from the date mailed. Ballots must include proposed rates and description of proposed improvements or services.
End of May	Ballots returned and results counted by County. If at least 66% of ballots returned support assessment, BOCC may move forward with consideration of the Initial Assessment Resolution. The decision to adopt a Voluntary Assessment program is purely a legislative decision for the Board. The results of the ballot are not binding on the Board.
July Board Meeting	BOCC considers approval of the Initial Assessment Resolution.
20 days prior to Public Hearing	County publishes and mails notice of public hearing for consideration of Final Assessment Resolution.
Prior to September 15	County holds public hearing and considers Final Assessment Resolution.
After Public Hearing	Financing is finalized, if needed. After placement of the assessment on the tax bill and once any financing is concluded, the County will take initial steps to begin construction of improvements or provision of the services.
November 1	Assessments included on Tax Bill.

*Given the timing of the adoption of the Jefferson County Voluntary Assessment Program, these deadlines may be waived for 2022.

Petition for _____
[insert improvement or service]
and Creation of Voluntary Assessment Program

We, the below signed property owners within the _____ subdivision consisting of _____ Lots, desire to have _____ installed in our neighborhood.

[insert improvement or service]

We request that Jefferson County create an assessment area and impose an annual special assessment on our property to fund all reasonable capital, service, administration, and collection costs for this project.

If imposed, the annual special assessment will be collected on the ad valorem tax bill pursuant to Section 197.3632, Florida Statutes. Failure to pay the assessments will result in a tax certificate to be issued against the property, which may result in a loss of title.

[illegible]

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 20, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Request Board Approval to Schedule a Public Hearing to Adopt an Ordinance Creating a Mandatory Wastewater Connection Program

Statement of Issue:

This agenda item requests Board approval to Schedule a Public Hearing to Adopt an Ordinance Creating a Mandatory Wastewater Connection Program.

Background:

On June 23, 2022, the County and the City of Monticello held a joint workshop on city planned sewer system improvements and mandatory connection policy.

The County proposed to require mandatory connections for commercial development and all major subdivisions, but the City was in favor of a more aggressive approach. Based on notes from Scott Shirley regarding this workshop, there seemed to be general agreement between the parties to also include failing systems, and to include provisions in the proposed mandatory wastewater connection program based on proximity to the system, in general, and, more specifically, proximity to either a lift station or a lower pressure line due to the inability to connect certain lower usage customers to pressurized force mains.

It should be noted that Section 5.11.4 of the Jefferson County Land Development Code already provides that existing septic tank and package treatment plants may remain in service until central wastewater service is available and it further limits the use of septic tanks and wastewater package treatment plants for new development to areas where central wastewater service is not available.

Additionally, Section 381.00655, Florida Statutes, requires property owners to connect to an available publicly owned sewerage system within 365 days after written notification that the sewerage system is available for connection.

Analysis:

Based on the above factors, the proposed ordinance sets forth different rules for existing development and new development within the area where central wastewater services will be made “available” through the City’s wastewater system. The definition of this area – the ‘Service Area’ in the attached ordinance – requires additional information to complete and the Board may consider

Request Board Approval to Schedule a Public Hearing to Adopt an Ordinance Creating a
Mandatory Wastewater Connection Program

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making it applicable countywide so the ordinance does not have to be amended with every new expansion in the future.

A wastewater system will be “available” to serve if the system is capable of being connected with the plumbing of an establishment or residence, is not under a Florida Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence, and meets one of the following requirements based on the type of development, type of wastewater facility, and proximity:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of 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 that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For any Major Development, commercial subdivisions with more than 5 lots, and areas with a land use or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas with a land use or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment’s or residence’s sewer stub-out as measured and accessed via existing rights-of-way or easements.

All “new development” with available wastewater services, which includes all new development, redevelopment, or expansions to an existing development, will be required to connect prior to the issuance of a certificate of occupancy.

All existing development where wastewater services are later made “available” to serve the property will be required to connect within 365 days after written notice that the public wastewater system is available, except in the following cases:

Request Board Approval to Schedule a Public Hearing to Adopt an Ordinance Creating a
Mandatory Wastewater Connection Program

October 6, 2022

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- (1) If the Onsite Sewage Treatment and Disposal System serving the existing development needs repairs or modification then the property will be required to connect within 90 days; or
- (2) If the existing development is served by a properly functioning and permitted Performance-Based septic system then they can continue to use this system so long as it continues to meet all operating permit requirements as verified by annual inspections; or
- (3) If the existing development is served by a septic system that has remained in “Continuous Compliance,” as defined below, then they can continue to use this system so long as it remains so based on annual inspections; or
- (4) If the requirement for mandatory connections are waived by the applicable state agency with jurisdiction over septic permitting.

For purposes of the above exemption for existing development, “Continuous Compliance” means the septic system meets the following requirements: (i) after a current inspection in accordance with rules of the applicable state regulatory agency, the system is found to be currently operating in conformance with all applicable rules, orders, statutes and/or regulations relating to the operation and maintenance of the facility, and (ii) the system has not been out of compliance at any time during the preceding twelve (12) months with any rule, order, statute and/or regulation relating to the operation and maintenance of the facility of any regulatory agencies or governmental authorities having jurisdiction over that facility.

Options:

1. Provide Direction on the Applicable “Service Area” and Approve to Schedule a Public Hearing to Adopt an Ordinance Creating a Mandatory Wastewater Connection Program
2. Do Not Provide Direction on the Applicable “Service Area” and Do Not Approve to Schedule a Public Hearing to Adopt an Ordinance Creating a Mandatory Wastewater Connection Program
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Ordinance Creating a Mandatory Wastewater Connection Program

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA CREATING A MANDATORY WASTEWATER CONNECTION PROGRAM; PROVIDING CERTAIN FINDINGS; CREATING A NEW ARTICLE III OF CHAPTER 36 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATING TO MANDATORY WASTEWATER CONNECTION; CREATING SECTION 36-35 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED DEFINITIONS; CREATING SECTION 36-36 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED MANDATORY CONNECTION TO WASTEWATER FOR NEW DEVELOPMENT; CREATING SECTION 36-37 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED WASTEWATER MANDATORY CONNECTIONS FOR EXISTING DEVELOPMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 381.00655, Florida Statutes, requires property owners to connect to an available publicly owned sewerage system within 365 days after written notification that the sewerage system is available for connection; and

WHEREAS, the City of Monticello (the "City") owns and operates a public utility system, which provides central water and wastewater services within its service area; and

WHEREAS, the City is seeking state loans and grants to finance the extension of its utilities and the construction of needed central wastewater utilities, which will enable properties to be served to develop at potentially greater intensities and densities in furtherance of economic development; and

WHEREAS, it further benefits the County, the citizens, and the environment to have property owners utilize central sewer service instead of onsite sewage treatment systems when available; and

WHEREAS, the County has determined that certain properties located within the County have or will have central sewer service available to them as provided in Section 381.00655, Florida Statutes, and that it is in the best interest of the health, safety, and welfare of the County to establish and enforce a uniform mandatory connection policy for those properties with available wastewater services; and

WHEREAS, Section 5.11.4 of the Jefferson County Land Development Code provides that existing septic tank and package treatment plants may remain in service until central wastewater service is available and it further limits the use of septic tanks and wastewater package treatment plants for new development to areas where central wastewater service is not available.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, that:

SECTION 1: FINDINGS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2: CREATION OF ARTICLE III, CHAPTER 36 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. Article III, Chapter 36 of the Jefferson County Code of Ordinances, entitled Mandatory Wastewater Connection, is hereby created to read as follows:

ARTICLE III. – MANDATORY WASTEWATER CONNECTION

Sec. 36-35. - 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:

Available means that the City Wastewater System is capable of being connected with the plumbing of an establishment or residence, is not under a Florida Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence, and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of 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 that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For any Major Development, commercial subdivisions with more than 5 lots, and areas with a land use or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas with a land use or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

City means the City of Monticello, Florida, a Florida municipal corporation.

City Wastewater System means the public wastewater utility owned and operated by the City of Monticello.

Continuous Compliance means the Onsite Sewage Treatment and Disposal system meets the following requirements: (i) after a current inspection in accordance with rules of the applicable state regulatory agency, the system is found to be currently operating in conformance with all applicable rules, orders, statutes and/or regulations relating to the operation and maintenance of the facility, and (ii) the system has not been out of compliance at any time during the preceding twelve (12) months before the notification prescribed by Section 36-37(c), with any rule, order, statute and/or regulation relating to the operation and maintenance of the facility of any regulatory agencies or governmental authorities having jurisdiction over that facility. If an equipment malfunction that causes a transitory or temporary violation is immediately repaired by the owners of any affected system, such malfunction shall not be deemed or construed to cause the system to be out of Continuous Compliance.

Major Development means any development meeting the requirements of Section 9.1.4.(B)(1)(a), (b), or (c), of the Jefferson County Land Development Code.

Onsite Sewage Treatment and Disposal System means any sewage treatment or disposal facility not equipped to treat to effluent reuse standards, whether serving individual buildings or units or several buildings or units, which treats or disposes of human body or household type wastes. Such systems include, but are not limited to, any system subject to Rule 6E-6, F.A.C., standard septic tank systems, performance-based septic systems, aerobic treatment units, laundry wastewater systems, grease interceptors, waterless, incinerating or organic waste composting toilets, and individual "package" sewage treatment plants which are installed or proposed to be installed on land of the owner or on

other land to which the owner or owners have the legal right to install a system and which primarily serves or proposes to serve the owner's property or development.

Service Area means [definition of area subject to mandatory connection]

Sec. 36-36. – Mandatory Connection to Public Wastewater for New Development.

(a) Upon development, redevelopment, or expansion of any property in the Service Area with Available wastewater services, the property shall be connected to the City Wastewater System prior to the issuance of a Certificate of Occupancy or its functional equivalent for the property.

(b) It is unlawful for any person to construct, install or repair an Onsite Sewage Treatment and Disposal System or other similar wastewater treatment systems in or upon any property where a public sewage system is Available.

(c) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the City Wastewater System.

Sec. 36-37. – Mandatory Connection to Public Wastewater for Existing Development.

(a) Unless exempted in accordance with Section 36-37(f), the owner of an improved parcel of land in the Service Area with a properly functioning Onsite Sewage Treatment and Disposal System, excluding an approved onsite graywater system, shall connect the plumbing system of any improvement located thereon to the Available City Wastewater System within 365 days after written notification that the public wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available City Wastewater System.

(b) The owner of an improved parcel of land within the Service Area with an Onsite Sewage Treatment and Disposal System that needs repairs or modification to function in a sanitary manner or to comply with the requirements of Florida law, shall connect the plumbing system of any improvement located thereon to the Available City Wastewater System within 90 days after written notification that the public wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly

decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available public wastewater system.

(c) The City must notify the owner of the property of the availability of the central wastewater system in accordance with Section 381.00655, Florida Statutes.

(d) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the City Wastewater System.

(e) In the event an owner fails or refuses to timely connect to the public wastewater system within the time prescribed herein, the City or County may seek and employ any legally available remedy to cause or effectuate the connection to the public wastewater system. In the event the County is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the County, including attorney fees and court costs, may be assessed to the owner.

(f) The following exemptions are authorized from the connection requirement in this Section 36-37:

(1) Upon application and approval, any property owner with a properly functioning and permitted performance-based Onsite Sewage Treatment and Disposal System shall be exempt from the requirement to connect prescribed in Section 36-37(a) for so long as the performance-based Onsite Sewage Treatment and Disposal System continues to meet all operating permit requirements as verified by annual inspection reports submitted to the City. Should the performance-based Onsite Sewage Treatment and Disposal System be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification, the exemption shall be revoked and the owner shall connect in accordance with 36-37(b).

(2) Upon application and approval, any property owner with an Onsite Sewage Treatment and Disposal System shall be exempt from the connection requirement prescribed in Section 36-37(a) if the Onsite Sewage Treatment and Disposal System has maintained Continuous Compliance. The property owner must recertify this exemption annually based on a new inspection and determination of Continuous Compliance. Should the Onsite Sewage Treatment and Disposal System ever fail to be recertified as exempt pursuant to this paragraph, be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent

order, then upon notification, the exemption shall be revoked and the owner shall connect in accordance with 36-37(b).

(3) Upon application and approval, the County may, with the approval of the applicable state agency with jurisdiction over the permitting of On-Site Sewage Treatment and Disposal Systems, waive the connection requirement prescribed in Section 36-37(a) for the owner of a properly functioning and permitted Onsite Sewage Treatment and Disposal System, if it determines that such connection is not required in the public interest after consideration of public health concerns. Should the Onsite Sewage Treatment and Disposal System ever be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification, the exemption shall be revoked and the owner shall connect in accordance with 36-37(b).

SECTION 7: INCLUSION IN THE CODE OF ORDINANCES. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Jefferson County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 8: CONFLICT AND SEVERABILITY. In the event this Ordinance conflicts with any other Ordinance of Jefferson County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is 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 portion.

SECTION 9: EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment and shall become effective as provided by law.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Jefferson County, Florida this _____ day of _____, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA**

Gene Hall, Chairman

Attest as to Chairman's signature:

KIRK REAMS, Ex-Officio Clerk

APPROVED AS TO FORM:

HEATHER ENCINOSA, County Attorney

Board of County Commissioners

Agenda Request

Date of Meeting: October 6, 2022

Date Submitted: September 22, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Approval of a Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date.

Statement of Issue:

This agenda item requests Board approval of a Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date

Background:

In 2020, the Florida Legislature created an Office of Broadband within the Department of Economic Opportunity. In response, the Florida Association of Counties sought county support for the operations of the Office of Broadband via county resolutions as part of its Access 67 Project. Section 288.9961, Florida Statutes, further requires the Office of Broadband to work with local entities to create Local Technology Planning Teams. In December of 2021, Jefferson County identified and the Department of Economic Opportunity approved Commissioner Betsy Barfield as its Local Technology Planning Team Leader.

Analysis:

This Resolution sets forth Jefferson County's support for the operations of the Office of Broadband within the Department of Economic Opportunity as called for in the Florida Association of Counties Access 67 Project. The Resolution also formally creates the Local Technology Planning Team in accordance with Section 288.9961, Florida Statutes, provides for its bylaws and procedures. Finally, the Resolution provides for the appointment of Commissioner Barfield to an initial term in recognition of her designation as Team Leader. Staff have identified the following 7 initial members:

Appointee	Representing	Term Length
Natalie Binder	Libraries	3 Years

Approval of a Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date
October 6, 2022

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Eydie Triquet or Designee	K-12 Education	3 Years
	Colleges and Universities	2 Years
	Local Health Care Providers	<u>2</u> Years
Brian Barfield	Private Businesses	3 Years
	Community Organizations	2 Years
Shannon Metty	Economic Development Organizations	4 Years
Betsy Barfield*	Local Governments	5 Years
Katrina Richardson	Tourism	4 Years
Mike Holm	Parks and Recreation	4 Years
	Agriculture	<u>2</u> Years

The Board may identify up to 4 other members to serve in the remaining positions, each serving 2-year terms. Any additional appointees will serve two-year terms.

Options:

1. Approve Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date.
2. Do Not Approve Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date.
3. Board Direction.

Recommendation:

Option #1

Attachments:

Resolution Supporting Affordable and Reliable High-Speed Internet Throughout Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local Technology Planning Team, and Providing an Effective Date

Approval of a Resolution Supporting Affordable and Reliable High-Speed Internet Throughout
Florida, Establishing a Local Technology Planning Team, Appointing Members of the Local
Technology Planning Team, and Providing an Effective Date

October 6, 2022

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RESOLUTION NO. 2022-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA SUPPORTING AFFORDABLE AND RELIABLE HIGH- SPEED INTERNET THROUGHOUT FLORIDA; ESTABLISHING A LOCAL TECHNOLOGY PLANNING TEAM; APPOINTING MEMBERS OF THE LOCAL TECHNOLOGY PLANNING TEAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, reliable and affordable high-speed internet access is essential for Floridians to be prosperous and meet today's challenges; and

WHEREAS, the absence of access to reliable and affordable high-speed internet service prevents communities from achieving the high quality of life that is considered a fundamental component for educational and economic success; and

WHEREAS, the absence and/or lack of high-speed internet:

1. hinders the ability for all schoolchildren to have access to educational opportunities;
2. hinders access to telemedicine to improve health outcomes for its residents, and to provide access without demanding travel and transportation;
3. hinders the ability for rapid communication between the public and law enforcement agencies;
4. hinders the ability for communities to maintain and expand business opportunities, stimulate job growth;
5. hinders the ability to engage in innovative technologies that are required for a vibrant economy; and

WHEREAS, Section 288.9961(4), Florida Statutes, creates an Office of Broadband within the Department of Economic Opportunity requiring the creation of a strategic plan that has goals and strategies for increasing the use of broadband Internet service in the state; and

WHEREAS, it is imperative that the strategic plan be based on accurate and up-to-date mapping and the internet access needs of the public and private sector; and

WHEREAS, in order to meet the goal of universal access to high-speed internet, it will be necessary to determine what the private providers need to provide affordable and reliable connectivity in sparsely located areas, and the support necessary to address issues of sparse populations and to provide expanded internet services, and engage governmental entities at the Federal, State and local level in order to be successful; and

WHEREAS, the Jefferson County Board of County Commissioners ("Board") has determined that a Local Technology Planning Team should be established to advise the Board and staff on the advancement of broadband service and infrastructure in Jefferson County, subject to certain bylaws; and

WHEREAS, the Board deems it appropriate to establish the Jefferson County Local Technology Planning Team.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, THAT:

SECTION 1. RECITALS. The above recitals are true and correct and incorporated in this Resolution.

SECTION 2. BROADBAND ACCESS.

(A) The Board supports the State of Florida Department of Economic Opportunity in the effort to achieve access to reliable and affordable high-speed internet for every household and business throughout the State of Florida.

(B) The Board will assist the State Office of Broadband by participating as needed in meeting the obligations of Section 288.9961, Florida Statutes, including providing information, assistance in mapping efforts, and supporting other such efforts that will lead to enhanced access to affordable, reliable high-speed internet services throughout Jefferson County.

SECTION 3. The Board hereby establishes an advisory committee to be known as the Jefferson County Local Technology Planning Team (LTPT) in accordance with Section 288.9961, Florida Statutes, and adopts the following bylaws for its operation:

(A) **Powers and Duties.** The LTPT has the duty and responsibility to make recommendations to the Board and staff in matters affecting the advancement of broadband services and infrastructure in Jefferson County. The LTPT shall:

1. Work with rural communities to help the communities understand their current broadband availability.
2. Locate unserved and underserved, as defined in Section 288.9961(2), businesses and residents.
3. Identify assets relevant to Broadband deployment.
4. Build partnerships with Broadband service providers.
5. Identify opportunities to leverage assets and reduce barriers to the deployment of broadband Internet services in the Jefferson County.

(B) **Membership.** The LTPT will be comprised of at least 7 and up to 11 members who are residents of Jefferson County. Members will be vetted by the Department of Economic Opportunity Office of Broadband and appointed by the Board of County Commissioners. The members of the LTPT will consist of the individuals representing the following sectors identified in Section 288.9961(4)(b), Florida Statutes:

1. Libraries
2. K-12 Education
3. Colleges and Universities
4. Local Health Care Providers
5. Private Businesses

6. Community Organizations
7. Economic Development Organizations
8. Local Governments
9. Tourism
10. Parks and Recreation
11. Agriculture

(C) **Chair.** The LTPT Team Leader as designated to the Department of Economic Opportunity will serve as the Chair of the LTPT.

(D) **Meetings.** The LTPT will meet annually or more frequently as directed by the LTPT Chair. Failure to attend three consecutive meetings will result in removal from the LTPT.

(E) **Terms.** The first seven Members appointed to the LTPT will serve 5, 4, 4, 4, 3, 3, and 3 years, respectively from the date of their appointments. The terms of the remaining members will be 2 years from the date of their appointments. Vacancies occurring during a term will be filled for the unexpired term. Each member will hold office until his or her successor has been appointed.

(F) **Minutes.** The Jefferson County Clerk will be responsible for taking and maintaining minutes of the meetings of the LTPT and keeping such minutes on file and available for public inspection.

(G) **Bylaws.** These Bylaws may be amended by recommendation of the LTPT and approval of the Board of County Commissioners

(H) **Sunshine and Public Records Law.** All meetings of the LTPT shall open to the public in accordance with Florida's Government-in-the-Sunshine Law, Section 286.011, Florida Statutes. All records of the LTPT are public records pursuant to Florida's Public Records Law, Chapter 119, Florida Statutes.

SECTION 4. The Jefferson County Board of County Commissioners hereby makes the following appointments to the LTPT, subject to approval by the Department of Economic Opportunity, Office of Broadband:

Appointee	Representing	Term Length
Natalie Binder	Libraries	3 Years
Eydie Triquet or Designee	K-12 Education	3 Years
	Colleges and Universities	2 Years
	Local Health Care Providers	2 Years
Brian Barfield	Private Businesses	3 Years
	Community Organizations	2 Years
Shannon Metty	Economic Development Organizations	4 Years
Betsy Barfield*	Local Governments	5 Years
Katrina Richardson	Tourism	4 Years
Mike Holm	Parks and Recreation	4 Years
	Agriculture	2 Years

*Designated Team Leader and Chair

SECTION 5. This Resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Gene Hall, Chair

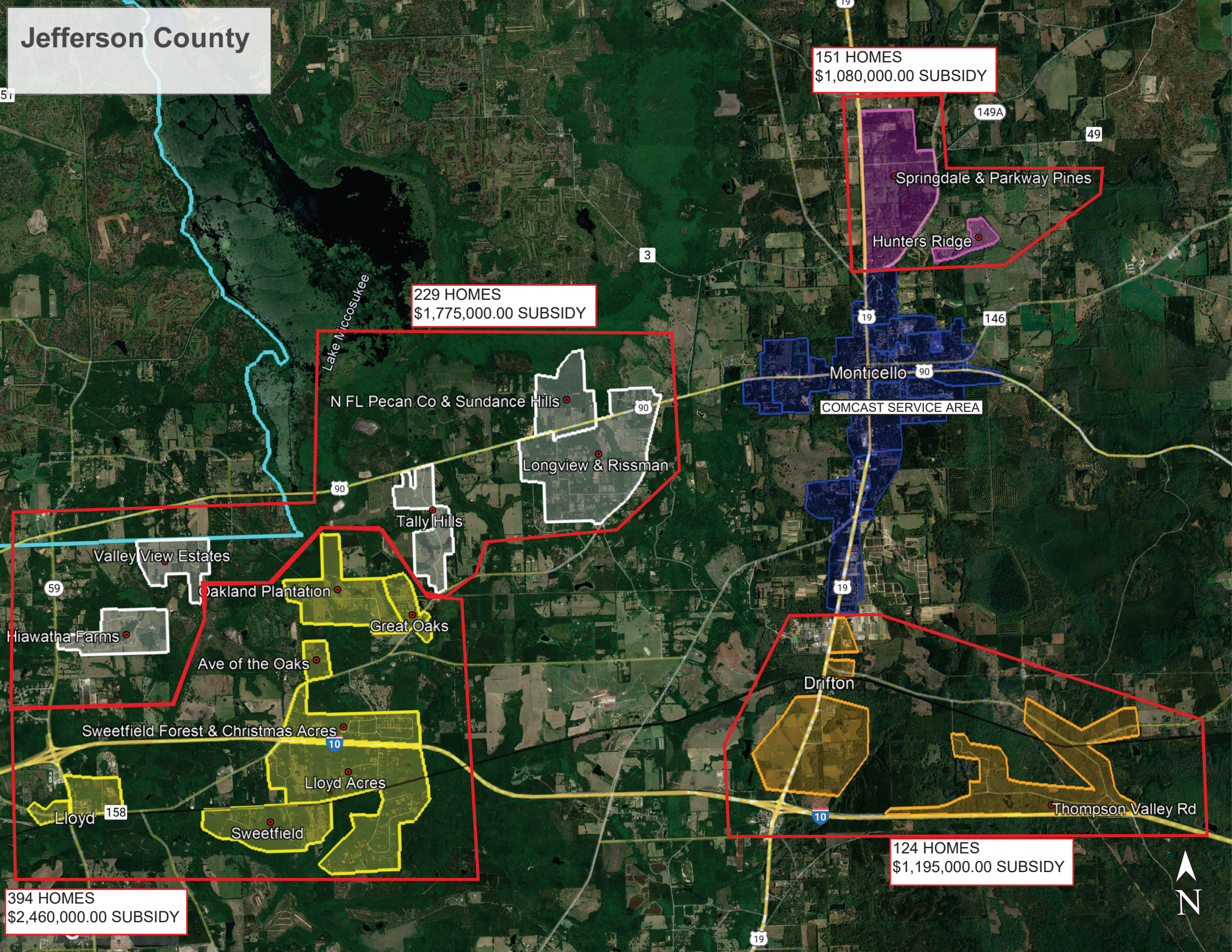
ATTEST:

Kirk Reams
Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq.
County Attorney

Jefferson County



151 HOMES
\$1,080,000.00 SUBSIDY

Springdale & Parkway Pines

Hunters Ridge

Monticello

COMCAST SERVICE AREA

Drifton

Thompson Valley Rd

229 HOMES
\$1,775,000.00 SUBSIDY

N FL Pecan Co & Sundance Hills

Longview & Rissman

Tally Hills

Valley View Estates

Oakland Plantation

Great Oaks

Ave of the Oaks

Sweetfield Forest & Christmas Acres

Lloyd Acres

Sweetfield

Lloyd

394 HOMES
\$2,460,000.00 SUBSIDY

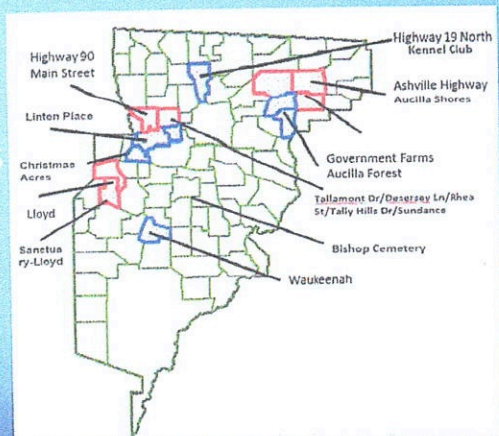


Board of County Commissioners Broadband Workshop July 7, 2022

Broadband Workshop

Centurylink/Lumen

- \$7.8m
- 1,968 Households
- \$4k/Household
Average Range
\$3,500 to \$8,000



Broadband Workshop

Tri-County/Conexon Partnership

- \$65m commitment
- County Grant Writing Services
- Connectivity as early as Fall 2022
- Existing Customers First
- Phase II – Expansion Outside of Customer Base



[Residential Services](#) ▾ [Business Services](#) ▾ [About](#) ▾ [Contact](#)

Connect brings Crystal-clear and Reliable Voice Services

Connect Voice

Starting at

\$29.95 / month


VOICE SERVICES



Fiber provides super-fast internet speeds
and HD-quality phone services!

CHECK AVAILABILITY!

conexonconnect.com



Am I eligible for Fiber Service?

Select your electric cooperative:

Tri-County Electric Cooperative, Inc. (FL)

You're one step closer to crazy fast internet!


Search for your **address** or **electric account number** to check fiber availability in your area.

This tool is intended for residential service requests only. If you are inquiring about service for a business, please call us at 1-844-542-6663.

Street Address

City State Zip

Would you rather search by **electric account number**?



Good News

Fiber internet is coming your way. Service is expected in your area by Fall 2022.

Today, your neighborhood is open for sign-ups, so get a step ahead, sign up and pick your fiber-fast package. We'll be in touch as we get closer to you.

Internet service options

Residential 100MB Internet - Connect Basic \$49⁹⁵ <small>/month</small> <input type="checkbox"/>	Residential 1 GIG Internet - Premier \$79⁹⁵ <small>/month</small> <input type="checkbox"/>	Residential 2 GIG Internet - Ultimate \$99⁹⁵ <small>/month</small> <input type="checkbox"/>
--	--	---

Safe and Secure Controls and Residential Managed Wi-Fi included at no additional charge.

Phone service options

Residential Voice - Stand Alone \$39⁹⁵ <small>/month</small> <input type="checkbox"/>

Broadband Workshop

COMCAST

- Fiber Installation from Tallahassee to Monticello via Hwy 90
- South 19 to Industrial Park
- North 19 to Texas Hill
 - *Along Existing Route & Extending*
 - *Clusters of Households*

Jefferson County Map (arcgis.com)

Broadband Workshop

LOC	Households	Subdivision Description	
Area 1	115	Valley View - Hiawatha Farms	04
Area 2	94	Tally Hills - Oaklands Plantation Great Oaks - Avenue of the Oaks	02
Area 3	157	No FL Pecan Co - Sundance Hills Longview - Rissman Replat 1	02
Area 4	135	NEast of US 19 to Fornes Rd - Springdale - Parkway Pines	02
Area 5	149	Montivilla - Crooked Creek - Holly Hills - Pecan Grove - Washington Park	
Area 6	269	Sweetfield - Christmas & Lloyd Acres	02
Area 7	119	Drifton - Thompson Valley Loop	02

COUNTY ALLOCATED FUNDS

General Fund, ARPA, BP & Nextera
\$4 MILLION

OTHER FUNDING SOURCES

Special Assessment
State & Federal Funding Opportunities

NEXT STEPS

Partnership with Comcast?
Allocate Funding? Thresholds?

If yes, review maps with pricing at
next BOCC meeting to prioritize
areas.

Provider Information

Medicaid Provider ID

088061200 MCD

National Provider ID

1396880654 NPI

Practice Type

INDIVIDUAL PRACTICE

Provider Entity Type

ORGANIZATION

Provider Type

40 - AMBULANCE

Ownership

NO

Medicaid Effective Date

01/01/1976

Medicaid End Date

02/13/2026

Address Type

SERVICE LOCATION

Address

57 MARTIN RD

City

MONTICELLO

County

JEFFERSON

State/Zip

FL 32344-1970

Phone

850-342-0180

Specialties					
Primary	Provider Specialty	Specialty Description	Effective Date	End Date	Taxonomy
Yes	940	AMBULANCE	01/01/1976	12/31/2299	341600000X

Certification and Attestation

Attest Type

M - SUPPLEMENTAL MINIMUM WAGE AGREEMENT

The Agency for Health Care Administration ("Agency") and the provider ("Provider") associated with the unique identifier used to access this form on the Florida Medicaid Provider Portal enter into this Supplemental Medicaid Provider Wage Agreement ("Agreement"), with an effective date of October 1, 2022, or the effective date of the provider's Medicaid Provider Agreement (MPA), whichever is later.

WHEREFORE, the Agency and the Provider have entered into the MPA, effective upon the date of the Provider's enrollment in the Florida Medicaid Program, and in force as of the effective date of this supplemental wage agreement; and

WHEREFORE, The Agency and the Provider (the "Parties") are required to enter into this Agreement to ensure that, as of October 01, 2022, or the effective date of the provider's MPA whichever is later , all employees, including 1099 employees of the Provider, are paid at least \$15.00 per hour pursuant to the State of Florida General Appropriations Act ("GAA") for State Fiscal Year 2022-2023; and

WHEREFORE, the Parties intend that all provisions of the underlying MPA, incorporated herein by reference, and not specifically superseded by this Agreement, shall remain in force and applicable to this Agreement.

NOW THEREFORE, in consideration of the covenants and obligations contained herein, the Parties agree to the following terms and conditions:

(1) As of October 1, 2022, or the effective date of the provider's MPA, whichever is later, the Provider shall pay each of its employees, including 1099 employees, at least \$15.00 per hour for the 2022 - 2023 State Fiscal Year.

(2) The Provider agrees to permit persons duly authorized by the Agency to inspect any records, papers, documents, facilities, goods, and services which are relevant to this Agreement.

(3) The Agency shall adjust Medicaid Provider Fee Schedules and Rates as directed in the GAA for State Fiscal Year 2022-2023, and the Provider agrees to accept an increased rate from the Agency for the provision of services or goods to Medicaid recipients.

(4) Term and signatures – The provider understands and agrees that no agency signature is required to make this agreement valid and enforceable. This Agreement shall remain in effect from the Effective Date until June 30, 2023.

A Chief Executive Officer, President, or Administrator of the provider may sign this Agreement. Failure to sign the Agreement will make the Agreement voidable by the Agency.

The signatory hereto represents and warrants that they have read the Agreement, understand it, and are authorized to execute it on behalf of the provider.

Select all items

☒ I certify that as the signatory to this Agreement, acting in a representative capacity, I am duly authorized to enter into this Agreement on behalf of the Provider to which the unique identifier used to access this form on the Medicaid Provider Portal is assigned.

☒ On behalf of the Provider, I attest under the penalty of perjury pursuant to section 837.012, Florida Statutes, that as of October 1, 2022, or the effective date of the provider's MPA whichever is later, all employees impacted by the requirements of the 2022-2023 General Appropriations Act, including employees defined as 1099 workers, will be paid at least \$15.00 per hour.

☒ I understand that if I am a provider with multiple locations, I will be required to complete this form separately for each location.

IN WITNESS WHEREOF, the undersigned representative has caused this agreement to be duly executed as October 1, 2022, or the effective date of the provider's MPA whichever is later.

Effective Date

10/01/2022

End Date

06/30/2023

Date Signed

08/19/2022

Signed By

DERRICK BURRUS