



Jefferson County Board of County Commissioners

Thursday, February 16, 2023 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**
5. **GENERAL BUSINESS**
 - a. **Solar Farm Ordinance Discussion**

Attachments:

- **Cover Letter** (Agenda_Item_-_Solar_Ordinance.doc)
- **Proposed Ordinance** (Solar_Draft_Ordinance__CLEAN_HJE_2-8-23.docx)

- b. **External Committees w/ County Appointees Resolutions**

Attachments:

- **Cover Letter** (Agenda_Item-Cmte_Appointment_Resolutions.docx)
- **Resolution, APCR** (-Resolution_Apalachee_Regional_Planning.docx)
- **Resolution Aucilla Area Solid Waste** (-Resolution_Aucilla_Area_Solid_Waste_Admin.docx)
- **Resolution, CRTPA** (-Resolution_Capital_Regional_Transportation_Planning_Agency.docx)
- **Resolution Jefferson County Chamber of Commerce** (Resolution_Jefferson_County_Chamber_of_Commerce.docx)
- **Resolution Local Community Traffic Safety Teams** (Resolution_Local_Community_Traffic_Safety_Teams.docx)
- **Resolution Gulf Consortium** (Resolution_Gulf_Consortium.docx)
- **Resolution Jefferson County Transportation Disadvantaged Coordinating Board** (Resolution_Jefferson_County_Transportation_Disadvantaged_Coordinating_Board.docx)
- **Resolution North Florida Economic Development Partnership** (Resolution_North_Florida_Economic_Development_Partnership.docx)
- **Resolution North Florida Workforce Consortium** (Resolution_North_Florida_Workforce_Consortium.docx)
- **Resolution Small County Coalition.docx** (Resolution_Small_County_Coalition.docx)

- **Resolution Jefferson County Value Adjustment Board** (Resolution_Jefferson_County_Value_Adjustment_Board.docx)

c. Approval of Advisory Board Resolutions and Ratification of Member Appointments

Attachments:

- **Cover Letter** (Agenda_Item-Advisory_Board_Resolutions_and_Ratification_of_Member_Appointments.docx)
- **Planning Commission** (Planning_Commission_Resolution___Bylaws.docx)
- **TDC** (TDC_Resolution___Bylaws.docx)
- **Affordable Housing** (Affordable_Housing_Committee_Resolution___Bylaws.docx)

d. Direction Regarding Appointments and Unknown Advisory Boards

Attachments:

- **Committee Appointments** (Draft_Agenda_Item_-_Cmte_Appointment_Directionv2.doc)

e. Public Hearing-Unsafe Building Ordinance

Attachments:

- **Cover Letter** (Agenda_Item_-_Unsafe_Building_Ordinance_Amendment_Public_Hearing.doc)
- **Proposed Ordinance** (Amending_Unsafe_Building_Sections_v4.docx)

f. County Redistricting Proposals

Attachments:

- **Contract** (KSA_Redistricting_Jefferson_County_FINAL.pdf)
- **Cover Letter** (Agenda_Item_-_Redistricting_Proposals.doc)

6. CLERK OF COURTS

7. COUNTY ENGINEER

8. COUNTY ATTORNEY

9. COUNTY MANAGER

a. Grant Consultant

10. COUNTY COMMISSIONERS

11. 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.

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.

Contact: Shannon Metty, County Coordinator (smetty@jeffersoncountyfl.gov 850-342-0223) | Agenda published on 02/10/2023 at 2:52 PM

Board of County Commissioners

Agenda Request

Date of Meeting: February 16, 2023

Date Submitted: February 10, 2023

To: Honorable Chairman and Members of the Board

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

Subject: Board Discussion on Revisions to Solar Facilities Ordinance

Statement of Issue:

This agenda item requests Board discussion and input on revisions to the County’s existing solar ordinance, Ordinance No. 2020-091720-01, as incorporated into the Jefferson County Land Development Code (LDC) in various section of LDC Section 2.2.0 regarding land use districts, and LDC Section 2.11.0 regarding Solar Photovoltaic Collector Systems.

Background:

In 2021, the Florida Legislature adopted Section 163.3205, Florida Statutes, which provides as follows:

§ 163.3205. Solar facility approval process. —

(1) It is the intent of the Legislature to encourage renewable solar electrical generation throughout this state. It is essential that solar facilities and associated electric infrastructure be constructed and maintained in various locations throughout this state in order to ensure the availability of renewable energy production, which is critical to this state’s energy and economic future.

(2) As used in this section, the term “solar facility” means a production facility for electric power which:

(a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.

(b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.

(c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

(3) A solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area

and must comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.

(4) A county may adopt an ordinance specifying buffer and landscaping requirements for solar facilities. Such requirements may not exceed the requirements for similar uses involving the construction of other facilities that are permitted uses in agricultural land use categories and zoning districts.

(5) This section does not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

The requirements of this statute necessitate certain revisions to the County's existing solar ordinance to comply with the applicable land use district requirements, and the buffer and set back mandates.

Analysis:

To bring the solar ordinance in compliance with the new state statute and to make further revisions for clarity and ease of administration, the following changes are being recommended:

- (1) Moving solar definitions to the general LDC definition section, revising definitions to be consistent with new state law, adding definitions for decommissioning, Roof Mounted Solar, Stormwater Management System, and modifying the small scale definition to be limited to an acre, as opposed to five acres.
- (2) In accordance with Section 163.3205, FS, Solar Facilities are made allowable uses in AG-20, AG-5, and AG-3. Only Small Scale Solar Facilities are allowed in Residential 1 & 2, Prison, Industrial (formerly allowed large and small scale solar facilities), Mixed Use, and Interchange Business. No Solar Facilities are allowed in conservation. There is no special exception required for Large or Small Scale Solar Facilities.
- (3) Added requirements to Small Scale Solar Facilities LDC Section 2.11.3 to require the same obligations with regard to damaged panels as with Large Scale Solar Facilities in the existing ordinance, and added minimal decommissioning requirements for abandoned Small Scale Solar Facilities.
- (4) Modified the Large Scale Solar Facilities LDC Section 2.11.4 to provide that these facilities are most similar to electric substations for purposes of Section 163.3205, F.S., removed the cap on total acreage allowed in the county for solar facilities to comply with Section 163.3205, FS., provided that Large Scale Solar Facilities have to comply with setback requirements for electric utility substations in LDC Section 5.10.1 (100 feet), provided that Large Scale Solar Facilities must comply with buffering requirements as a High Impact Use pursuant to LDC Section 5.3.4., modified the decommissioning requirements to clarify and remove the salvage value credit, added stormwater requirements for Large Scale Solar Facilities.
- (5) Amended LDC Section 5.10.1 regarding setbacks for electric substations to clarify that setbacks in land use districts with residential are 100 feet from the property line and that setbacks in land use districts with no residential are as set forth in Section 5.1.3 for

nonresidential. These are intended to comply with state law requirements for electric substations. Currently electric substation setbacks in the LDC are deferred to state or federal law. In accordance with Section 163.3208, Florida Statutes, in nonresidential areas the setbacks for electric substations must be consistent with similar uses and in residential areas the setbacks for electric substations can be a maximum of 100 feet.

- (6) Repealed 2.11.2 of the LDC (old solar only definitions section).
- (7) Directed terminology revisions in the codification section to match new definitions, which are based on state law.

Options:

1. Board Direction regarding ordinance content and advertising for public hearing before the Planning Commission and the Board.

Recommendation:

Option #1

Attachments:

Draft Solar Facilities Ordinance

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY FLORIDA, RELATED TO SOLAR PHOTOVOLTAIC COLLECTOR SYSTEMS; AMENDING SECTION 1.3.0 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATED TO DEFINITIONS; AMENDING SECTION 2.2.1 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATED TO ALLOWABLE USES WITHIN AGRICULTURAL LAND USE DISTRICTS; AMENDING SECTION 2.2.2 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATED TO ALLOWABLE USES IN THE CONSERVATION LAND USE DISTRICT; AMENDING SECTION 2.2.5 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATED TO ALLOWABLE USES IN THE INDUSTRIAL LAND USE DISTRICT; AMENDING SECTION 2.11.3 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE PERTAINING TO SMALL SCALE SOLAR FACILITIES; AMENDING SECTION 2.11.4 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE PERTAINING TO LARGE SCALE SOLAR FACILITIES; AMENDING SECTION 5.10.1 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATED TO LINEAR DISTRIBUTION/COLLECTION/TRANSMISSION FACILITIES AND SUBSTATIONS; REPEALING SECTION 2.11.2 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE RELATING TO DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of Jefferson County Board of County Commissioners to make provisions for appropriate land uses, to promote, protect, and improve the public health, safety, and welfare of Jefferson County's residents, while maximizing economic benefits and minimizing threats to natural and man-made resources; and

WHEREAS, the demand for renewable energy in Florida has resulted in increasing interest on the part of property owners, energy companies, and utilities in developing solar photovoltaic collector systems to provide renewable energy from sunlight; and

WHEREAS, although the County currently has development standards for large and small solar photovoltaic collector systems, greater specificity is needed to ensure applicants are on notice of the requirements for such systems and to ensure the County's Land Development Code is in compliance with Florida law; and

WHEREAS, in Section 163.3205, Florida Statutes, the Florida Legislature mandates that solar facilities are to be a permitted use in all agricultural land use categories in a local government comprehensive plan; and

WHEREAS, Section 163.3205, Florida Statutes, further requires that solar facilities must comply with the setback and landscaped buffer area criteria for other similar uses in agricultural districts, but that such requirements may not exceed the requirements for similar uses involving the construction of other facilities that are permitted in those districts; and

WHEREAS, it is the intent of the Jefferson County Board of County Commissioners to ensure the rural character of Jefferson County is being preserved and that all development is consistent with promoting such rural character; and

WHEREAS, the Jefferson County Board of County Commissioners has determined that this Ordinance is necessary to protect the health, safety, and welfare of Jefferson County, Florida and its citizens.

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

SECTION 1. AMENDMENT OF SECTION 1.3.0 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section .1.3.0 of the Jefferson County Land Development Code, entitled “Definitions Used Throughout This Code,” is hereby amended as follows:

1.3.0. DEFINITIONS USED THROUGHOUT THIS CODE:

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of County Commissioners (the Board) may be fully carried out. The words, terms, and phrases, used throughout this Code shall be interpreted so as to give them the meaning they have in common usage and to give this Code it’s most reasonable application. The definitions and meanings ascribed to them are outlined below and are to be used in this Code, except where the context clearly indicates a different meaning. Unless otherwise specifically provided herein, terms shall have the meanings prescribed by the statutes of the State of Florida for such terms.

* * *

Decommissioning - the removal of all equipment, infrastructure, and facilities used for electricity generation on a property containing a Solar Facility, except for a Roof Mounted Solar System, and restoration of such property to its pre-development condition.

* * *

Large Scale Solar Facility - a Solar Facility not meeting the definition of Small Scale Solar Facility. For purposes of this definition, Solar Facilities proposed on multiple abutting parcels under common control shall be considered Large Scale Solar Facilities if the total area of the system on all such parcels exceeds one (1) acre in size.

* * *

Roof Mounted Solar System - a Solar Facility that is mounted or installed on the roof of a building. All Roof Mounted Solar Systems are considered Small Scale Solar Facilities regardless of size.

* * *

Small Scale Solar Facility - a Solar Facility that occupies one (1) acre or less per parcel and is used primarily to reduce or offset on-site consumption of electrical power and including all Roof Mounted Solar Systems. For purposes of this definition, Solar Facilities proposed on multiple abutting parcels under common control shall be considered Large Scale Solar Facilities if the total area of the system on all such parcels exceeds one (1) acre in size.

Solar Facility - a production facility for electric power which:

- a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.
- b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.
- c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

* * *

Stormwater Management System: A system designed, constructed, or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

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SECTION 2. AMENDMENT OF SECTION 2.2.1 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.2.1 of the Jefferson County Land Development Code, entitled “Agricultural Land Use Districts: AG-20, AG-5, and AG-3,” is hereby amended as follows:

2.2.1. AGRICULTURAL LAND USE DISTRICTS: AG-20, AG-5, AND AG-3

The Comprehensive Plan 2025 Jefferson County, Florida, specifically makes the following statement: *“Farming is the basic intent of Agricultural land use areas. Residential use is allowed but secondary in nature and must accept all characteristic farm activities of: noise, smells, dust, spray odors, timber clearing, etc.”* Agricultural properties can generally be defined as commercial properties since the end result of agricultural activities are to produce revenue for the owner from the produced end product of the animals raised or the crops harvested. The three Agriculture land use districts generally differ in density standards for residential development, some permitted uses, and some setback standards.

A. The following types of uses are allowed in the Agriculture 20 Land Use District:

* * *

14) Solar ~~Photovoltaic Collector Systems~~ Facilities as are allowed by LDC Section 2.11.0 (Large Scale Solar ~~Photovoltaic Collector Systems~~ Facilities require approval as a major development ~~and special exception~~).

B. The following types of uses are allowed in the Agriculture 5 Land Use District:

* * *

13) Solar ~~Photovoltaic Collector Systems~~ Facilities as are allowed by LDC Section 2.11.0 (Large Scale Solar ~~Photovoltaic Collector Systems~~ Facilities require approval as a major development ~~and special exception~~).

C. The following types of uses are allowed in the Agriculture 3 Land Use District:

* * *

10) ~~Small Scale Solar Photovoltaic Collector Systems~~ Facilities as are allowed by LDC Section 2.11.0 (Large Scale Facilities require approval as a major development).

[underline indicates addition; ~~strikethrough~~ indicates deletion]

SECTION 3. AMENDMENT OF SECTIONS 2.2.2 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.2.2 of the Jefferson County Land Development Code, entitled “Conservation,” is hereby amended as follows:

2.2.2. CONSERVATION

The following uses are allowed in the Conservation land use district.

1. Agricultural (silviculture only, subject to Best Management Practices)
2. Outdoor Recreational (recreational activities consistent with protection of the area)
3. Linear Distribution/Collection Facilities and Communication Facilities
4. The owner of a tract of record that existed as of July 19, 1990, which is designated Conservation in its entirety may construct a personal residence on the tract.
5. ~~Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.~~

[underline indicates addition; ~~striketrough~~ indicates deletion]

SECTION 4. AMENDMENT OF SECTIONS 2.2.5 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.2.5 of the Jefferson County Land Development Code, entitled “Industrial,” is hereby amended as follows:

2.2.5. INDUSTRIAL

The following types of uses are allowed in the Industrial land use district. Specifically prohibited are hazardous waste and medical waste disposal facilities.

* * *

- 5) Small Scale Solar Facilities ~~Photovoltaic Collector Systems~~ as are allowed by LDC Section 2.11.0 (~~Large Scale Solar Photovoltaic Collector Systems require approval as a major development and special exception~~).

[underline indicates addition; ~~striketrough~~ indicates deletion]

SECTION 5. AMENDMENT OF SECTION 2.11.3 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.11.3 of the Jefferson County Land Development Code, entitled “Small Scale Solar Photovoltaic Collector Systems,” is hereby amended as follows:

2.11.3 SMALL SCALE SOLAR FACILITIES COLLECTOR SYSTEMS

1. Small Scale Solar Facilities Collectors are allowed in all ~~Zoning~~ Land Use Districts, except the Conservation Land Use District. All Small Scale Solar Facilities shall be subject to review and approval by the Planning Official. The Planning Official may require that any proposed Small Scale Solar Facility be reviewed as a Large Scale Solar Facility based on site characteristics or proposed system features, including but not limited to size of the facility and whether the electricity generated is intended for off-site use.

* * *

3. Ground Mounted Solar Facilities Systems

* * *

~~iv. To be considered a small scale system, only one five (5) acre Photovoltaic System is allowed per parcel. A second 5 acre plot will be reviewed as a Large Scale Solar Collector as require a Special Exception Review.~~

4. Damaged solar panels shall be removed, repaired, or replaced within ninety (90) days of the damage with one extension at the request of the property owner. The ground shall at all times remain free of debris from damaged solar panels.

5. Decommissioning and removal of Small Scale Solar Facilities shall be the responsibility of the property owner upon abandonment. A Small Scale Solar Facility shall be considered abandoned if the system ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided to the County upon request. An abandoned Small Scale Solar Facility shall be decommissioned and removed within one hundred eighty (180) days from the time it is deemed abandoned as provided herein. The owner may request an extension of time in which to return the Small Scale Solar Facility to operation, which shall be supported by a plan and proposed timeline for resuming operation, provided however, that no extension of time shall be granted for more than a total of twenty four (24) months past the above date for decommissioning due to abandonment.

[underline indicates addition; ~~strikethrough~~ indicates deletion]

SECTION 6. AMENDMENT OF SECTION 2.11.4 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.11.4 of the Jefferson County Land Development Code, entitled “Large Scale Solar Photovoltaic Collector Systems,” is hereby amended as follows:

2.11.4 LARGE SCALE SOLAR FACILITIES ~~COLLECTOR SYSTEMS~~

1. Large Scale Solar Facilities ~~Collection Systems~~ are only allowed in ~~Ag 20, Ag 5, or Industrial Zoning Districts~~ and shall be subject to review as a Major Development pursuant to LDC Section 9.4.0 ~~and Special Exception pursuant to LDC Section 9.15.0.~~ In accordance with Section 163.3205, Florida Statutes, it is determined that electric utility substations are the most similar use to Large Scale Solar Facilities.

2. In an order to protect the rural and agricultural lands of the County, the maximum size of ~~one a~~ Large Scale Solar Facility Collector System is 640 Utilized acres, equal to one square mile. ~~The County is also limiting the total Utilized acreage of all Large Scale Solar Collectors to 2,560 acres or 4 square miles.~~ The determination of the maximum allowable size of a system hereunder shall be based on the footprint of acreage actually utilized by the solar panels and associated structures, and shall not include any areas not actually occupied such as setbacks, buffers, wetlands, and areas voluntarily avoided.

3. Setbacks. All components of a Large Scale Solar Facility shall comply with the setback requirements for electric utility substations as provided in LDC Section 5.10.1.C. Setbacks for Roadways (classifications based on LDC Section 5.4.0A)

- ~~i. Arterial and Major Collector Roadways 100feet.~~
- ~~ii. Minor Collector Roadways 100feet.~~
- ~~iii. Local Roads 100feet.~~

4. Buffering. Large Scale Solar Facilities shall comply with the landscape and buffering requirements contained in LDC Section 5.3.4. Large Scale Solar Facilities shall be considered a “High Impact” use for purposes of application of the buffering and landscape requirements contained in LDC Section 5.3.4.

- ~~i. All plans submitted shall portray a 100ft. Type C buffer, where the project property borders vacant land or land in non-residential use in accordance with LDC Table 5.3.4.C Landscape Buffer Standards.~~
- ~~ii. Where the Solar Field borders an established residential use or residential property, twice the distance of the standards established in Subsection 4 I above is required.~~
- ~~iii. The buffers can consist of natural vegetation, but may also require additional planting to meet Type C Standard. All planted buffers need to be native to North Florida and spaced so as to allow for mature growth.~~
- ~~iv. All plans submitted shall portray Type C buffer along all roadways.~~

* * *

12. Decommissioning

The property owner and/or current operator of a Large Scale Solar Facility shall be responsible for the Decommissioning decommissioning of such system and removal of upon abandonment (as defined herein) or upon revocation of the major development and special exception approval. In the event of abandonment of a Large Scale Solar Facility, the decommissioning shall be completed within the time period provided in paragraph 11 above. In the event of revocation of major development approval for the Large Scale Solar Facility, decommissioning shall be completed within 90 days. With respect to decommissioning, all All operators/owners shall comply with the following:

i. As part of the development review application, a decommissioning plan shall be prepared and submitted which depicts the final site conditions after the ~~solar collection facility~~ Large Scale Solar Facility has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations and conduits (above and below ground). In the alternative, poles, piles, foundations and other support infrastructure can be shown as remaining in the decommissioning plan if consistent with the planned future beneficial use of the property, as may also be consistent with the allowed uses in the Land Development Code. The decommissioning plan shall include an engineer's estimate, signed and sealed, of the cost of fully implementing the decommissioning plan. The estimated cost of implementing the decommissioning plan shall not be reduced based on cost of removal of poles, piles, foundations or other support infrastructure that are proposed to remain. The estimated cost of implementing the decommissioning plan shall not be reduced based upon the salvage value of any materials or equipment. ~~The estimated cost of implementing the decommissioning plan may be reduced based on the salvage value of any materials or equipment only if such salvage is also reassessed as part of periodic update of the engineer's estimate of costs for implementing the decommissioning plan.~~ A new/updated engineer's estimate of costs for implementing the decommissioning plan shall be prepared and submitted to the Planning Department no less often than once every five (5) years following the original approval date. ~~If, as part of such new/updated engineer's estimate, it is determined that the salvage value has decreased, the amount of such decrease shall be accounted for in the cost of decommissioning and in the evidence of financial responsibility provided under Subsection ii herein below. Thereafter, such salvage value shall be reassessed every two (2) years, and any additional reductions in salvage value accounted for in the evidence of financial responsibility.~~

ii. Evidence of financial responsibility to implement the decommissioning plan shall be submitted as part of the original application, and shall be ~~furnished~~ updated no less often than once every five (5) years thereafter, upon change of the property owner and/or operator, upon change in the financial responsibility form/mechanism relied upon, or as otherwise required by this code. Evidence of financial responsibility shall be in the form of insurance, ~~surety~~ surety bond, cash bond, trust fund or letter of credit. The County may require a change in the financial responsibility form/mechanism relied upon should it come to the attention of the County that the evidence of financial responsibility as previously submitted has become deficient. Evidence of financial responsibility shall be in the amount of one hundred fifty percent (150%) of the engineer's estimated cost to implement the decommissioning plan.

iii. Any transfer of the County approval of a Large Scale Solar Facility Collection System issued hereunder shall not be deemed complete unless and until the transferee has demonstrated financial responsibility for decommissioning of the facility in the same manner as required for initial approval.

* * *

14. Stormwater.

All applicants for a Large Scale Solar Facility shall obtain a valid FDEP ERP Stormwater Permit for the Stormwater Management System associated with same. In addition, the following requirements shall apply to the Stormwater Management System associated with any Large Scale Solar Facility and the property on which it is located:

- i. The Stormwater Management System shall be designed by a Florida Registered Professional Engineer and meet all applicable criteria of ERP Applicant's Handbook Volume II.
- ii. The Stormwater Management System shall meet the criteria for at least one of the Best Management Practices (BMP) types for water quality treatment as listed in Part V of Applicant's Handbook Volume II.
- iii. The Stormwater Management System shall be designed to accept at minimum the first 1.25 inches of stormwater from any rainfall event over the entire drainage basin for the property which contains the Large Scale Solar Facility, as established by a Florida Registered Professional Engineer.
- iv. Channelization shall not occur on the property post-development. Documentation and calculations shall be provided to the Planning Department by a Florida Registered Professional Engineer demonstrating that channelization of the runoff generated by the property will not occur.
- v. A maximum slope of 5%-7% shall be maintained on any area of the property which contains solar panels or that is otherwise subject to development.

[underline indicates addition; ~~striketrough~~ indicates deletion]

SECTION 7. AMENDMENT OF SECTION 5.10.1 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 5.10.1 of the Jefferson County Land Development Code, entitled "Linear Distribution/Collection/Transmission Facilities and Substations," is hereby amended as follows:

5.10.1. LINEAR DISTRIBUTION/COLLECTION/TRANSMISSION FACILITIES AND SUBSTATIONS

* * *

C. Setbacks from existing structures and property lines shall be as required by Federal and State regulations or laws.

1. For purposes of electric substations in land use districts where residential is an allowed use, permanent equipment and structures shall be a minimum of 100 feet from the property line.

2. For purposes of electric substations in land use districts where residential is not an allowed use, permanent equipment and structures shall comply with the requirements for nonresidential developments in LDC Section 5.1.3.

SECTION 8. REPEAL OF SECTION 2.11.2 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE. Section 2.11.2 of the Jefferson County Land Development Code, entitled “Definitions,” is hereby repealed in its entirety.

SECTION 9. CODIFICATION.

A. 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 Land Development Code, and that the sections of this Ordinance may be renumbered to accomplish such intent.

B. In accordance with the amendments made in Section 1 of this Ordinance, all references in the Jefferson County Land Development Code to “Solar Photovoltaic Collector Systems” shall be amended to “Solar Facilities;” all references to “Small Scale Solar Photovoltaic Collector Systems” shall be amended to “Small Scale Solar Facilities;” and all references to “Large Scale Solar Photovoltaic Systems” shall be amended to “Large Scale Solar Facilities.”

SECTION 10. 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 11. CONFLICT.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such of conflict, hereby repealed.

SECTION 12. EFFECTIVE DATE.

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

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Jefferson County this ____ day of ____, 202__.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chairman

ATTESTED BY:

Kirk Reams, Clerk of Court

APPROVED AS TO FORM

Heather Encinosa, County Attorney

Board of County Commissioners Agenda Request

Date of Meeting: February 16, 2022

Date Submitted: February 10, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Ratification of Appointments to External Entities

Statement of Issue: This agenda item requests Board ratification of appointments to external entities identified in Agenda Item n., Committee Assignment Updates, considered at the meeting held December 1, 2022.

Background: At its meeting held December 1, 2022, the Board of County Commissioners considered an agenda item requesting direction from the Board regarding a list of appointments to various boards and committees. The County Attorney's Office reviewed the list to determine whether the appointments complied with the requirements of the various entities.

Analysis: The following appointments to external entities are presented for ratification. Please note that the North Florida Economic Development Partnership requires the County Commission to appoint both a Commissioner and an Economic Development Professional to represent Jefferson County. The Board will need to provide direction with respect to its Economic Development Professional appointee.

External Entity	Appointment
Apalachee Regional Planning Council	Commissioner Walker
Aucilla Area Solid Waste Administration	Commissioner Walker Commissioner Tuten (Alternate)
Capital Regional Transportation Planning Agency	Commissioner Hosford Commissioner Hall (Alternate)
Community Traffic Safety Team	Commissioner Hosford
Chamber of Commerce Board	Commissioner Tuten
Gulf Consortium	Commissioner Hosford Kirk Reams (Alternate)
Jefferson County Transportation Disadvantaged Coordinating Board	Commissioner Surles

External Entity	Appointment
North Florida Economic Development Partnership	Commissioner Walker Economic Development Professional Appointee
North Florida Workforce Consortium	Commissioner Tuten
NRCS/USDA Local Working Group	Commissioner Tuten
Small County Coalition	Commissioner Walker Commissioner Hall
Value Adjustment Board	Commissioner Surles Commissioner Walker Andrew Wellman (Citizen Appointee)

Resolutions for each appointment are attached for Board review and approval.

Options:

1. Approve Resolutions ratifying the appointments to various external entities.
2. Do Not Approve Resolutions ratifying appointments to various external entities.
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Apalachee Regional Planning Council Appointment Resolution
2. Aucilla Area Solid Waste Administration
3. Capital Regional Transportation Planning Agency Appointment Resolution
4. Chamber of Commerce Board Appointment Resolution
5. Community Traffic Safety Team
6. Gulf Consortium Appointment Resolution
7. Jefferson County Transportation Disadvantaged Coordinating Board
8. North Florida Economic Development Partnership Appointment Resolution
9. North Florida Workforce Consortium
10. Small County Coalition
11. Value Adjustment Board Appointment Resolution

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE APALACHEE REGIONAL PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 186.504, Florida Statutes, the Board of County Commissioners are responsible for appointing a Commissioner to the Apalachee Regional Planning Council; and

WHEREAS, the Apalachee Regional Planning Council assists with grants, outreach, project implementation, and other planning activities to enhance the nine-county Apalachee Region, and houses a variety of programs, including economic development, emergency preparedness, housing, transportation, GIS, and environmental and resiliency planning; and

WHEREAS, by collaborating across programs and embracing partnerships with local, state, and federal organizations, the Apalachee Regional Planning Council continues to make a positive and lasting impact throughout the Apalachee Region; and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointment to the Apalachee Regional Planning Council.

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

SECTION 1. APPOINTMENT. Commissioner Walker is hereby appointed to represent Jefferson County on the Apalachee Regional Planning Council for calendar year 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-04

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE AUCILLA AREA SOLID WASTE ADMINISTRATION GOVERNING BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 163.01, Florida Statutes, and Interlocal Agreement among Dixie, Jefferson, Madison, and Taylor Counties, the Board of County Commissioners are responsible for appointing a Jefferson County Commissioner as a voting member and another as an alternate voting member to the Aucilla Area Solid Waste Administration Governing Board; and

WHEREAS, the Aucilla Area Solid Waste Administration is intended to effectively, efficiently, and economically dispose of the solid waste generated within the region and to provide associated services related to solid waste management; and

WHEREAS, the Board made these initial appointments by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointments to the Aucilla Area Solid Waste Administration Governing Board.

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

SECTION 1. APPOINTMENT. Commissioner Walker is hereby appointed as Jefferson County's voting member on the Aucilla Area Solid Waste Administration Governing Board for calendar year 2023. Commissioner Tuten is hereby appointed as Jefferson County's alternate voting member on the Aucilla Area Solid Waste Administration Governing Board for calendar year 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

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SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-05

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE CAPITAL REGIONAL TRANSPORTATION PLANNING AGENCY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing a commissioner to the Capital Regional Transportation Planning Agency; and

WHEREAS, the Capital Regional Transportation Planning Agency is the metropolitan planning organization (MPO) serving Gadsden, Jefferson, Leon, and Wakulla counties; and

WHEREAS, the Capital Region Transportation Planning Agency's mission is to act as the principal forum for collective transportation policy discussions that results in the development of a long range transportation plan which creates an integrated regional multimodal transportation network that supports sustainable development patterns and promotes economic growth; and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointment to the Capital Regional Transportation Planning Agency Board.

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

SECTION 1. APPOINTMENT. Commissioner Hall is hereby appointed to represent Jefferson County on the Capital Regional Transportation Planning Agency Board for a period of four years, commencing January 1, 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

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SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE MONTICELLO-JEFFERSON COUNTY CHAMBER OF COMMERCE BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing a commissioner as a non-voting member of the Board of the Monticello-Jefferson County Chamber of Commerce (the “Chamber”); and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointment to the Chamber.

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

SECTION 1. APPOINTMENT. Commissioner Tuten is hereby appointed to represent Jefferson County on the Chamber for calendar year 2023.

SECTION 2. EFFECTIVE DATE. 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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-07

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING REPRESENTATIVE TO THE LOCAL COMMUNITY TRAFFIC SAFETY TEAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) organizes Local Community Traffic Safety Teams of locally based-data driven highway safety advocates committed to a common goal of improving traffic safety in their communities; and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its representative to the Community Traffic Safety Team in Jefferson County.

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

SECTION 1. APPOINTMENT. Commissioner Hosford is hereby appointed as Jefferson County’s representative to the Local FDOT Community Traffic Safety Team for calendar year 2023.

SECTION 2. EFFECTIVE DATE. 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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-08

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE GULF CONSORTIUM BOARD OF DIRECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing a commissioner to the Gulf Consortium Board of Directors; and

WHEREAS, the Gulf Consortium is a public entity created in October 2012 by Inter-local Agreement among Florida's 23 Gulf Coast counties, from Escambia County in the western panhandle of Florida to Monroe County on the southern tip of Florida and the United States; and

WHEREAS, to meet requirements of the RESTORE Act to develop a State Expenditure Plan for economic and environmental recovery of the Gulf coast in Florida following the Deepwater Horizon oil spill; and

WHEREAS, the Board made these initial appointments by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointments to the Gulf Consortium Board of Directors.

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

SECTION 1. APPOINTMENT. Commissioner Hosford is hereby appointed to represent Jefferson County on the Gulf Consortium Board of Directors for calendar year 2023, and Jefferson County Clerk Kirk Reams is hereby appointed as the alternate for Jefferson County for calendar year 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

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SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-09

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE JEFFERSON COUNTY TRANSPORTATION DISADVANTAGED COORDINATING BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing a commissioner to the Jefferson County Transportation Disadvantaged Coordinating Board; and

WHEREAS, the purpose of the Jefferson County Transportation Disadvantaged Coordinating Board is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System; and

WHEREAS, section 41-2.012 of the Florida Administrative Code requires one elected official to serve as the official chairperson for all meetings of the Jefferson County Transportation Disadvantaged Coordinating Board; and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointment of an elected official to the Jefferson County Transportation Disadvantaged Coordinating Board.

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

SECTION 1. APPOINTMENT. Commissioner Surles is hereby appointed to the Jefferson County Transportation Disadvantaged Coordinating Board for the calendar year 2023 and shall serve as the chairperson of said board.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE NORTH FLORIDA ECONOMIC DEVELOPMENT PARTNERSHIP BOARD OF DIRECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing a commissioner to the North Florida Economic Development Partnership Board of Directors; and

WHEREAS, the North Florida Economic Development Partnership is the regional economic development organization responsible for coordinating the activities of the 14-counties within the North Central Rural Area of Opportunity, formerly known as a Rural Area of Critical Economic Concern; and

WHEREAS, the North Florida Economic Development Partnership is a public/private, 501c(6) entity dedicated to facilitating economic development activity through high quality job growth and capital investment in the 14-county region known as North Florida; and

WHEREAS, the Board made this initial commissioner appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its commissioner appointment to the North Florida Economic Development Partnership Board of Directors and additionally appointment an economic development professional to said board.

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

SECTION 1. APPOINTMENT. Commissioner Walker is hereby appointed to the North Florida Economic Development Partnership Board of Directors as Jefferson County's elected County Commission member for calendar year 2023. _____ is hereby appointed to the North Florida Economic Development Partnership Board of Directors as the Economic Development Professional for Jefferson County for calendar year 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING A MEMBER TO THE NORTH FLORIDA WORKFORCE CONSORTIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the Interlocal Agreement Continuing the North Florida Workforce Consortium among Jefferson, Madison, Hamilton, Suwanee, Lafayette, and Taylor Counties, the Jefferson County Board of County Commissioners are responsible for designating a Commissioner to serve as the County’s representative on the North Florida Workforce Consortium; and

WHEREAS, the North Florida Workforce Consortium is formed based on the desire of the member counties to be included in regional workforce development initiatives to avail their citizens of the benefits of any programs, grants, or funding sources as may be available to support workforce activities; and

WHEREAS, the Board made this initial appointment by motion and vote on December 1, 2022; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointment to the North Florida Workforce Consortium.

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

SECTION 1. APPOINTMENT. Commissioner Hall is hereby appointed to represent Jefferson County on the North Florida Workforce Consortium Board of Directors for calendar year 2023.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING MEMBERS TO THE SMALL COUNTY COALITION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing two members of the Board of County Commissioners to the Small County Coalition, a non-partisan statewide alliance of county commissions in Florida’s small and rural communities; and

WHEREAS, the Board made these initial appointments by motion and vote on December 1, 2022; and

WHEREAS, the Board of County Commissioners, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointments to the Small County Coalition.

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

SECTION 1. APPOINTMENT. Commissioner Walker and Commissioner Hall are hereby appointed to serve as Jefferson County’s main and alternate representatives, respectively, to the Small County Coalition for calendar year 2023.

SECTION 2. EFFECTIVE DATE. 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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

RESOLUTION NO. 2023-13

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING MEMBERS TO THE VALUE ADJUSTMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing two members of the Board of County Commissioners and a citizen who owns homestead property within the County to the Jefferson County Value Adjustment Board, which serves as the decision-making authority when there is a disagreement between the Property Appraiser and taxpayer concerning property exemptions, classifications, and valuations; and

WHEREAS, the Value Adjustment Board hears appeals regarding property value assessments, denied exemptions or classifications, ad valorem tax deferrals, portability decisions, and change of ownership or control; and

WHEREAS, the Board made these initial appointments by motion and vote on December 1, 2022; and

WHEREAS, the Board of County Commissioners, finding that it is in the best interest of the Citizens of Jefferson County, now desires to ratify its appointments to the Value Adjustment Board.

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

SECTION 1. APPOINTMENT. The following appointments are hereby made to the Value Adjustment Board for calendar year 2023:

Name	Position
Commissioner Surles	Jefferson County Commissioner Member
Commissioner Walker	Jefferson County Commissioner Member
Andrew Wellman	Citizen Member

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

Board of County Commissioners Agenda Request

Date of Meeting: February 16, 2022

Date Submitted: February 10, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Approval of Advisory Board Resolutions and Ratification of Member Appointments

Statement of Issue: This agenda item requests Board approval of resolutions ratifying certain appointments to and adopting bylaws for internal advisory boards identified in Agenda Item n., Committee Assignment Updates, considered at the meeting held December 1, 2022,

Background: At its meeting held December 1, 2022, the Board of County Commissioners considered an agenda item requesting direction from the Board regarding a list of appointments to various boards and committees. The County Attorney's Office reviewed the list to confirm that internal advisory boards comply with Florida law.

This Agenda Item presents Resolutions ratifying the previously identified appointments to the Affordable Housing Advisory Committee, Planning Commission, and Tourist Development Council. Each Resolution also adopts bylaws to govern their operations to ensure compliance with Florida law.

Analysis: Approval of the following appointments and the accompanying Resolutions ratify the appointments of individuals to the appropriate entity and adopt bylaws to help ensure compliance with Sunshine Law, Public Records Law, and Florida's Code of Ethics for Public Officers and Employees. In addition to those individuals identified at the Board meeting held December 1, 2022, the Affordable Housing Advisory Committee requires seven (7) additional appointees, one of which must be a Commissioner, to fill the positions relating to particular industries, in order to comply with Section 420.9076, Florida Statutes, and Section 10-72 of the Code.

The Affordable Housing Advisory Committee, must consist of nine members. The affordable housing advisory committee shall include the following, which individuals may overlap with or be part of the local housing partnership:

- (1) One citizen who is actively engaged in the residential building industry;
- (2) One citizen who is actively engaged in the banking or mortgage banking industry;
- (3) One citizen who is a representative of those areas of labor engaged in home building;
- (4) One citizen who is designated as an advocate for low-income persons;

- (5) One citizen who is a provider of affordable housing; and
- (6) One citizen who is a real estate professional.

Members shall serve for two-year terms and may be reappointed for subsequent terms.

Entity	Appointees	Position
Affordable Housing Advisory Committee	Fred Mosley	Member
	Bud Wheeler	Member
	Shannon Metty	Member
		Banking Industry Member
		Advocate for Low Income Persons Member
		Home Building Labor Member
		Real Estate Professional Member
		Affordable Housing Provider Member
		Residential Building Member
Planning Commission	Jacqueline Seabrooks	District 1 Member
	Bud Wheeler	District 1 Member
	Kimbery Odom	District 2 Member
	Althera Johnson	District 2 Member
	Byrn Arceneaux	District 3 Member
	Michael Schwier	District 3 Member
	Roy Faglie	District 4 Member
	Jessica Lane	District 4 Member
	Thomas Chancy	District 5 Member
	John Floyd Walker	District 5 Member
Tourist Development Council	Commissioner Tuten	BOCC Chair or Designee
	Council Member Cox	Elected Municipal Official
	Council Member Avera	Elected Municipal Official
	Pat Inmon	Owner/Operator of Accommodations
	Arun Kundra	Owner/Operator of Accommodations
	Tushar Patel	Owner/Operator of Accommodations
	Michelle Arceneaux	Tourist Industry
	David Ward	Tourist Industry
	Ryan Reines	Tourist Industry

Options:

1. Approve Resolutions Ratifying Individuals Appointments to Internal Advisory Boards and Adopting Bylaws.
2. Do Not Approve Resolutions Appointing Individuals to Internal Advisory Boards and Adopting Bylaws.
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Planning Commission Resolution
2. Tourist Development Council Resolution
3. Affordable Housing Advisory Committee Resolution

RESOLUTION NO. 2023-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING MEMBERS TO THE JEFFERSON COUNTY PLANNING COMMISSION; ADOPTING BYLAWS OF THE JEFFERSON COUNTY PLANNING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3.1 of the Jefferson County Land Development Code (LDC), the Jefferson County Planning Commission is responsible for planning for future development, preparing and recommending Board of County Commissioner adoption of Comprehensive Plans to guide future development, and recommending the needs and plans for subdivision regulations, land use regulations, and such other areas to the Board of County Commissioners in order to safeguard the life, health, property, and public welfare of the citizens of the County; and

WHEREAS, Section 8.3.3 of the LDC provides for the Planning Commission to consist of ten (10) members who shall be residents of Jefferson County, Florida, appointed by the Board of County Commissioners; and

WHEREAS, pursuant to Section 8.3.3 of the LDC, each member of the Board of County Commissioners of Jefferson County shall designate two members from their respective District to the Jefferson County Planning Commission; and

WHEREAS, the adoption of Bylaws will ensure that the Jefferson County Planning Commission complies with Florida’s Public Records Law, Chapter 119, Florida Statutes, and complies with Florida’s Government in the Sunshine Law, Chapter 286, Florida Statutes; and

WHEREAS, the Board of County Commissioners, finding that it is in the best interest of the Citizens of Jefferson County, now desires to confirm its appointments to the Planning Commission and adopt Jefferson County Planning Commission Bylaws.

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

SECTION 1. APPOINTMENT. The following appointments are hereby made to the Planning Commission:

Name	Position
Jacqueline Seabrooks	District 1 Member
Bud Wheeler	District 1 Member
Kimbery Odom	District 2 Member
Althera Johnson	District 2 Member
Byrn Arceneaux	District 3 Member
Michael Schwier	District 3 Member

Roy Faglie	District 4 Member
Jessica Lane	District 4 Member
Thomas (Bobo) Chancy	District 5 Member
John Floyd Walker	District 5 Member

SECTION 2. ADOPTION OF BYLAWS. The Jefferson County Planning Commission Bylaws set forth in Exhibit “A” hereto are hereby formally adopted.

SECTION 3. EFFECTIVE DATE. 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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

**BYLAWS OF THE JEFFERSON COUNTY
PLANNING COMMISSION**

The Jefferson County Board of County Commissioners hereby adopts the following Bylaws to govern the function and operation of the Jefferson County Planning Commission (the “Commission”) in a manner consistent with Chapter 163, Florida Statutes, and the Jefferson County Land Development Code (the “LDC”).

ARTICLE I. APPLICABLE LAWS AND POLICIES

Section 1.1 Public Records Law. Each member of the Commission shall comply with Florida’s Public Records Law, Chapter 119, Florida Statutes, as may be amended from time to time.

Section 1.2 Government in the Sunshine Law. Each member of the Commission shall comply with Florida’s Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Ethics. Each member of the Commission shall comply with the requirements of Section 112.3143, Florida Statutes, as may be amended from time to time, with respect to voting conflicts. Each member of the Commission shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 Election. Consistent with Section 8.3.5.A. of the LDC, the Commission shall annually elect from among its members a Chairperson and a Vice-Chairperson, each of whom shall serve a term of one (1) year.

Section 2.2 Duties. The Chairperson shall preside at all meetings. In the event of the Chairperson’s absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 Replacement. In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Commission shall, as soon as reasonably possible, elect a replacement from among its members.

ARTICLE II. MEMBERS AND TERMS OF MEMBERS

Section 3.1 Membership. Membership of the Jefferson County Planning Commission shall conform with Section 8.3.3 of the LDC.

Section 3.2 Terms and Vacancies. Commissioners shall serve on the Commission for terms of four (4) years. Vacancies shall be filled by appointment of the Board of County Commissioners to the remainder of a term.

Section 3.3 Reappointment. A Commissioner may be reappointed at the end of each term.

ARTICLE IV. MEETINGS

Section 4.1 Regular Meetings. The Commission shall determine the times and locations of its meetings and provide its schedule of meetings to the Board of County Commissioners in accordance with Section 8.3.5.B. of the LDC. In order to expedite meetings, the Chairperson may place time reasonable limits on discussion of agenda items.

Section 4.2 Special Meetings. The Chairperson may call a special meeting of the Commission to discuss any issue properly before the Commission. Such special meeting may be convened only after notification is given to each member of the Commission and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 4.3 Public Participation. Members of the public shall be given an opportunity to be heard on any proposition before the Commission.

Section 4.4 Meeting Agendas. County staff shall develop an agenda for each meeting of the Committee. Any member of the Commission may request that appropriate items be placed on the agenda.

Section 4.5 Official Acts and Quorum. Any and all official acts by the Commission shall require a majority vote of the members present. However, the Commission shall take no such action unless a quorum is present at the meeting. A quorum shall consist of a simple majority of the total voting membership of the Commission.

Section 4.6 Meeting Minutes. Minutes shall be taken at all regular and special meetings of the Commission. County staff shall prepare and maintain the minutes of each meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

Section 4.7 Procedure. The Jefferson County Revised Rules of Procedure for Meetings adopted in Resolution No. 22-09152022-06, shall guide the procedure of all meetings to the extent that they do not conflict with these Bylaws. In the event of a conflict or inconsistency between the Bylaws and Rules of Procedure for Meetings, these Bylaws shall prevail. A failure to strictly adhere to the Rules of Procedure for Meetings shall not void any action taken by the Commission.

ARTICLE V. AMENDMENTS TO BYLAWS

Section 5.1 Amendments. The Bylaws may only be amended by the Board of County Commissioners. At any regular or special meeting of the Commission, the Commission may recommend amendments to the Bylaws by a majority vote and request that the Board of County Commissioners amend the Bylaws.

Section 5.2 Approval. The Amended Bylaws shall become effective upon the approval of the Board of County Commissioners.

ARTICLE VI. ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 6.1 Attendance at Meetings. Members shall provide notification of an absence, at least twenty-four (24) hours in advance of the meeting. The Board of County Commissioners may declare a vacancy in any of the following circumstances as set forth in Section 8.3.4.B. of the LDC:

A. A Commissioner is absent from two of three successive regular meetings of the Commission without providing prior notice. Absences from special meetings will not be counted among such absences.

B. A Commissioner is absent from 33 percent of the regular meetings in a given calendar year, regardless of whether prior notice is given.

In such situations, the County Manager will send a written letter to the member requesting the Commissioner's intention regarding continued service on the Planning Commission which information will be presented to the Board of County Commissioners for consideration of whether the position should be declared vacant.

Section 6.2 Replacement of Members. In the event a vacancy occurs, a new member shall be appointed as soon as reasonably possible to serve the remainder of the unexpired term as provided in Section 3.2 above.

RESOLUTION NO. 2023-15

AN RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, RELATING TO THE JEFFERSON COUNTY TOURIST DEVELOPMENT COUNCIL; RATIFYING APPOINTMENTS OF MEMBERS TO THE JEFFERSON COUNTY TOURIST DEVELOPMENT COUNCIL; ADOPTING BYLAWS OF THE TOURIST DEVELOPMENT COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) previously adopted Resolution No. 03-0220-01 and Ordinance No. 04-04 establishing the Jefferson County Tourist Development Council (“Council”) pursuant to Section 125.0104, Florida Statutes; and

WHEREAS, the Jefferson County Board of County Commissioners (“Board”) has previously appointed members to serve on the Council without an accompanying resolution; and

WHEREAS, the Board now desires to ratify its prior appointments to the Council, make new appointments of members to serve on the Council, and to adopt Bylaws to govern the operation of the Council; and

WHEREAS, it is in the best interest of the Citizens of Jefferson County to amend and restate Resolution No. 03-0220-01 to ensure continued compliance with Section 125.0104, Florida Statutes, through this Amended and Restated Resolution; and

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. RATIFICATION OF PRIOR APPOINTMENTS AND NEW APPOINTMENTS OF JEFFERSON COUNTY TOURIST DEVELOPMENT COUNCIL MEMBERS. The Board hereby ratifies its prior appointments and makes new appointments of persons to serve as members of the Council for the terms specified in Exhibit A hereto.

SECTION 3. BYLAWS. The Board hereby adopts the Bylaws set forth in Exhibit B hereto to govern the operations of the Council.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon its approval.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS.**

PASSED AND DULY ADOPTED at the meeting of the Board of County Commissioners of Jefferson County, Florida on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

Member	Position	Term End Date
Commissioner Chris Tuten	Board of County Commissioners Chairperson or Designee	December 31, 2027
Council Member Gloria Cox	Elected Municipal Official	December 31, 2026
Council Member Troy Avera	Elected Municipal Official	December 31, 2025
Pat Inmon	Owner/Operator of Motels, Hotels, RV Parks, or Other Tourist Accommodations	December 31, 2027
Arun Kundra	Owner or Operator of Motels, Hotels, RV Parks, or Other Tourist Accommodations	December 31, 2024
Tushar Patel	Owner or Operator of Motels, Hotels, RV Parks, or Other Tourist Accommodations	December 31, 2025
Michelle Arceneaux	Tourist Industry or Demonstrated Interest in Tourist Development	December 31, 2027
David Ward	Tourist Industry or Demonstrated Interest in Tourist Development	December 31, 2024
Ryan Reines	Tourist Industry or Demonstrated Interest in Tourist Development	December 31, 2025

**BYLAWS OF THE JEFFERSON COUNTY
TOURIST DEVELOPMENT COUNCIL**

In order to govern its activities and operations in a manner consistent with Section 125.0104, Florida Statutes, and Section 32-50 of the Code of Ordinances of Jefferson County, Florida (the “Code”), the Jefferson County Board of County Commissioners hereby adopts the following Bylaws to govern the function and operation of the Jefferson County Tourist Development Council (hereinafter the “Council”):

**Article I.
GENERAL**

Section 1.1. Name. The name of this organization shall be the Jefferson County Tourist Development Council.

Section 1.2. Legal Authority. Legal authority for the Jefferson County Tourist Development Council (the “Council”) is found under Section 125.0104, Florida Statutes, known as "The Local Option Tourist Development Act" (the “Act”), Section 32-50 of the Jefferson County Code of Ordinances creating the Council, Sections 32-48 through 32-54 of the Jefferson County Code of Ordinances levying the Tourist Development Tax, and various resolutions adopted by the Jefferson County Board of County Commissioners (the “Board”) appointing Council members.

Section 1.3. Applicable Laws. As an appointed advisory board, the Council is bound by State and County Laws, ordinances, and procedures governing the Council members and their activities, as well as procedures for reviewing expenditures of tourist development tax revenues, including, but not limited to public records laws (Chapter 119, Florida Statutes), public meetings laws (the “Sunshine Law,” Chapter 286, Florida Statutes), and state ethics laws.

Section 1.4. Approval and Amendment. These Bylaws have been approved by the Board. These bylaws may be amended from time to time by the Board as set forth in Article VII below. The Council may provide recommendations to the Board as to proposed modifications.

Section 1.5. Compliance with County Regulations and Policies. As an advisory body to the Board, the Council shall abide by all applicable county regulations, policies, and procedures, including, but not limited to, Ordinance No. 22-10202022-01 providing for non-interference with the performance of duties of employees of the County, Ordinance No. 22-11032022-04 relating to Purchasing, and other duly adopted policies and procedures of the County.

Section 1.6. Contracts. All functions to be handled by contract with third parties shall be entered into in accordance with the County Purchasing Policy. Additionally:

a. To the extent practical and feasible, contracts shall include a provision for submission of written monthly and/or quarterly reports as to the status of all matters which are the subject of the contract; and

b. The Council shall review and provide a recommendation for all proposed contracts and

grant agreements requiring Board approval and expenditure of tourist development tax dollars.

Article II
AUTHORITY AND DUTIES

Section 2.1. Authority. The functions, powers and duties of the Tourist Development Council shall be those set forth in the Jefferson County Code and the Local Option Tourist Development Act.

Section 2.2. Duties.

a. The Council's primary mission is to advise and make recommendations to the Board on matters related to tourism sales, marketing, and advertising in order to help increase overall visitation and lodging facility occupancy.

b. The Council shall advise and make recommendations to the Board for the effective operation of the special projects and for uses of the Tourist Development Tax revenue.

c. The Council shall continuously review expenditures of revenues from the Tourist Development Trust Fund and shall receive expenditure reports, at least quarterly, from the County.

d. The Council shall also make recommendations on the annual sales and marketing plans and the budget for the Tourist Development Tax revenues to ensure conformity with the Tourist Development Plan and the provisions of Section 125.0104, Florida Statutes.

Article III
COUNCIL COMPOSTION AND VACANCIES

Section 3.1. Composition. The composition of the Council shall be as set forth in the Act. The Council shall be composed of nine (9) members, all of whom shall be appointed by the Board, as follows:

a. The Chair of the Board or any other member of the Board as designated by the Chair.

b. Two (2) members of the Council shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the County.

c. Six (6) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three (3) nor more than four (4) shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County and subject to the tax.

d. All members of the Council shall be electors of Jefferson County.

Section 3.2. Terms. All Council members shall serve for staggered terms of four (4) years as set forth in Board resolution. Members may be reappointed. The Council member

terms shall begin on January 1st of the year of appointment and terminate on December 31st of the calendar year the term expires. Terms for the Chairman and Vice-Chairman of the Council shall be for one (1) calendar year and they may be reappointed.

Section 3.3. Orientation. All newly appointed Council members shall participate in an orientation process, which shall include, but is not limited to, an overview of Sunshine Law, Public Records, Ethics (financial disclosure, gifts law, conflicts of interest) and relevant statutes, ordinances, and Council operating policies. From time-to-time, the Council shall participate in a refresher briefing on the topics included in the orientation.

Section 3.4. Vacancies. Should any seat on the Council become vacant, a replacement to serve the remainder of that term shall be appointed in the same manner as the appointment of the person whose absence created the vacancy.

Section 3.5. Removal/Resignation.

a. The Board is authorized to remove any member from the Council upon an affirmative vote of the Board. Reasons for removal of a Council member include, but are not limited to, the following:

1. The member is no longer an elector within the County;
2. The member is absent from two of three successive, regularly scheduled meetings; or
3. The member has frequent conflicts of interest.

b. In the event a Council member no longer conforms to the criteria to hold the seat to which they were appointed, said Council member shall forward a letter to the Council and the Board stating these facts and shall additionally tender a letter of resignation along with this submittal.

Section 3.6. No Compensation. Members of the Council shall serve without compensation, however, subject to prior approval by the County, members may be compensated for reasonable expenses incurred in the conduct of TDC business in accordance with Chapter 112, Florida Statutes.

**Article IV.
OFFICERS**

Section 4.1. Council Chair and Vice Chair. The chair and vice chair of the tourist development council shall be elected by its members annually in September and their terms shall commence on January 1 and terminate the following December 31. The Chair and Vice Chair may be re-elected or reappointed for successive terms. Any vacancy in the Chair or Vice Chair positions may be filled by the Council at any regular or special Council meeting.

Section 4.2. Duties. The principal role of the Council Chair is to provide leadership to the Council and manage Council meetings. The Chair is accountable to the Council and acts as a direct liaison between the Council and the County. The Council Chairman's responsibilities include, but are not limited to:

- a. Presiding over Council meetings;
- b. Reviewing minutes of Council meetings;
- c. Signing resolutions, letters, and other official Council actions after approval by the Council;
- d. Calling special meetings as necessary;
- e. Representing the views of the Council to the Board as appropriate;
- f. Acting as the communicator for Council decisions as appropriate;
- g. Nurturing positive industry relationships and working with industry leaders to maintain open communication and a positive working relationship;
- h. Assisting in the preparation of Council meeting agendas in coordination with the County staff;
- i. Recommending an annual schedule of the date, time and location of Council meetings in coordination with the individual designated by the County Manager as staff to the Council (hereinafter referred to as the "TDC Coordinator");
- j. Establishing a reasonable time limit for public speakers addressing the Council, if desired; and

Section 3. Absence of Chair. In the absence of the Chair, the Vice Chair shall assume the duties of the Chair and when so acting shall have all the power and authority of the Chair. In the absence of both the Chair and the Vice Chair, the next most senior member of the Council in terms of the number of consecutive terms served shall assume the duties of the Chair and when so acting shall have all the power and authority of the Chair.

Article V. MEETINGS

Section 5.1. Regular Meetings. The Council shall meet at least once each calendar quarter. To the extent additional meetings are necessary they may be called by the Chair or be set by a majority vote of the Council members present and able to vote at a Council meeting.

Section 5.2. Location and Notice.

a. Council meetings will be held at a County building or as otherwise designated by the TDC Coordinator.

b. All meetings shall be duly noticed within the County and open to the public. County staff shall be responsible for placing notice on the Jefferson County website and on the County's official meeting calendar.

c. Notice of all meetings will reflect the date, time, location, and general subject matter of the meeting.

d. All meetings shall be noticed at least 7 days in advance of the meeting. In the event a bona fide emergency situation exists, a meeting to deal with the emergency may be held as necessary, and the notice requirements herein shall not apply, however, the Council shall still provide reasonable notice to the public. All actions taken by the Council at an emergency meeting shall be subsequently ratified at a regular meeting of the Council.

Section 5.3. Agenda. There shall be an official agenda for every Council meeting, which shall determine the order of business conducted at the meeting. The agenda will be prepared for each Council meeting by the TDC Coordinator and reviewed by the Chairman. Individuals or entities wishing to place an item on an upcoming agenda for Council action must submit a written request to the TDC Coordinator at least two (2) weeks prior to a regularly scheduled meeting along with any supporting documentation. The TDC Coordinator shall provide background information on each agenda item and such information shall be available to Council members at least two (2) business days prior to a scheduled meeting. Items may be added to the agenda when deemed necessary, by majority vote of the Council, in emergency situations when the issues are time critical or cost sensitive. Except as otherwise provided for herein, non-agenda matters shall be confined to items that are informational only.

Section 5.4. Procedure.

a. The Rules of Debate in Article VII, Voting in Article VIII, Citizen Input in Article IX, and ADA Polity and Procedures in Article X of the Jefferson County Revised Rules of Procedure for Meetings adopted in Resolution No. 22-09152022-06, shall guide the procedure of all meetings to the extent that they do not conflict with these Bylaws. In the event of a conflict or inconsistency between the Bylaws and Rules of Procedure for Meetings, these Bylaws shall prevail. A failure to strictly adhere to the Rules of Procedure for Meetings shall not void any action taken by the Council.

b. The presence of five Council members shall constitute a quorum of the Council. After a quorum has been established, a simple majority of the quorum may transact any official business of the Council unless prevailing law requires a differing voting requirement.

c. All official actions of the Council must be taken at a regular or special Council meeting.

d. Council members must be present at the meeting to participate and vote. Participation by phone or electronic means is prohibited. Proxy voting is prohibited. Voting by electronic means is prohibited.

Section 5.5. Minutes. Written minutes of all Council meetings shall be kept by the TDC Coordinator, which shall reflect all official actions taken by the Council. A written summary of each meeting shall be presented at the next Council meeting for approval by Council members and signed by the Council Chair. Such written summary shall include the Council members in attendance, major items of discussion, formal action taken at such meetings, and items presented during public comments. Minutes need not be verbatim but shall accurately summarize the actions of the Council as to each item or matter that comes before it. The Council shall abide by Florida Statutes in regard to minutes and public participation.

Section 5.6. Committees.

a. The Council may create advisory committees by Council resolution as the need arises to carry out specified tasks, at the completion of which, each advisory committee shall automatically cease to exist.

b. Advisory committees may only make recommendations to the Council and may take no official action on behalf of the Board or Council.

c. All advisory committees and their members shall comply with public records laws (Chapter 119, Florida Statutes), public meetings laws (the “Sunshine Law,” Chapter 286, Florida Statutes), and applicable state ethic laws.

Article VI.

TOURIST DEVELOPMENT PLANS AND FUNDS

Section 6.1. Tourist Development Plan.

a. Pursuant to Section 125.0104(4)(d), Florida Statutes, the County has adopted a Tourist Development Plan by ordinance enacted by the Board. The Tourist Development Plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the Board.

b. As necessary, the Council shall recommend to the Board any proposed changes to the Tourist Development Plan.

Section 6.2. Sales and Marketing Plan.

a. The TDC Coordinator is responsible for preparing an annual Sales & Marketing Plan identifying an allocation of funds (e.g. media plan, public relations, sales activities), which shall be presented to the Council for review and recommendation. The Council’s recommendation

shall be presented to the Board for final approval.

b. Funds may be allocated to a “Promotional Reserves” category to provide for promotional opportunities that may arise which are not identified in the Sales & Marketing Plan. Promotional reserve funds may be spent with concurrence of the Council Chair and in accordance with County purchasing policies and approval authorities and the Act. A monthly reconciliation of the use of promotional reserve funds will be provided to the Council for informational purposes.

c. The County recognizes the importance of flexibility to respond to market conditions and that deviations from the approved Sales & Marketing Plan may occur during the year. The TDC Coordinator will apprise the Council and the Board of these changes as they become known.

Section 6.3. Budget. The budget process is governed by Florida Statutes, Department of Revenue rules, and County policies. Additionally:

a. Initial Draft Budget. The Jefferson County employee responsible for drafting the County’s annual budget (hereinafter the “Budget Director”) is responsible for compiling the initial draft of the proposed annual budget for presentation to the Council prior to submission of the annual budget proposal to the County Manager. This draft shall contain, at a minimum, the following items:

1. Projected tourist development tax revenues for the budget period;
2. Projected expenses by account number and summarized by category for the budget period;
3. Proposed capital projects for a five-year period;
4. Recommendation on staff positions and salaries, if position changes; and
5. Recommendation on reserve levels.

b. Council Review. The Council is responsible for conducting at least one public meeting on the proposed budget before the proposed budget is submitted to the County Manager.

c. Board Review. The TDC Coordinator and Budget Director will present the Council’s recommended budget to the County Manager, who will consider the recommendation in preparing the budget submission to the Board during its budget review process.

d. Council Review of Adopted Budget. The TDC Coordinator will present the budget adopted by the Board to the Council. The Council shall review the adopted budget to ensure conformity with the Tourist Development Plan and the provisions of Section 125.0104, Florida Statutes. If the Council has any objections to the adopted budget, the objection(s) shall be presented to the Board for amendment.

e. **Budget Modifications and Reserve Expenditures.** The TDC Coordinator shall present to the Council any proposed modifications to approved budget line items or allocation of reserve funds during the course of the budget year which require Board action. The Council shall provide its recommendation on the proposed changes to the Board.

Section 6.4. Accounts. All present tourist development tax revenues and those carried forward from year-to-year shall be placed in an interest-bearing trust fund in accordance with Florida Statutes, which shall then be re-allocated to various areas as required by Section 125.0104, Florida Statutes. In no case shall the Tourist Development Trust Funds be co-mingled with the general revenue of the County.

Section 6.5. Financial and Tourism Promotion Monitoring. Financial and tourism promotion monitoring is governed by Florida Statutes and the County's Tourist Development Plan ordinance. Specifically:

a. The Budget Director is responsible for presenting financial reports, at least quarterly, to the Council and Board. Financial reports shall contain, at a minimum, the following budget-to-actual information: (i) Revenues; and (ii) Expenditures. The Budget Director is responsible for presenting detailed expenditure information, at least quarterly, to assist the Council in identifying possibly unauthorized expenditures.

b. The TDC Coordinator is responsible for presenting reports on tourism promotion and marketing campaigns, at least quarterly, to the Council and Board. Reports shall address, at a minimum, the following areas: (i) Advertising Campaigns; (ii) Public Relations; (iii) Social Media; and (iv) Website Analytics.

Article VII.

AMENDMENT AND REPEAL OF BY-LAWS

Section 7.1. Amendment. Upon recommendation from the Council or at the Board's own initiative, these bylaws can be amended at any time provided that any amendments initiated by the Board shall first be submitted to the Council for its review and recommendation.

Section 7.2. Repeal. Upon approval by the Board, these bylaws shall supersede any and all bylaws previously adopted by the Board or the Council and such previously adopted bylaws shall stand repealed.

RESOLUTION NO. 2023-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE; ADOPTING BYLAWS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners are responsible for appointing members to the Affordable Housing Advisory Committee; and

WHEREAS, the Affordable Housing Advisory Committee was established pursuant to Section 10-72 of the Code of Ordinances of Jefferson County, Florida (the “Code”) and Section 420.9076, Florida Statutes; and

WHEREAS, as required under Section 10-72(b) of the Code, Affordable Housing shall have a meaning consistent with Policy H-1 of the Jefferson County Comprehensive Plan; and

WHEREAS, the adoption of Bylaws will ensure that the Affordable Housing Advisory Committee meets its statutory duties set forth in Section 420.9076, Florida Statutes, complies with Florida’s Public Records Law, Chapter 119, Florida Statutes, and complies with Florida’s Government in the Sunshine Law, Chapter 286, Florida Statutes; and

WHEREAS, the Board, finding that it is in the best interest of the Citizens of Jefferson County, now desires to make and confirm appointments to the Affordable Housing Advisory Committee and adopt Bylaws of the Jefferson County Affordable Housing Advisory Committee.

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

SECTION 1. APPOINTMENT. The following members are hereby appointed to the Affordable Housing Advisory Committee pursuant to Section 10-72(c) of the Code:

Name	Appointment
1.	Banking Industry Member
2.	Advocate for Low-Income Persons Member
3.	Home Building Labor Member
4.	Real Estate Professional Member
5.	Affordable Housing Provider Member
6.	Residential Building Member
7. Fred Mosley	Member
8. Bud Wheeler	Member
9. Shannon Metty	Member

SECTION 2. ADOPTION OF BYLAWS. The Jefferson County Affordable Housing Advisory Committee Bylaws set forth in Exhibit “A” hereto are hereby formally adopted.

SECTION 3. EFFECTIVE DATE. 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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather J. Encinosa, Esq., County Attorney

BYLAWS OF THE JEFFERSON COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE

In order to govern its activities and operations in a manner consistent with manner consistent with Section 10-72 of the Jefferson County Code of Ordinances (the “Code”), the Jefferson County Board of County Commissioners hereby adopts the following Bylaws to govern the function and operation of the Jefferson County Affordable Housing Advisory Committee (the “Committee”).

ARTICLE I. APPLICABLE LAWS AND POLICIES

Section 1.1 Public Records Law. Each member of the Committee shall comply with Florida’s Public Records Law, Chapter 119, Florida Statutes, as may be amended from time to time.

Section 1.2 Government in the Sunshine Law. Each member of the Committee shall comply with Florida’s Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Ethics. Each member of the Committee shall comply with the requirements of Section 112.3143, Florida Statutes, as may be amended from time to time, with respect to voting conflicts. Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 Election. Consistent with Section 10-72(f) of the Code, the Committee shall annually elect from among its members a Chairperson and a Vice-Chairperson, each of whom shall serve a term of one (1) year that shall commence on January 1 and expire December 31.

Section 2.2 Duties. The Chairperson shall preside at all meetings. In the event of the Chairperson's absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 Replacement. In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Committee shall, as soon as reasonably possible, elect a replacement from among its members.

ARTICLE III. MEMBERS AND TERMS OF MEMBERS

Section 3.1 Membership. Membership of the committee shall conform with Section 10-72 of the Code.

Section 3.2 Terms and Vacancies. Members shall serve on the Committee for terms of three (3) years. Vacancies are filled for the remainder of the unexpired term.

Section 3.3 Reappointment: A member may be reappointed at the expiration of their term.

ARTICLE IV. MEETINGS

Section 4.1 Regular Meetings. The Committee shall hold at least one meeting each quarter pursuant to Section 10-72(d) of the Code. The Committee shall hold regular meetings at a place and time agreeable to the members. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 4.2 Special Meetings. The Chairperson may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 4.3 Public Participation. Members of the public shall be given an opportunity to be heard on any proposition before the Committee.

Section 4.4 Meeting Agendas. County staff shall develop an agenda for each meeting of the Committee. Any member of the Committee may request that appropriate items be placed on the agenda.

Section 4.5 Official Acts and Quorum. Any and all official acts by the Committee shall require a majority vote of the members present. However, the Committee shall take no such action unless a quorum is present at the meeting. A quorum shall consist of five members as set forth in Section 10-72 of the Code.

Section 4.6 Meeting Minutes. Minutes shall be taken at all regular and special meetings of the Committee. County staff shall prepare and maintain the minutes of each meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

Section 4.7 Procedure. The Jefferson County Revised Rules of Procedure for Meetings adopted in Resolution No. 22-09152022-06, shall guide the procedure of all meetings to the extent that they do not conflict with these Bylaws. In the event of a conflict or inconsistency between the Bylaws and Rules of Procedure for Meetings, these Bylaws shall prevail. A failure to strictly adhere to the Rules of Procedure for Meetings shall not void any action taken by the Committee.

ARTICLE V. AMENDMENTS TO BYLAWS

Section 5.1 Amendments. The Bylaws may only be amended by the Board of County Commissioners. At any regular or special meeting of the Committee, the Committee may recommend amendments to the Bylaws by a majority vote and request that the Board of County Commissioners amend the Bylaws.

Section 5.2 Approval. The Amended Bylaws shall become effective upon the approval of the Board of County Commissioners.

ARTICLE VI. ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 6.1 Attendance at Meetings. Members shall provide notification of an absence, at least twenty-four (24) hours in advance of the meeting. In the event a member is absent from two of three successive regular meetings of the Committee, and the absences are unexcused, the member may be dismissed from the Committee. The Chairperson or the County staff will advise the County Manager, or designee, of the excessive absences, and appropriate actions will be taken.

Section 6.2 Replacement of Members. In the event a vacancy occurs, a new member shall be appointed as soon as reasonably possible to serve the remainder of the unexpired term as provided in Section 3.2 above.

ARTICLE VII. SPECIAL PROVISIONS

Section 7.1 Reporting to the Board of County Commissioners. The Committee shall be charged with the duties and responsibilities as provided in Section 420.9076, Florida Statutes, and as that section may hereafter be amended from time to time. Triennially, the Committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan, and shall recommend specific actions or initiatives to encourage or facilitate affordable housing. The Committee shall submit a written report of its findings to the Board of County Commissioners.

Board of County Commissioners

Agenda Request

Date of Meeting: February 16, 2022

Date Submitted: February 10, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Direction Regarding Appointments and Unknown Advisory Boards

Statement of Issue: This agenda item requests Board confirmation that certain appointments to external entities identified in Agenda Item n., Committee Assignment Updates, considered at the meeting held December 1, 2022, are not necessary and that various internal boards identified in the same Agenda Item are not needed to conduct County business.

Background: At its meeting held December 1, 2022, the Board of County Commissioners considered an agenda item requesting direction from the Board regarding a list of appointments to various boards and committees. The County Attorney's Office reviewed the list to determine whether the various entities, if external, were properly identified in the list and, if internal, formally created and in compliance with Sunshine Law, Public Records Law, and Florida's Code of Ethics for Public Officers and Employees.

This agenda item identifies external entities inadequately identified on the list considered at the meeting held December 1, 2022, and seeks confirmation that certain internal county committees identified on the list are not needed to conduct County business at this time.

From a legal perspective, any County committee is required to comply with public records and sunshine law requirements, meaning that committee members are prevented from discussing relevant committee matters outside of a duly noticed meeting where minutes are taken and are required to comply with all public records requirements relating to committee business. Leaving any County created committees in an uncertain limbo is not recommended because it creates a situation where inadvertent violations can occur, which could subject the County and committee members to potential liability.

Analysis: The County Attorney's Office seeks Board direction regarding the following boards and committees.

External Boards: The following external entities on the list either could not be identified or are not external entities. Therefore, the County Attorney's Office does not recommend that the Board make

appointments to the following items on the list:

- **State Parks Advisory Board.** The County Attorney's Office could not identify the "State Parks Advisory Board" after contacting the Division of Recreation and Parks at Department of Environmental Protection. With Board direction, the County Attorney's Office can draft an appointment once this Board has been identified.
- **RESTORE Act Coordinator.** RESTORE Act Coordinator is not an appointed position. The term "RESTORE Act Coordinator" refers to the County staff or consultant responsible for daily operation of RESTORE Act activities. Currently, this role is filled by the County's consultant, Langton Consulting. The Board has already identified its appointees to the associated entity, the Gulf Consortium
- **Rural Area of Economic Concern.** Rural Areas of Opportunity, formerly known as Rural Areas of Economic Concern, are rural communities that have been adversely affected by extraordinary economic events or natural disasters. The North Florida Economic Development Partnership is the entity responsible for coordinating activities of the fourteen counties within the North Central Rural Area of Opportunity, which includes Jefferson County. The Board has already identified its appointee to the North Florida Economic Development Partnership.

Internal Boards: Advisory boards and committees that make recommendations or decisions that may come before the Board of County Commissioners are subject to Florida's Sunshine Law, Public Records Law, and Code of Ethics. The County Attorney's Office was either unable to identify enabling documents or documentation for the following internal boards. Accordingly, the County Attorney's Office seeks Board of County Commissioners confirmation that the following Boards are not needed to conduct county business at this time to avoid any potential, inadvertent sunshine law or public records issues:

- **Code Enforcement Board.** The County previously replaced the Code Enforcement Board with Code Enforcement Magistrates and does not currently have a Code Enforcement Board.
- **Economic Development Committee.** Jefferson County Economic Development Council, Inc., a not-for-profit incorporated to serve this purpose, was voluntarily dissolved in 2018. The County Attorney's Office was not able to identify enabling documents.
- **Grant Review Committee.** The Board of County Commissioners approved a grant at its meeting held December 1, 2022, without input from a committee. The County Attorney's Office was not able to identify enabling documents.
- **Facility Naming Committee.** The County Attorney's Office was not able to identify enabling documents.
- **Legislative Committee.** The County Attorney's Office was not able to identify enabling documents.
- **Library Committee.** The County Attorney's Office was not able to identify enabling documents.
- **Monument Committee.** The County Attorney's Office was not able to identify enabling documents.
- **Parks and Recreation Advisory Board.** The County Attorney's Office was not able to

identify enabling documents.

- **Wacissa River Park Committee.** The County Attorney's Office was not able to identify enabling documents.

Should the Board desire such advisory boards to conduct county business, the County Attorney's Office can draft corresponding resolutions effectuating Board direction regarding the advisory board's purpose and membership.

Options:

1. Confirm that the appointments and advisory boards identified herein are not needed to conduct County business.
2. Do not confirm that the appointments and advisory boards identified herein are not needed to conduct County business.
3. Board Direction.

Recommendation:

Option #1

Attachments:

None

Board of County Commissioners

Agenda Request

Date of Meeting: February 16, 2023

Date Submitted: February 10, 2023

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney

Subject: Public Hearing to Consider Adoption of an Ordinance Amending Chapter 10 of the Jefferson County Code of Ordinances related to Unsafe Building Abatement

Statement of Issue:

This agenda item requests the Board to hold the public to consider adoption of an ordinance amending chapter 10 of the Code related to unsafe building abatement.

Background:

A recent issue arose involving a person occupying an unsafe structure that is slated to be removed by the County. The office of the County Attorney reviewed chapter 10 of the Code related to unsafe building abatement and determined that certain changes are advisable.

Analysis:

The definition of an “unsafe building” in chapter 10 currently exempts owner-occupied residences, which conflicts with certain provisions of the Florida Building Code and creates potential unsafe situations that could impact not only those occupying an unsafe structure, but also first responders and others who may need to render assistance and aid.

This amendment removes that exemption and incorporates a provision that it is illegal to occupy an unsafe building once an order to vacate has been issued. The amendment also clarifies the duties of the County building official related to the disconnection of utilities for unsafe buildings.

Options:

1. Hold the Public Hearing and Adopt the Ordinance Amending Chapter 10 of the Code Related to unsafe building abatement
2. Hold the Public Hearing and Do Not Adopt the Ordinance Amending Chapter 10 of the Code Related to unsafe building abatement
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Ordinance Amending Chapter 10 of the Code Related to Code Enforcement

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, AMENDING ARTICLE V, CHAPTER 10 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATING TO UNSAFE BUILDING ABATEMENT; PROVIDING CERTAIN FINDINGS; AMENDING SECTION 10-103 ENTITLED “DEFINITIONS;” AMENDING SECTION 10-105 ENTITLED “NOTICE;” AMENDING SECTION 10-106 ENTITLED “ADDITIONAL POWERS AND DUTIES OF BUILDING AND FIRE OFFICIALS;” CREATING SECTION 10-109 ENTITLED “OCCUPANCY OF UNSAFE STRUCTURES;” PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Jefferson County Board of County Commissioners enacted Article V, Chapter 10 of the Jefferson County Code of Ordinances; and

WHEREAS, the definition of “unsafe building” specifically exempts owner occupied residences from its provisions; and

WHEREAS, the Florida Building Code does not contain a similar exemption for purposes of evaluating occupancy; 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 Article V, Chapter 10 of the Jefferson County Code of Ordinances to be consistent with the Florida Building Code;

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 10-103, JEFFERSON COUNTY CODE OF ORDINANCES. Sec. 10-103 of the Jefferson County Code of Ordinances, entitled “Definitions,” is hereby amended as follows:

Sec. 10-103. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Unsafe building means any building, structure or property, ~~with the exception of an owner-occupied residence,~~ that has any of the following conditions, such that life, health, property or safety of the general public or the building occupants, either permanent or occasional, are endangered:

- (1) Any means of egress or portion thereof is not of adequate size, is not arranged to provide a safe path of travel in case of fire or panic, or otherwise does not conform to the Florida Building Code or Florida Life Safety Code as related to the requirements for existing buildings or to the approved plans, if any.
- (2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stress allowed in the Florida Building Code as related to the requirements for existing buildings.
- (4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the Florida Building Code as related to the requirements for existing buildings.
- (5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is incapable of resisting wind, seismic or similar loads as required by the Florida Building Code as related to the requirements for existing buildings.
- (6) If, for any reason, the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) The building, structure or portion thereof as a result of damage, decay, deterioration or dilapidation is likely to fully or partially collapse.
- (8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Florida Building Code, was not constructed according to the approved plans, if any, or was constructed without first obtaining a building construction permit, where a building permit was required.
- (9) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- (10) Any building, structure or portion thereof that displays any of the above conditions so as to constitute a public nuisance or an unsafe or dangerous attractive nuisance.
- (11) Any building, structure or property rendered unsafe or dangerous to human health by the presence of unlawful hazardous materials or toxic substances.

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

SECTION 3. AMENDMENT OF SECTION 10-105, JEFFERSON COUNTY CODE OF ORDINANCES. Section 10-105 of the Jefferson County Code of Ordinances, entitled “Notice,” is hereby amended as follows:

Sec. 10-105. – Notice.

The code enforcement officer, upon receiving a determination of unsafe building from the building official, shall prepare and issue a combined notice of unsafe building and notice of violation directed to the owner of record of the building or structure. The notice shall be mailed by certified mail to the owner of record and posted in a conspicuous place on or about the structure. The notice shall contain, but not limited to, the following information:

- (1) The street address or location on which road, if no address is assigned and the property I.D. of the structure, building or property.
- (2) The determination of unsafe building shall be included in its entirety.
- (3) A statement that it is illegal to occupy an unsafe building or portion thereof after receipt of an order to vacate the unsafe building or portion thereof.
- (4) A statement advising that if the following required actions are not commenced within or completed by the time specified, the matter will be referred to the code enforcement board for a hearing, which may result in a finding of violation and an order imposing fine and costs and requiring that the building, structure or property be vacated and, if applicable, demolished and all costs incurred, together with any accrued fines, charged against the owner of record and/or recorded as a lien against the property.
 - a. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continue to completion within such time as the code enforcement officer determines.
 - b. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed and the building or structure secured against further occupancy.
 - c. If the building or structure is to be demolished, the notice shall require that the premises be vacated ~~within 60 days,~~ and that all required permits for demolition be secured and that the demolition be commenced within sixty (60) days and completed within such time as determined reasonable by the code enforcement officer.
- (5) A statement that the building official has the authority to authorize disconnection of utility service to any structure where necessary to eliminate an immediate hazard to life or property or when such utility connection was made without proper authorization.

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

SECTION 4. AMENDMENT OF SECTION 10-106, JEFFERSON COUNTY CODE OF ORDINANCES. Section 10-106 of the Jefferson County Code of Ordinances, entitled “Additional powers and duties of building and fire officials,” is hereby amended as follows:

Sec. 10-106. - Additional powers and duties of building and fire officials.

(a) The building and fire officials may enter any building, structure or property at all reasonable times to make an inspection or enforce this code.

(1) When entering a building, structure or property that is occupied, the officials shall first identify themselves, present proper credentials and request entry.

(2) If the building, structure or property is unoccupied, the officials shall make a reasonable effort to locate the owner or other persons having charge of the building and demand entry.

(3) If the officials are unable to obtain authorization to enter and inspect a building, structure or property, the officials may enter and inspect such building, structure or property by any other lawful means, including through the inspection warrant process as provided in F.S. ch. 933.

~~(b) The building official shall have the authority to authorize disconnection of utility service to any structure where necessary to eliminate an immediate hazard to life or property or when such utility connection is made without proper authorization. The building official shall notify the serving utility and, whenever possible, the owner or occupant of the structure, of the decision to disconnect such service prior to taking such action. The building official shall use best efforts to determine those instances where service is connected to more than one customer to avoid unintentional disconnection of utilities of innocent third parties.~~

(b) In addition to issuance of the notice by the code enforcement officer as provided in section 10-105 herein above, the building official is authorized to take the following emergency measures where, in the opinion of the building official, there is imminent danger of fire, failure, or collapse of a building or structure which endangers life, or when any portion of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the structure's occupants or those in proximity because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials:

(1) Disconnection of utility service as provided herein above or upon a determination that the utility connection is made without proper authorization;

(2) Order and require that the occupants vacate the building, structure or property immediately;

(3) ~~Posting~~ the building, structure or property at each entrance informing all persons that it is unlawful for any person to enter the building, structure or property except for the purpose of securing the building or structure, making an inspection, making required repairs, removing the hazardous condition, cleanup or remediation of hazardous materials or toxic substances, or for demolition and removal;

(4) Temporarily close or board up buildings or structures against further entry, or order the authority having jurisdiction to close sidewalks, streets, public rights-of-way, and places adjacent to such buildings, structures or property;

(5) ~~When there is an imminent danger due to the condition of the building, structure or property,~~ Order emergency work to reduce or eliminate such condition to be performed by the property owner, or if the owner fails to perform such work within such reasonable time as specified by the building official, take such steps as are necessary to eliminate such condition and present such costs to the code enforcement board for an order authorizing the placement of a lien to be recorded against the property for the costs of such work if the finding of imminent danger is confirmed by the board.

(c) The notice of unsafe building shall be removed at such time as the defect or defects upon which the notice is based have been eliminated.

(d) In the event the building official decides to disconnect the utilities pursuant to section (b)(1) herein above, the building official shall notify the serving utility and, whenever possible, the owner or occupant of the structure, of the decision to disconnect such service prior to taking such action. The building official shall use best efforts to determine those instances where service is connected to more than one customer to avoid unintentional disconnection of utilities of innocent third parties.

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

SECTION 5. CREATION OF SECTION 10-109. Section 10-109 of the Jefferson County Code of Ordinances, entitled “Occupancy of Unsafe Buildings” is hereby created to read as follows:

Sec. 10-109. – Occupancy of Unsafe Buildings.

Whenever the building official orders an unsafe building vacated pursuant to Section 10-105 or 10-106 herein, as revised from time to time, it shall be unlawful for any person to occupy the unsafe building or any designated portion thereof until the notice is removed by the building official.

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 _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, FLORIDA

Chris Tuten, Chair

ATTEST:

Kirk Reams, Clerk of the Circuit Court

APPROVED AS TO FORM:

Heather Encinosa, County Attorney

CONSULTING SERVICES AGREEMENT BETWEEN JEFFERSON COUNTY,
FLORIDA
AND
KURT SPTIZER AND ASSOCIATES, INC.

THIS CONSULTING SERVICES AGREEMENT (hereinafter referred to as the “Agreement”) is made this 10th, day of FEBRUARY, 20 23 (the “Effective Date”), by and between Jefferson County, a political subdivision of the state of Florida, (hereinafter referred to as the “County”), and Kurt Sptizer and Associates, Inc. (“Contractor”).

RECITALS

WHEREAS, the County is in need of a contractor to provide redistricting services (“Services”), as more fully described in Attachment “A” hereto; and

WHEREAS, Contractor possesses the necessary experience and expertise to provide the desired Services.

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

1. Recitals. The Recitals set forth above are hereby incorporated into this Agreement and made part hereof for reference.

2. Services. Contractor agrees to perform the Services described in Attachment “A” hereto (the “Scope of Work”), which is incorporated herein by reference. The Services shall be performed by Contractor to the full satisfaction of the County.

3. Term and Renewal. The term of this Agreement shall begin upon execution and shall continue until completion of the Services, subject to the County’s ability to terminate in accordance with Section 6 of this Agreement. The terms of Section 19 entitled “Indemnification and Waiver of Liability” shall survive termination of this Agreement.

4. Compensation. The Contractor agrees to provide the Services to the County, including all materials and labor, for a total not to exceed amount of \$22,000. The Payment Schedule shall be as follows:

- \$7,000 due within ten (10) days following the Effective Date of the Agreement.
- \$7,000 due upon successful completion of Tasks 1-4 described in the Scope of Work. If, in the County’s sole determination, the project shall not continue beyond Task 4 described in the Scope of Work, the Contractor shall not be paid any further sums under this Agreement.
- \$4,000 due upon completion of Task 6 described in the Scope of Work, if Project continues past Task 4.

- \$4,000 due upon completion of the Project (Task 10.)
- a. Contractor shall submit an invoice to the County upon completion of the tasks described in the Scope of Work. The invoice shall indicate that all services have been completed for that invoice period. In addition, Contractor agrees to provide the County with any additional documentation requested to process the invoices.
- b. Contractor shall make no other charges to the County for supplies, labor, taxes, licenses, permits, overhead or any other expenses or costs unless any such expenses or cost is incurred by Contractor with the prior written approval of the County. If the County disputes any charges on the invoices, it may make payment of the uncontested amounts and withhold payment on the contested amounts until they are resolved by agreement with the Contractor. Contractor shall not pledge the County's credit or make it a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness. The Contractor further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Agreement.

5. Ownership of Documents and Equipment. All documents prepared by the Contractor pursuant to this Agreement and related Services to this Agreement are intended and represented for the ownership of the County only. Any other use by Contractor or other parties shall be approved in writing by the County. If requested, Contractor shall deliver the documents to the County within fifteen (15) calendar days.

6. Termination and Remedies for Breach.

- a. If, through any cause within its reasonable control, the Contractor shall fail to fulfill in a timely manner or otherwise violate any of the covenants, agreements or stipulations material to this Agreement, the County shall have the right to terminate the Services then remaining to be performed. Prior to the exercise of its option to terminate for cause, the County shall notify the Contractor of its violation of the particular terms of the Agreement and grant Contractor ten (10) days to cure such default. If the default remains uncured after ten (10) days the County may terminate this Agreement, and the County shall receive a refund from the Contractor in an amount equal to the actual cost of a third party to cure such failure. If Contractor fails, refuses or is unable to perform any term of this Agreement, County shall pay for services rendered as of the date of termination.
 - i. In the event of termination, all finished and unfinished documents, data and other work product prepared by Contractor (and sub-Contractor (s)) shall be delivered to the County and the County shall compensate the Contractor for all Services satisfactorily performed prior to the date of termination, as provided in Section 4 herein.
 - ii. Notwithstanding the foregoing, the Contractor shall not be relieved of liability to the County for damages sustained by it by virtue of a breach of the Agreement

by Contractor and the County may reasonably withhold payment to Contractor for the purposes of set-off until such time as the exact amount of damages due the County from the Contractor is determined.

- b. Termination for Convenience of County. The County may, for its convenience and without cause immediately terminate the Services then remaining to be performed at any time by giving written notice. The terms of Section 6 Paragraphs a(i) and a(ii) above shall be applicable hereunder.
- c. Termination for Insolvency. The County also reserves the right to terminate the remaining Services to be performed in the event the Contractor is placed either in voluntary or involuntary bankruptcy or makes any assignment for the benefit of creditors.
- d. Termination for failure to adhere to the Public Records Law. Failure of the Contractor to adhere to the requirements of Chapter 119 of the Florida Statutes and Section 9 below, may result in immediate termination of this Agreement.

7. Governing Law, Venue and Waiver of Jury Trial. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. All parties agree and accept that jurisdiction of any dispute or controversy arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder shall be brought exclusively in the Second Judicial Circuit in and for Jefferson County, Florida, and venue for litigation arising out of this Agreement shall be exclusively in such state courts, forsaking any other jurisdiction which either party may claim by virtue of its residency or other jurisdictional device. In the event it becomes necessary for the County to file a lawsuit to enforce any term or provision under this Agreement, then the County shall be entitled to its costs and attorney's fees at the pretrial, trial and appellate levels. BY ENTERING INTO THIS AGREEMENT, CONTRACTOR AND COUNTY HEREBY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO THIS AGREEMENT. Nothing in this Agreement is intended to serve as a waiver of sovereign immunity, or of any other immunity, defense, or privilege enjoyed by the County pursuant to Section 768.28, Florida Statutes.

8. Public Records. Any record created by either party in accordance with this Contract shall be retained and maintained in accordance with the public records law, Florida Statutes, Chapter 119. Contractor must comply with the public records laws, Florida Statute chapter 119, specifically Contractor must:

- a. Keep and maintain public records required by the County to perform the service.
- b. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119 Florida Statutes or as otherwise provided by law.

- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the County.
- d. Upon completion of the contract, transfer, at no cost, to the County all public records in possession of the contractor or keep and maintain public records required by the County to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining the public records. All records stored electronically must be provided to the public agency, upon the request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, SHANNON METTY, AT 1484 S. JEFFERSON ST. MONTICELLO, FL 32344, 850-997-3083, SMETTY@JEFFERSONCOUNTYFL.GOV.

9. Assignment. Contractor shall not assign this Agreement or any part thereof, without the prior consent in writing of the County. If Contractor does, with approval, assign this Agreement or any part thereof, it shall require that its assignee be bound to it and to assume toward Contractor all of the obligations and responsibilities that Contractor has assumed toward the County.

10. Subcontracting. Contractor shall not subcontract any services or work to be provided to County without the prior written approval of the County's Representative. The County reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractors in order to make a determination as to the capability of the subcontractor to perform properly under this Agreement. The County's acceptance of a subcontractor shall not be unreasonably withheld. The Contractor is encouraged to seek minority and women business enterprises for participation in subcontracting opportunities. Additionally, any subcontract entered into between the Contractor and subcontractor will need to be approved by the County prior to it being entered into and said agreement shall incorporate in all required terms in accordance with local, state and Federal regulations.

11. Civil Rights. The Contractor agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision binds the Contractor and

subcontractors from the bid solicitation period through the completion of the contract. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

12. Compliance with Nondiscrimination Requirements. During the performance of this Agreement, the Contractor, for itself, its assignees, and successors in interest, agrees as follows:

- a. Compliance with Regulations: The Contractor will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated and attached hereto as Attachment "C".
- b. Nondiscrimination: The Contractor, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
- c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
- d. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the County or other governmental entity to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the County or the other governmental entity, as appropriate, and will set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, the County will impose such contract sanctions as it or another applicable state or federal governmental entity may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the Agreement until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending the Agreement, in whole or in part.

f. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the County may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the County to enter into any litigation to protect the interests of the County. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

13. Compliance with Laws. Contractor shall secure any and all permits, licenses and approvals that may be required in order to perform the Services, shall exercise full and complete authority over Contractor's personnel, shall comply with all workers' compensation, employer's liability and all other federal, state, county, and municipal laws, ordinances, rules and regulations required of an employer performing services such as the Services, and shall make all reports and remit all withholdings or other deductions from the compensation paid to Contractor's personnel as may be required by any federal, state, county, or municipal law, ordinance, rule, or regulation.

14. Conflict of Interest. The Contractor covenants that it presently has no interest and shall not acquire any interest, directly or indirectly which could conflict in any manner or degree with the performance of the Services. The Contractor further covenants that in the performance of this Agreement, no person having any such interest shall knowingly be employed by the Contractor. The Contractor guarantees that he/she has not offered or given to any member of, delegate to the Congress of the United States, any or part of this contract or to any benefit arising therefrom.

15. Independent Contractor. Contractor enters into this Agreement as, and shall continue to be, an independent contractor. All services shall be performed only by Contractor and Contractor's employees. Under no circumstances shall Contractor or any of Contractor's employees look to the County as his/her employer, or as partner, agent or principal. Neither Contractor, nor any of Contractor's employees, shall be entitled to any benefits accorded to the County's employees, including without limitation worker's compensation, disability insurance, vacation or sick pay. Contractor shall be responsible for providing, at Contractor's expense, and in Contractor's name, unemployment, disability, worker's compensation and other insurance as well as licenses and permits usual and necessary for conducting the services to be provided under this Agreement.

16. Third Party Beneficiaries. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third party beneficiary under this Agreement, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

17. Indemnification and Waiver of Liability. The Contractor agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless the County, its agents, representatives, officers, directors, officials and employees from and against claims, damages, losses and expenses (including but not limited to attorney's fees, court costs and costs of appellate proceedings) relating

to, arising out of or resulting from the Contractor's negligent acts, errors, mistakes or omissions relating to professional Services performed under this Agreement. The Contractor's duty to defend, hold harmless and indemnify the County its agents, representatives, officers, directors, officials and employees shall arise in connection with any claim, damage, loss or expense that is attributable to bodily injury; sickness; disease; death; or injury to impairment, or destruction of tangible property including loss of use resulting therefrom, caused by any negligent acts, errors, mistakes or omissions related to Services in the performance of this Agreement including any person for whose acts, errors, mistakes or omissions the Contractor may be legally liable. The parties agree that TEN DOLLARS (\$10.00) represents specific consideration to the Contractor for the indemnification set forth herein.

The waiver by a party of any breach or default in performance shall not be deemed to constitute a waiver of any other or succeeding breach or default. The failure of the County to enforce any of the provisions hereof shall not be construed to be a waiver of the right of the County thereafter to enforce such provisions.

18. Taxes and Assessments. Contractor agrees to pay all sales, use, or other taxes, assessments and other similar charges when due now or in the future, required by any local, state or federal law, including but not limited to such taxes and assessments as may from time to time be imposed by the County in accordance with this Agreement. Contractor further agrees that it shall protect, reimburse and indemnify County from and assume all liability for its tax and assessment obligations under the terms of the Agreement.

The County is exempt from payment of Florida state sales and use taxes. The Contractor shall not be exempted from paying sales tax to its suppliers for materials used to fulfill contractual obligations with the County, nor is the Contractor authorized to use the County's tax exemption number in securing such materials.

The Contractor shall be responsible for payment of its own and its share of its employees' payroll, payroll taxes, and benefits with respect to this Agreement.

19. Prohibition Against Contracting with Scrutinized Companies. Pursuant to Florida Statutes Section 215.4725, contracting with any entity that is listed on the Scrutinized Companies that Boycott Israel List or that is engaged in the boycott of Israel is prohibited. Contractors must certify that the company is not participating in a boycott of Israel. Any contract for goods or services of One Million Dollars (\$1,000,000) or more shall be terminated at the County's option if it is discovered that the entity submitted false documents of certification, is listed on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has been engaged in business operations in Cuba or Syria after July 1, 2018.

Any contract entered into or renewed after July 1, 2018 shall be terminated at the County's option if the company is listed on the Scrutinized Companies that Boycott Israel List or engaged in the boycott of Israel. Contractors must submit the certification that is attached to this agreement as Attachment "D". Submitting a false certification shall be deemed a material breach of contract. The County shall provide notice, in writing, to the Contractor of the County's determination

concerning the false certification. The Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination was in error. If the Contractor does not demonstrate that the County's determination of false certification was made in error, then the County shall have the right to terminate the contract and seek civil remedies pursuant to Florida Statute Section 215.4725.

20. Inconsistencies and Entire Agreement. If there is a conflict or inconsistency between any term, statement, requirement, or provision of any attachment attached hereto, any document or events referred to herein, or any document incorporated into this Agreement, the term, statement, requirement, or provision contained in this Agreement shall prevail and be given superior effect and priority over any conflicting or inconsistent term, statement, requirement or provision contained in any other document or attachment, including but not limited to Attachments listed in Section 1.

21. Severability. If any term or condition of this Contract shall be deemed, by a court having appropriate jurisdiction, invalid or unenforceable, the remainder of the terms and conditions of this Contract shall remain in full force and effect. This Contract shall not be more strictly construed against either party hereto by reason of the fact that one party may have drafted or prepared any or all the terms and provisions hereof.


22. Entire Agreement. This Agreement contains the entire agreement of the parties, and may be amended, waived, changed, modified, extended, or rescinded only by in writing signed by the party against whom any such amendment, waiver, change, modification, extension and/or rescission is sought.


23. Representation of Authority to Contractor/Signatory. The individual signing this Agreement on behalf of Contractor represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. The signatory represents and warrants to the County that the execution and delivery of this Agreement and the performance of the Services and obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on the Contractor and enforceable in accordance with its terms.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the day and year first written above.

WITNESS:


Signature
Julia H. Vaughan
Print Name

BY: 
KURT SPITZER
Print Name

ATTEST:

JEFFERSON COUNTY, FLORIDA
BOARD OF COUNTY
COMMISSIONERS

BY: _____

Chris Tuten, Chairman

Attachment "A"

Proposal to Provide
Redistricting Services
to the
Board of County Commissioners
Jefferson County, Florida

submitted by
Kurt Spitzer and Associates, Inc.
www.ksanet.net
(850) 228-6212

February 10, 2023

Executive Summary

This Proposal is to provide professional redistricting services for the Board of County Commissioners of Jefferson County, Florida, hereinafter referred to as the “County.”

The US Census Bureau is required to conduct an “actual enumeration” of “all persons” in the United States every 10 years, meaning that their duty is to count the “whole number of persons in each State.” The census conducted in 2020 was the twenty-fourth time such a count has taken place.

Congress uses the census data to reapportion the number of congressional seats allocated to each state. State Legislatures use the information to realign state and congressional district boundaries in furtherance of the principal of “one person, one vote.” For similar reasons, local governments use the data to realign the district boundaries used to elect the members of their governing bodies.

Beyond the provisions of the US Constitution and the Voting Rights Act, county governments in Florida are required to examine the need to redistrict during the first odd-numbered year after each census is completed. Charter counties and cities may also be further guided by the provisions of their charters on redistricting.

Kurt Spitzer (owner of Kurt Spitzer and Associates or “KSA”) has served as the redistricting consultant and facilitator in more than 30 local redistricting projects in Florida. He has consulted and advised Florida local governments for well over 40 years and will serve as Project Manager and primary point of contact for the Project.

Assisting KSA with data collection and mapping will be Sean Reynolds and Bertram Melix. Mr. Reynolds holds a Master of Science degree in Geographic Information Systems. He is an adjunct Lecturer on geographic information systems at the American University in Armenia. He is highly skilled in data collection and manipulation, and in the use of the software needed in the redistricting process.

Mr. Melix also holds a Master of Science degree in Geographic Information Systems and is currently pursuing his PhD in the Department of Geography at Florida State University.

Curriculum Vitae

Kurt Spitzer

Kurt Spitzer is President and owner of Kurt Spitzer and Associates (KSA) an established, Tallahassee-based local government consulting firm. Prior to incorporating KSA in 1989, Mr. Spitzer was employed by the Florida Association of Counties for 10 years and by the Florida House of Representatives prior to that time.

Mr. Spitzer has served as the primary consultant in over 30 local government redistricting projects in Florida, ranging in size from the City of Quincy to Pinellas County. He has served as the consultant to numerous county charter study and charter review commissions, ranging in size from Wakulla to Broward Counties. KSA was the lead consultant on local government matters to Florida's first Taxation and Budget Reform Commission and its second Local Government Study Commission.

Mr. Spitzer founded and served as the Executive Director of the Florida Stormwater Association and has been intimately involved in the development of Florida water policy for more than 25 years.

Mr. Spitzer received his Bachelor of Arts degree (biology and political science) from the University of South Florida and his Master of Science in Public Administration from Florida State University.

Sean Reynolds

Assisting in the Project for mapping and data management services is Sean Reynolds. Since January of 2017 Mr. Reynolds has been a Lecturer and Researcher on Geographic Information Systems and Remote Sensing, Geography and Statistics at the American University of Armenia in Yerevan, Armenia. He was a Geospatial Analyst for Harris ImageLinks in Melbourne, Florida from 2010 through 2014.

Mr. Reynolds has extensive experience in the use of Esri (Environmental Systems Research Institute, Inc.) products and software, website development and use of social media when sharing information.

Mr. Reynolds received his Bachelor of Science (Anthropology) *cum laude* and his Master of Science (Geographic Information Systems) from Florida State University.

Bertram Melix

Also assisting in the Project for mapping and data management services is Bertram Melix. Mr. Melix is a graduate research assistant at the Florida State University's Department of Geography, where he is pursuing his PhD in Geography. He holds a Master of Science in Geographic Information Systems from FSU, where he is an instructor in Geographic Information Systems, and has extensive experience in the use of Esri products and software.

Specific Experience and References with significant notations included

Redistricting Projects

1. Brevard County Commission (Citizens Redistricting Committee) - 2001

Pursuant to an amendment to the County Charter, Brevard County was the first county in Florida to redistrict its Commission district boundaries based on the use of and recommendations from a Citizens Redistricting Committee.

References

Anselmo Baldonado, Chairman
Brevard Citizen's Redistricting Committee
(321) 777-9225

2. Brevard County School Board – 2001

3. City of Bonita Springs - 2022

4. City of Daytona Beach - 2011

5. City of Ft. Lauderdale – 2002

6. City of Ft. Myers - 2005

Through a charter amendment, the City of Ft. Myers changed the structure of the Council from a “Strong-Mayor” form of government that had an elected executive and five single-member districts, to a Council-Manager form of government that included a directly elected Mayor who was a member of the City Council and a City Manager who was hired/fired by the Council. The Council was increased to a total of six, single-member districts. At the time KSA was engaged, the City was a “pre-clearance” jurisdiction under the provisions of Section 5 of the Voting Rights Act; no challenges were filed to the adopted.

Reference

Grant Alley, City Attorney
Phone: 239-321-7640
galley@cityftmyers.com

7. City of Ft. Pierce – 2021

8. City of North Miami - 2022

9. City of Pompano Beach – 2011 and 2021

10. City of Pompano Beach – 2023

KSA has been engaged to examine the impacts of increasing the number of seats on the City Commission from five to six.

11. City of Quincy - 2020

The City had not redistricted its district boundaries in 45 years, requiring consideration and adoption of significant changes to the existing districting plan. The adopted plan was challenged under the provisions of the Voting Rights Act but was upheld in federal court.

Reference

Jack L. McLean, Jr., City Manager (former)

Phone: 850-841-0443

mccl3690@comcast.net

12. City of St. Petersburg - 2022

13. Columbia County Commission - 2021

The County Charter provides for a Citizens Redistricting Committee. The Committee adopted a plan that did not count the population of those incarcerated in the County's two prisons and submitted that plan to the County Commission for final approval.

Reference

Joel Foreman, County Attorney

Phone: 386-752-8420

jforeman@columbiacountyfla.com

14. Jefferson County Commission – 2013 and 2016

The 2013 redistricting plan was challenged based on whether prison population should be counted (as was the direction of the Florida Attorney General and case law at that time) or excluded. A federal District Court in Tallahassee ruled that the prison population could not be counted. A revised plan was prepared and adopted in 2016 which did not count prison population; the District Court approved that plan. Note that the US Supreme Court has subsequently ruled that use of total population is an acceptable approach in the redistricting process.

Reference

Buckingham Bird, County Attorney (former)

Phone: 850-997-3503

tbird@nettally.com

15. Leon County School Board – 2001

16. Levy County Commission and School Board - 2001 and 2011

17. Madison County Commission and School Board (currently engaged)

18. Nassau County Commission, School Board and Port Authority – 2001

19. Pinellas County Commission – 1999, 2001 and 2021

KSA assisted the County in redistricting after a charter amendment passed changing the districting system from five commissioners elected on an “at-large” basis to a system of four single-member districts plus three at-large. After the year 2000 census data was released in 2001, KSA adjusted the 1999 district boundaries based on the new demographic information. KSA was also engaged by Pinellas County for redistricting services in 2021, whose charter now provides for a Citizens Redistricting Advisory Board.

Reference

Susan Churuti, County Attorney (former)

Phone: 813-283-8666

susan.churuti@beachdriveretail.com

20. Pinellas County School Board – 2001

21. Sarasota County Commission – 2019 and 2021

A 2018 amendment to the county charter changed the districting system from five members residing in residence areas but elected by all the voters countywide to five single-member districts, who were elected only by the voters of those districts. The County Commission thereafter decided to redistrict the Commission districts based on updated population data. KSA subcontracted with the University of Florida’s Bureau of Economic and Business Research to update the 2010 data and thereafter redrew the district lines based on that updated data. The adopted plan was challenged in federal court based on the provisions of the Voting Rights Act; the Court ruled in favor of the County. KSA was also engaged by Sarasota County for redistricting services in 2021.

Reference

Brad Johnson, Assistant County Administrator

Phone: 941-861-5293

Brad.Johnson@scgov.net

22. Sumter County Commission – 2006

23. Village of Estero - 2022

Similar Projects

KSA has provided consulting services on charters, local government structure and finance for the below entities. All projects required a high level of facilitation and consensus building skills.

- Broward County Charter Review Commission
- Columbia County Charter Commission
- Columbia County Charter Review Commission (twice)
- Deltona Incorporation Study Commission (municipal incorporation feasibility study)
- Indian River County Commission (BCC proposed charter)
- Lee County Charter Review Advisory Commission (three occasions)
- Leon County Charter Study Committee
- Leon County Charter Review Commission
- Local Government Study Commission II, State of Florida
- Okaloosa County Charter Study Commission
- Pasco County Commission (BCC proposed charter)
- Pinellas County Charter Review Commission (three occasions)
- Polk County Charter Commission
- Polk County Charter Review Commission (three occasions)
- Tallahassee-Leon County Consolidation Commission
- Taxation and Budget Reform Commission I, State of Florida
- Wakulla County Commission (BCC proposed charter)

Suggested Approach and Work Plan

We propose the following (tentative) approach to complete the Project to complete the Project in 2023.

Task	Event	Tentative Completion Date
1	Consultant Engaged	Day 1
2	Consultant acquires necessary and available files and data from the County and Bureau of the Census (using 2020 data) for mapping.	Day 15
3	Consultant prepares “Existing Districts Map” and determines whether adjustments are necessary to existing district boundaries based on 2020 Census data and common redistricting criteria.	Day 30
4	Consultant conducts presentation for the County on redistricting process, criteria and practices, and anticipated work plan for the Project.	Day 45
5	Consultant prepares two alternative redistricting maps based on common redistricting principles and feedback given during meeting contemplated in Task 4.	Day 60
6	Consultant conducts presentation on three redistricting maps: “Existing Districts” plan and two alternative plans.	Day 70
7	Consultant prepares redistricting map recommendation based on direction given during Task 6.	Day 80
8	If recommendation is approved, consultant prepares draft narrative description of new district boundaries and delivers all files and maps to staff.	Day 90
9	If recommendation is modified or rejected, consultant prepares revised alternative maps and presents to governing body.	Day 90
10	Consultant prepares draft narrative description of new district boundaries and delivers all files and maps to staff.	Day 110

Price

We propose a fixed price of \$22,000, which would include the following services and all time and expenses, except as identified under “Out of Scope.” However, if adjustments to district boundaries are determined to be not necessary based on common redistricting criteria, our fee will be a fixed amount of \$14,000 for all services provided in Tasks 1, 2, 3, 4 and 10, as described in “Suggested Approach and Work Plan.”

1. Preparation for and attendance by Mr. Spitzer at not more than three in-person meetings concerning the redistricting Project in the County.
2. Preparation by Mr. Spitzer of a Final Report and draft narrative description of the adopted, final districts Map and district boundaries.
3. Time spent in preparation by Mr. Spitzer and other Team Members for attendance at all meetings and all other tasks identified in “Approach and Work Plan.”
4. Preparation of not more than three districting maps or plans, including the initial “Existing Districts” map. Minor revisions to alternative plans are not considered to be an additional map or plan.
5. All costs for necessary software.
6. Expenses incurred in adding the County as a named insured to the KSA Liability Insurance policies for the purposes of the Project.
7. Regular, frequent communication on the status of the Project with designated liaison, counsel and County officials.
8. Delivery of final maps, all related files and data, and a draft narrative description of the new district boundaries to County staff.

Payment Schedule

We propose the following payment schedule:

- \$7,000 due upon acceptance of the Agreement.
- \$7,000 due upon completion of Task 4.
- \$4,000 due upon completion of Task 6, assuming Project continues past Task 4.
- \$4,000 due upon completion of the Project (Task 10.)

Expenses and fees for services provided outside of the scope of work (if any) will be billed monthly in arrears.

Out of Scope

The following services and related expenses are not included in the above price:

1. Preparation for or attendance at additional in-person or on-line meetings related to the Project, preparation of additional maps or reports beyond those identified herein, consideration of criteria other than those that are directly relevant to the realignment of the Board of County Commissioners' districts, creation of public map submission process, review of outside maps, and testimony in legal proceedings, are not included in the quoted price and will be billed at the following rates:

Kurt Spitzer \$275 per hour

Other Team Members \$175 per hour

2. Testimony in Legal Proceedings

Mr. Spitzer will be paid at a rate of \$275 per hour for expert technical assistance in the event any legal action arises relating to the redistricting process or plans developed with KSA's assistance. Mr. Spitzer will provide expert testimony and technical services, if necessary, in state and federal court as it relates to the adopted redistricting plan.

In instances where Mr. Spitzer either does not or cannot qualify as an expert, and where his testimony or assistance is necessary in a legal action, Mr. Spitzer will then provide fact testimony relating to the redistricting plans developed by KSA. In this case, KSA will be reimbursed for expenses incurred and time lost in preparing for and providing the non-expert, fact testimony. KSA will itemize and invoice for such expenses and will be compensated for time lost at an hourly rate of \$275 per hour.

Jefferson County (including the County Commission, staff and Officers), KSA and Mr. Spitzer understand and agree that such payment or reimbursement cannot and will not influence the substance of Mr. Spitzer's testimony in any manner whatsoever.

Board of County Commissioners

Agenda Request

Date of Meeting: February 16, 2023

Date Submitted: February 10, 2023

To: Honorable Chairman and Members of the Board

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

Subject: Board Consideration of Proposal Received for Redistricting Consultant Services

Statement of Issue:

This agenda item requests Board consideration of a proposal submitted by Kurt Spitzer and Associates, Inc. (“KSA”), for Redistricting Services and requests the Board authorize the Chairman to execute a consulting services agreement with KSA substantially in the form attached hereto.

Background:

Article VIII, Section 1, paragraph (e) of the Florida Constitution, as implemented in Chapter 124, Florida Statutes, requires the Board to divide the county into districts following each decennial census. Section 124.01, Florida Statutes, states that “...the Board of County Commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided, that changes made in the boundaries of the county commissioner districts pursuant to this section shall be made only in odd-numbered years.”

Following a review of the County’s records, including 2021 meeting minutes, it does not appear that the Board took any action with respect to redistricting in 2021. As a result, it is recommended that the Board address redistricting in 2023. As redistricting is largely a technical exercise involving the evaluation and processing of census data, as an initial step, it is recommended that the Board retain a consultant with expertise in this area.

Analysis:

At the February 2, 2023 Board meeting, the Board directed the County Attorney and County Manager to solicit proposals from consultant firms to perform redistricting services. The County Attorney’s Office contacted KSA, which assisted the County with its redistricting in 2013 and 2016. Additionally, the County Attorney’s Office reached out to Liberty County, which recently concluded a solicitation for redistricting services. KSA was the only firm to respond to the solicitation.

KSA has proposed to provide the County with redistricting services for the not to exceed amount of

\$22,000. The fee would be paid to KSA as follows:

- \$7,000 upon execution of the consulting services agreement.
- \$7,000 following KSA's completion of Tasks 1-4. KSA would evaluate the 2020 census data, which would be overlaid with existing district maps, and determine whether adjustments are necessary based on common redistricting criteria. If the County determines that no adjustments are required, KSA would be paid no further sums.
- \$4,000 due upon completion of Task 6 described in the Scope of Work (involving generation of two proposed maps for Board consideration), if Project continues past Task 4.
- \$4,000 due upon completion of the Project.

The proposal submitted by KSA appears reasonable and is less than the cost of redistricting services currently being provided by KSA in Madison and Suwannee Counties. Additionally, as described above, the contract is structured so that the County will not pay the full not to exceed amount (resulting in savings of \$8,000) in the event it determines that the existing commission district map is sufficient and no changes are required or desired.

Options:

1. Approve the Proposal Submitted by KSA to Provide Redistricting Services to the County for the Not to Exceed Amount of \$22,000 and Authorize the Chairman to Execute a Consulting Services Agreement with KSA Substantially in the Form Attached Hereto.
2. Do not Approve the Proposal Submitted by KSA to Provide Redistricting Services to the County for the Not to Exceed Amount of \$22,000 and Authorize the Chairman to Execute a Consulting Services Agreement with KSA Substantially in the Form Attached Hereto.
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Consulting Services Agreement Between the County and KSA With Attached Proposal Submitted by KSA.