

Board of County Commissioners

Jefferson County, Florida

Stephen G. Fulford
District 1, Chair

John Nelson, Sr.
District 2

Hines F. Boyd
District 3

Betsy Barfield
District 4

Danny Monroe, III
District 5

Regular Session Agenda February 3, 2011 at the Courthouse Annex 435 W. Walnut St. Monticello, FL 32344

1. **9:00 A.M. – Call to Order, Invocation, Pledge of Allegiance**
2. **Public Announcements, Presentations, & Awards**
3. **Consent Agenda**
 - a) **Approval of Agenda**
 - b) **Minutes of January 20, 2011 Regular Session**
 - c) **Minutes of January 24, 2011 Personnel Policy Workshop**
4. **Citizens Request & Input on Non-Agenda Items**
(3 Minute Limit, No Commissioner Discussion.)
5. **General Business**
 - a) **Appointment of County Rep for St. Marks River Preserve State Park**
 - b) **Revision of Rules of Procedure to include Workshops – Comm. Barfield**
 - c) **Yoder & Frey Auction/Request to Purchase Dump Truck – David Harvey**
 - d) **BP Oil/Taxing Authority Contract – John Dailey**
 - e) **Animal Control Ordinance Discussion – Comm. Barfield**
 - f) **Rural Broadband Discussion – Comm. Fulford**
6. **County Coordinator's Report**
 - a) **Trade NFCC Ambulance for Classes**
 - b) **Fire & Life Safety Inspections**
7. **Citizen's Forum**
(3 Minute Limit, Discussion Allowed.)
8. **Commissioner Discussion Items**
9. **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.

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
January 20, 2011

The Board met this date in Regular Session. Present were Commissioners Betsy Barfield, Hines Boyd, Danny Monroe and John Nelson. Also present were County Coordinator Roy Schleicher, Clerk of Court Kirk Reams, and County Attorney Buck Bird.

1. Commissioner Barfield asked if the Intersection Safety/Vehicle Counts item could be moved to General Business and also that General Business Item I be removed and addressed at the next meeting due to the matter coming to the Board after the deadline. On motion by Commissioner Monroe, seconded by Commissioner Nelson and unanimously carried, the Consent Agenda, consisting of the approval of the agenda, minutes of the January 3, 2011 workshop and the minutes of the January 4, 2011 regular session was approved.
2. Alan Wise, engineer with Preble-Rish, presented his recommendation to go with low bidder Dixie Paving for the Industrial Park roadway extension in the amount of \$45,150. On motion by Commissioner Barfield, seconded by Commissioner Monroe and unanimously carried, the Board approved this recommendation.
3. Extension Director John Lilly introduced Kristin Jackson, his recommendation for the Jefferson County Family Consumer Science Agent. On motion by Commissioner Nelson, seconded by Commissioner Barfield and unanimously carried, the Board approved Mr. Lilly's recommendation.
4. Commissioner Boyd introduced the FDOT five-year work plan that he received while representing the Board at the Capital Regional Transportation Planning Authority. He requested that the Board begin to think about what it wanted to do with the pedestrian path / bicycle lane dollars. Commissioner Nelson stated that if there was no current deadline, then the discussion should be tabled for a later date. Commissioner Barfield stated that as an avid cyclist, she knew of several roads in the county for bicyclists. Commissioner Boyd suggested a workshop on the issue, which was set for March 28th at 3:30 pm at the Jefferson County Courthouse Annex.
5. County Coordinator Roy Schleicher introduced the discussion on the private road repair policy. He stated that the Board's first decision would be whether or not the Board desired to start this program at all. Traci Wood, representing the Valley View Homeowners Association, expressed her concern that the private road in their subdivision was a safety issue and that the HOA was unable to rent equipment due to lack of liability insurance and expertise. She explained that other small counties had adopted similar programs and she recommended the county evaluating the work on a case-by-case basis. Commissioner Barfield expressed concern that Chairman Fulford was not present at the meeting and that he needed to be involved in the decision. Commissioner Nelson desired more facts before making any final decision. Commissioner Monroe stated that the county did not have the manpower and that it could not be selective in doing the work. He also felt that there were many things to address before deciding to implement the program. Commissioner Boyd said he was in favor of the program and that employees could work on their days off. He also suggested tabling this to the next night meeting (February 17th) in order to have the full board present. On motion by Commissioner Barfield, seconded by Commissioner Nelson and unanimously carried, the discussion was tabled.
6. Alan Wise, engineer with Preble-Rish, advised the Board that it could receive lowered fees with the Northwest Florida Water Management District. He stated that the Board needed to officially recognize that the county population was under 50,000 and also that the millage rate was greater than 8 mills in order to qualify for reduced fees. On motion by Commissioner Monroe, seconded by Commissioner Nelson and unanimously carried, the Board officially recognized the population estimate of 14,663 and the millage rate of 8.3226. Citizen David

Hall asked if this was also applicable to the Suwannee River Water Management District, to which Mr. Wise stated he would research and let the Board know.

7. County Attorney Buck Bird introduced the draft ordinance for elected official bonds. He stated that the Board needed to decide who should be bonded and stated that if a county officer handled money, he or she needed to be bonded. Commissioner Monroe asked if the Board needed to be bonded, to which Attorney Bird responded not necessarily because the Board had liability insurance for malfeasance. Commissioner Boyd asked Clerk of Court Kirk Reams to get estimates on the amounts and bring back to a future meeting.
8. County Coordinator Roy Schleicher introduced two grant agreements with Madison and Wakulla Counties for collecting hazardous waste in these locations and disposing of them. Commissioner Nelson stated his concern that safety measures be in place. Commissioner Barfield asked about liability issues, to which County Coordinator Schleicher stated these were controlled risks the county was prepared and covered for. On motion by Commissioner Nelson, seconded by Commissioner Monroe and unanimously carried, both grant agreements were approved.
9. Citizen C.P. Miller expressed his displeasure over the rules of procedure pertaining to the Board voting on extending the meeting past three hours. He stated that it was wrong to stop someone from presenting in order to take a vote and that the Board was there to take the time necessary in order to take care of business. Commissioner Boyd stated that this was in the rules to make sure that meetings were orderly and efficient and did not inconvenience citizens. He also said that the Board paid more attention when the meetings were approaching the three-hour mark. He disagreed firmly and stated it was one of the most effective things the Board had done with the rules. Commissioner Barfield apprised the Board of a statute where no meeting should go beyond 11 pm unless a majority of the Board agrees. Citizen Miller stated most people were concerned about the Board getting it done right. Commissioner Nelson stated it would appear rude to cut a speaker off and that it was up to the Chairman to move the meetings orderly and efficiently. Citizen Miller asked for an amendment for the rules to follow the statute. Commissioner Boyd stated he thought the Board had it correct and that he has not seen a rushed decision due to the rules. Citizen Miller wanted to know what the rest of the Board thought, to which Commissioner Boyd said a resolution would be needed to amend the rules. No further action was taken.
10. Commissioner Barfield stated her concern about safety issues at the intersection of Old Lloyd Road and Highway 90. She asked Alan Wise, engineer with Preble-Rish, to address ways to make the intersection safer in light of the recent auto accident resulting in a fatality at this location. Mr. Wise stated that it was a driver awareness issue that could be addressed with rumble strips, speed reductions and/or other signage. Mr. Wise said he would look into the issue and seek funding from all sources possible.
11. Chamber of Commerce President Gordon Dean told the Board that he and Clerk of Court Kirk Reams had agreed on local preference language for the purchasing policy and had submitted this language to County Attorney Bird. Commissioner Barfield stated the best way to get outside vendors to shop locally is local preference language.
12. Planning Official Bill Tellefsen presented comp plan amendments for the Board to review and requested future workshops on the issue. County Coordinator Schleicher stated that land use changes could not be made until this process was completed. A workshop was set for February 28th at 6 pm at the Jefferson County Courthouse Annex.
13. Commissioner Nelson expressed concern over lack of applicants for the disaster recovery program. County Coordinator Schleicher explained the lack of

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MINUTE BOOK 23, PAGE _____

applicants was mostly due to the difficulty of proving the state of the pre-storm conditions of any damaged homes.

14. Commissioner Barfield requested a future update from the CRTPA and Director Harry Reid.
15. Commissioner Monroe stated that there were some problems with the boat ramp at the Wacissa River but that officials from FWC repaired the problem.
16. The warrant register was reviewed and bills ordered paid.
17. On motion by Commissioner Monroe, seconded by Commissioner Nelson unanimously carried, the meeting was adjourned.

Chairman

Attest: _____
Clerk

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
PERSONNEL POLICY WORKSHOP
January 24, 2011

The Board met this date in Regular Session. Present were Chairman Stephen Fulford, Commissioners Betsy Barfield, Hines Boyd, Danny Monroe and John Nelson. Also present were County Coordinator Roy Schleicher, Clerk of Court Kirk Reams, and County Attorney Buck Bird.

1. Attorney Robert Sniffen thanked the Board for the opportunity to review and recommend revisions to the Jefferson County BOCC personnel policy.
2. Commissioner Barfield asked for an overview of the process. Mr. Sniffen stated that process could last several meetings. He further stated that this project was initiated when he was looking into the county's grievance process, at which time he became concerned about the Board's direct involvement.
3. Commissioner Barfield stated her desire to give employees and opportunity to review changes to the personnel policy and further stated that she wanted to be sure that the disciplinary chain was followed. She asked for guidance on hiring/firing issues. Mr. Sniffen recommended centralizing discipline with the County Coordinator instead of with Department Heads in order to have consistency. For hiring/firing issues, he recommended following a policy similar to school boards, where the County Coordinator would make recommendations to the Board. Mr. Sniffen recommended keeping the Board out of lower level discipline and hiring issues. Commissioner Boyd stated that generally the Board has allowed the hiring/firing of anyone but Department Heads to be done by the County Coordinator and/or Department Head. Commissioner Monroe expressed concern over the responsibility of the Coordinator to hire and fire department heads. He stated the Board needed to be the ultimate decision maker. Mr. Sniffen stated that many of the changes he recommended contemplated a competent County Coordinator, but the Board could very well decide to split off managerial positions. Commissioner Barfield said she liked the recommendation of the County Coordinator to come before the Board for approval. She also stated she liked a second set of eyes to look over lower level employees, but at some point trust had to be placed in the County Coordinator position. Chairman Fulford stated it would be beneficial to see hire/fire lists for informational purposes. Commissioner Boyd stated that it was an advantage for the County Coordinator to have the Board participate in the hiring/firing of department heads. Commissioner Monroe said the Board needed to be able to say why a department head was hired/fired. Attorney Sniffen said the Board could make a distinction between department heads and lower level employees and put the burden on management to make good decisions for its lower level employees. Commissioner Nelson stated that if the disciplinary process was followed to the letter, that there should not be a problem for those actions to take place at the department head level.
4. Commissioner Barfield asked about the Board's involvement in the grievance process. Attorney Sniffen responded that he took the Board out of the grievance process. County Coordinator Roy Schleicher expressed his preference for a definitive process of bringing all department head recommendations to the Board. Mr. Sniffen asked the Board if it wanted to be involved only on the termination level. County Coordinator Schleicher stated that the Coordinator would want to inform the Board of all disciplinary actions taken. Chairman Fulford stated his desire for the Board to have decision making authority at only the termination level. Mr. Sniffen stated it was not a good practice for the Board to be involved in the grievance procedure. He explained that an employee had ten days to file a grievance and the department head had five days to respond by holding a meeting with the employee. The employee may appeal the department head's decision to the County Coordinator within five days. If the employee is not happy with the County Coordinator's decision, then Mr. Sniffen recommended the employee appeal to a Grievance Board, consisting of one appointee each by the Chair, Vice-

- Chair and County Coordinator. The appointees would serve one year terms. The Grievance Board would make a recommendation to the County Coordinator, who would make the final decision. Human Resources Director Tyler McNeill stated the Grievance Board recommendation was much better than what the county currently had in place. Clerk of Court Kirk Reams asked about potential conflicts, to which Attorney Bird responded alternates could be available for each appointee. Commissioner Nelson felt like the Grievance Board would enhance due process. Mr. Sniffen responded that he liked the idea of having alternates and recommended letting the County Coordinator decide all issues of conflict of interest.
5. Human Resources Director Tyler McNeill introduced the discussion on the leave policy. He stated that historically the county had personal, vacation and sick leave but that it was combined about ten years ago into one leave category called "personal leave." Caps were set in order to reduce the county's financial liability and caps were currently set at double the annual amount accrued. Attorney Sniffen responded that the trend was to have one category called "paid time off" or "PTO." He recommended a use it or lose it policy in regards to leave. Commissioner Barfield asked about four ten-hour workers and 24-hour shift workers. Mr. McNeill responded that all employees accrue the same amount of leave based on hours worked, with the exception of Fire/EMS (24-hour workers), who accrued at a hire rate due to not receiving paid holidays. Chairman Fulford stated that the Board needed to decide whether to keep personal leave (like the "PTO" model) or implement a sick leave program. He stated he was not in favor of going back to a sick leave program. Commissioner Boyd raised concerns about planning for absences. Commissioner Nelson stated it was a discipline problem if someone was taking off too much work on short notice. Mr. Sniffen responded that department heads should ask for advance notice for foreseeable days off and potentially ask for medical documentation for someone who frequently calls in sick at the last minute. Commissioner Barfield asked if an employee could choose to be off without pay, to which Mr. McNeill responded in the affirmative if the request was in writing. Commissioner Barfield asked if anyone had ever looked at an annual buyout, to which Mr. McNeill responded that it would likely be too cost prohibitive. Commissioner Barfield asked why employees were not allowed to donate leave. Mr. McNeill responded that there were past instances of abuse. Mr. Sniffen concurred and stated that there was potential for lawsuits.
 6. Attorney Sniffen requested that the Board review its computer usage policy. He also explained that he had bolstered the county's harassment procedure by having complaints go to the County Coordinator with a bypass to the Chairman if the County Coordinator is the accused harasser. Mr. Sniffen informed the Board that he placed a provision for a harassment claim to be heard even if the harassment claim was not related to a protected class. He stated that this was a good lawsuit avoidance clause and suggested that the Board keep this language in the policy.
 7. Human Resources Director Tyler McNeill asked about keeping funeral leave in the policy for the deaths of immediate family members of employees. Commissioner Barfield agreed.
 8. Commissioner Barfield asked about the no-gift policy. She stated that currently there is no threshold amount, just a complete exclusion of any gift. Attorney Sniffen responded that this could be an issue for a future workshop.
 9. Commissioner Barfield stated she would like to look at not allowing department heads having a spouse in the same department, instead of just excluding one spouse from having supervision over the other. She also stated a concern about employees using county resources in outside employment.
 10. Commissioner Boyd stated that this was a process that has been needed for awhile and thanked everyone for the work done.

11. On motion by Commissioner Monroe, seconded by Commissioner Nelson
unanimously carried, the meeting was adjourned.

Chairman

Attest: _____
Clerk

Kirk B. Reams

From: Stephen Fulford [sgfulford@gmail.com]
Sent: Saturday, January 15, 2011 5:26 PM
To: Kirk Reams 232
Subject: Fwd: St. Marks River Preserve State Park: Public Workshop and Advisory Group
Attachments: image002.jpg

Kirk, I need this added to the agenda for next week to select a county rep. You can include the email for supporting material.

Stephen

----- Forwarded message -----

From: "Blazina, Joe" <Joe.Blazina@dep.state.fl.us>
Date: Jan 14, 2011 3:55 PM
Subject: St. Marks River Preserve State Park: Public Workshop and Advisory Group
To: "sgfulford@gmail.com" <sgfulford@gmail.com>

Good Afternoon Mr. Fulford,

It was certainly a pleasure speaking with you this afternoon. As we discussed, the Division of Recreation and Parks would like to appoint a representative from Jefferson County to the Advisory Group for St. Marks River Preserve State Park. The group includes representatives from State Agencies, elected officials, adjacent landowners, park volunteers and user groups to give a well versed and broad spectrum of individuals to review and comment during this final step of the plan.

The advisory group's review of the Plan is a part of the public process that all of the State Park Management Plans go through on their way to approval by the Governor and Cabinet.

We are planning on conducting the Public Workshop on **Tuesday, February 15th at 7:00 PM** at Chaires Elementary School, and the Advisory Group Meeting on **Wednesday, February 16th at 9:00 AM** at the Marjorie Stoneman Douglas Building.

Once you have a representative appointed, we will forward an official letter for the public workshop and advisory group meeting as well as a copy of the plan for review. If a representative from Jefferson County is not able to attend the meeting, you will still be able to submit comments via phone, email or regular mail. The process is extremely flexible and adaptable to everyone's schedule.

We encourage you spread the word regarding the Public Workshop, where we will do an overview of the park's plan, and answer any questions anyone might have.

Please feel free to contact me if you have any other questions or concerns. Thank you again for your support of your State Parks!

Best regards,

Joe Blazina

Park Planner

Office of Park Planning

Division of Recreation and Parks

Department of Environmental Protection

(850) 245-3051

Joe.blazina@dep.state.fl.us

Preserving the Past While Looking to the Future



The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

CITIZEN'S GUIDE TO PARTICIPATION IN A COUNTY COMMISSION MEETING

"Be sincere...be brief...be seated."
-Theodore Roosevelt

"No one is to disturb another in his speech by hissing, coughing, spitting, speaking or whispering to another..."
-Thomas Jefferson

The Board of County Commissioners encourages citizen input into its public decision making processes. Accordingly, the Board has established rules (see Item IX, *Rules of Procedure for Meetings*) to allow and guide citizen participation in its meetings. Here are a few guidelines to assist those who want to attend or speak at meetings of the Commission.

It is the intent of the Board to maintain an orderly meeting that promotes efficient and effective decision making. The decorum expected at Commission meetings is similar to that of a courtroom. Just as a judge is in charge of a court proceeding, the Chairman controls the agenda and interactions in a meeting of the County Commission.

Many years ago, Thomas Jefferson recognized the need to be courteous and respectful while listening to speakers at public meetings. Item IX of the Commission's *Rules of Procedure* addresses the need for courtesy and orderliness when it specifies no "...cheering, clapping, booing, heckling, verbal outbursts, and private conversations during proceedings."

Likewise, Theodore Roosevelt recognized the need for speakers to be prepared, to the point, and brief. Speakers should plan ahead so they finish their remarks in the allotted time limits. If a subject can't be addressed within the allowed time, speakers should submit or bring supplemental printed material for Commissioners and staff to review. Here are some guidelines for speakers.

1. Unless you are listed on the agenda, please complete a Citizens Input Card and give it to the Clerk or Chairman, preferably before the meeting. This tells the Chairman when you want to speak, and helps organize the meeting more efficiently, putting you at the appropriate place on the agenda.
2. Prepare your remarks so that they are pertinent to the subject being discussed and stay within the usual 3 minute allotment for speakers. (Exceptions: The designated primary presenter for agenda items is normally allowed up to 10 minutes. These time limits may change for quasi-judicial proceedings.)
3. When the Chairman recognizes you to speak, approach the podium, state your name and address for the record, then begin speaking in a clear, easily heard voice.
4. Address your remarks to the entire board, not any one individual.
5. If you run out of time, please conclude your remarks within 15 seconds and relinquish the podium.
6. Here are some DO NOTS. A speaker should not make "...irrelevant, impertinent, threatening, or slanderous remarks." No speaker may engage in "...personal attacks."

Remember, the Chairman controls the dialogue. The Commission's *Rules of Procedure for Meetings* give the Chairman, especially with consent of the Board, significant flexibility in controlling the meeting. If you have a special need or concern regarding your presentation, discuss it with the Chairman prior to the meeting or during any recess.

The Commission's *Rules of Procedure for Meetings* address numerous other items required to run an orderly and efficient meeting. The follow is a complete set of these rules. (*ALTERNATE WORDING*: Click [here](#) to see a complete set of these rules.)

RULES OF PROCEDURE FOR MEETINGS OF THE JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS

1

INTRODUCTION: AUTHORITY AND ROLES

Counties are "arms of the state" authorized under Article VIII, Section 1 of the Florida Constitution. County governments are established to administer functions of the state at the local level. The functions, duties, and roles of county government are more particularly described in Chapter 125 of the Florida Statutes. This statute is liberally construed and gives the County Commission broad powers, including legislative, executive, and quasi-judicial powers.

Legislative functions of county government include the power to levy and collect taxes and to adopt ordinances and regulations so long as such ordinances and regulations are not in conflict with state or federal law. Executive functions include the operation of county government, the enforcement of ordinances, regulations and codes, and the provision of public services such as local roads and transportation systems, fire protection, emergency medical and health services, refuse collection, parks, libraries, and other such public services.

A County Commission may also assume a judicial function. For example, it serves in a quasi-judicial capacity when it acts as a code enforcement board or hears and decides issues related to planning and zoning. In keeping with this judicial role, the requirements for maintaining impartiality and the decision making standards change when County Commissioners serve in a quasi-judicial capacity. Prior contact with parties to the proceeding is limited and should be disclosed. Decisions should not be based on political or personal beliefs and feelings, but should be based on "competent, substantial evidence" presented at a public hearing. (Competent, substantial evidence has been defined by the Florida Supreme Court as that evidence which is "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusions reached.")

Therefore, to insure the orderly and efficient execution of its duties, the Jefferson County Board of County Commissioners adopts the following Rules of Procedure. It is the policy of the Jefferson County Board of County Commissioners that these Rules of Procedure shall govern all noticed meetings of the Board of County Commissioners and boards under its jurisdiction. A noticed meeting shall mean any meeting that requires notice under Florida law. The members, County Coordinator, County Attorney, constitutional elected officials, staff, and the public shall adhere to these rules, to wit:

I. Governing Rules.

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order, Newly Revised, 10th Edition* (or the current edition) in all cases in which they are applicable.

II. Open to the Public.

- A. *Meetings Open to Public.* All meetings of the Jefferson County Board of County Commissioners shall be open to the public and noticed in accordance with the Florida Government in the Sunshine Law, Section 286.011 of the Florida Statutes.
- B. *Exempt Meetings.* The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S. meetings regarding risk management claims, Section 768.28(15), F.S. and litigation meetings pursuant to Section 286.011(8) F.S. The Board shall follow all statutory requirements for exempt meetings.
- C. *Seating Capacity.* Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
- D. *Accessibility.* All meetings of the Commission will be conducted in a publicly accessible and handicap accessible building.

Signs, Placards, Banners. For public safety purposes and so as not to interfere with the visual rights of others, no signs or placards shall be allowed in Board meeting rooms. Nothing in this provision shall preclude the distribution of written materials formatted for individual reading or the display of signs outside the entrance to the meeting room.

III. Quorum.

- A. *Quorum.* A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present or, if required by the Florida Statutes, an extraordinary vote of the members present. In extraordinary circumstances, a board member may attend a meeting via teleconference or other electronic means in order to create a quorum and / or cast a vote. Such circumstances shall be determined by the Chairman.
- B. *Remaining in Chambers.* During a Board meeting, members should remain in the Chambers at all times unless an emergency or illness should occur. Board members present in the meeting should not absent themselves for a particular item without expressed permission of the Chairman.

- C. *Conflict of Interest.* Any member of the Commission who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- D. *Loss of Quorum.* In the event that a member is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action, other than adjournment, may be taken until or unless a quorum is restored.
- E. *No Quorum.* Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Board member, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the clerk.

IV. Presiding Officer.

- A. *Chairman.* The Presiding Officer is the Chairman of the Jefferson County Board of County Commissioners. The Chairman presides at all meetings of the Board. The Chairman's responsibilities shall include, but not be solely limited to:
 - 1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
 - 2. Announce the business to come before the Board, in accordance with the prescribed order of business.
 - 3. Recognize all Board members, the County Coordinator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chairman and restated by him or her, and he or she declares all votes. The Chairman shall repeat every motion and state every question coming before the Commission, and announce the decision of the Commission on all matters coming before it.
 - 4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
 - 5. Call to order any member of the Board who violates any of these procedures and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.
 - 6. Expedite business in every way compatible with the rights of the members.
 - 7. For the Chairman to make a motion, the gavel must be relinquished. Based upon these Rules & Procedures, the gavel shall be relinquished in the following order:
 - (a) Vice Chair;
 - (b) another Board member based upon seniority.A presiding officer who relinquishes the chair should not return to it until the pending main question has been disposed of.
 - 8. Declare the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.
- B. *Vice Chairman.* In the absence of the Chairman or in the event of the Chairman's inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until the Chairman's return to the County or recovery and resumption of duty.

V. Order of Business.

- A. *Official Agenda.* There shall be an official agenda for every regularly scheduled official meeting of the Board. The agenda shall determine the order of business conducted at the meeting. All proceedings and the order of business at all such meetings of the Board shall be conducted in accordance with the official agenda. The Agenda Coordinator shall be the County Coordinator. The Clerk shall print and distribute the Official Agenda. For emergency meetings, workshops, retreats, and other special meetings, this requirement may be waived by consent of the members.
- B. *Agenda Form; Availability; Support Information.* The agenda shall be prepared by the County Coordinator and forwarded to the Clerk who shall place it in appropriate form approved by the Commission. The Clerk shall make available to the Board members a copy of the agenda, along with support information, no later than 4:00PM four business days before the meeting. Any support information for agenda items requiring a disposition vote shall be available to the County Coordinator or Clerk no later than 4:00 PM on the 5th business day before the meeting. If support information is required but not available, the agenda item shall be downgraded to a discussion topic for further action or removed from the agenda and considered at a later meeting.
- C. *Agenda Format.* The agenda format for a regularly scheduled official meeting of the Commission shall be in substantially the form as set forth below:
 - 1. Call to Order, Invocation and Pledge of Allegiance
 - 2. Awards and Presentations
 - 3. Approval of Agenda and Minutes of Prior Meeting(s)
 - 4. Consent
 - 5. Citizens Requests and Input on Non-Agenda Items (3-minute limit; no discussion by Commission)
 - 6. General Business
 - 7. Scheduled Public Hearings (at or soon after announced time)

8. County Attorney
9. County Coordinator
10. Pending Business
11. Citizens Forum (3 minute limit, discussion allowed)
12. Discussion Items **Raised** by Board Members
13. Adjourn

- D. *Special Agenda for Quasi-Judicial Proceedings.* If a meeting, as determined by the Chairman in consultation with the County Attorney, requires a quasi-judicial proceeding, the format of this part of the meeting shall be as follows:
1. Opening Remarks, Announcements, and *Ex-Parte* Disclosures
 2. Introduction of Issue by Staff
 3. Applicant Presentation and Witnesses
 4. Sworn Testimony of Opponent and Proponent Witnesses
 5. Questions for/Cross-Examination of Staff, Applicant and Witnesses
 6. Citizens Comments (unsworn)
 7. Rebuttal/Summary by Applicant
 8. Board Discussion, Questions, and Action

Competent, substantial evidence relevant to the issue shall be the primary basis for the Board's decision. All competent, substantial evidence shall be introduced by sworn testimony. Cross examination of sworn witnesses is allowed. Only sworn testimony and comments by the Board and its staff shall become part of the official record for the proceedings of the meeting. The Chairman, in consultation with the County Attorney, shall determine the time to be allocated for each part of the agenda and, at the beginning of the hearing, shall announce these time allocations along with any special rules for the proceeding. Otherwise, the rules herein shall apply to quasi-judicial proceedings.

- E. *Consent Agenda.* On the portion of the agenda designated as "Consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Board member, the County Coordinator, or the County Attorney may withdraw an item from the consent agenda, either in writing before the meeting or at the beginning of the meeting, and it shall then be voted on individually. Every effort shall be made to provide such a request in writing to the Chairman (via the County Coordinator) 24 hours before the subject meeting.
- F. *Citizens **Requests** and Input on Non-Agenda Items (no discussion).* This portion of the agenda is designated for citizens who want to provide information or who have requests for future consideration by the Commission or staff. Presentations shall be limited to 3 minutes unless extended by the Chairman. There shall be no debate and no official action by the Commission.
- G. *General Business.* General business items are items of a general nature that require Board action, Board direction, or pertain to Board policy.
- H. *Scheduled Public Hearings.* Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular official Board meetings, public hearings shall be heard at the time announced in the agenda or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time.
- I. *Citizens' Forum (non-agenda items, discussion allowed).* In this portion of the agenda, designated near the end of the meeting as the "Citizens' Forum," up to 30 minutes shall be allocated for citizen input. The Chairman, at his/her discretion and with consent of the Board, may adjust the time allocated for this item and the time allowed each speaker, depending on the circumstances of the meeting. Speakers who have completed a Citizen Input Card shall speak first, including such speakers who may have waived their time to speaker at an earlier point in the agenda. If time permits, the Chairman may allow comments by speakers who have not completed a Citizen Input Card. There may be discussion or debate by the Commission. **The Commission may determine appropriate future action for an item including, but not limited to, placing the item on a future agenda, requesting more information, or the Commission may act on an item by unanimous vote.**
- J. *Discussion Items by Board Members.* On the portion of the agenda designated as "Discussion Items by Board Members," no assignments shall be given to the County Coordinator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is added and passed by a unanimous vote of the Board, and then only if such item is deemed an emergency and is added to the agenda as provided in Item 5, Subsection C3. The remarks of each Board member during his or her "discussions items" time shall be limited to no more than three (3) minutes, unless the Chairman extends the time.
- K. *Departure from Order of Business.* Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.
- L. *Placing Items on Agenda.* With the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, the Coordinator, or the County Attorney. When a Board member wishes to place a matter on the agenda, the member should raise the matter at a regular Commission meeting and seek the Commission's consent for inclusion of the matter on the next available regular agenda. A Board member may not unilaterally add a matter to an

agenda without the Commission's prior approval either at a prior meeting or at the beginning of the meeting in which the item is to be included, and then only if the item has been properly noticed as provided in Item V, Subsections A or O of these rules.

- M. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Commission. Upon the Commission's approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda or at a special meeting set by the Commission. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda by staff pursuant to County Code and general law.
- N. *Additions, Deletions, or Corrections to Agenda.* Deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.
- O. "Add On" agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Commission only in exigent circumstances for issues that are time critical or cost sensitive to the County. For such matters, the Chairman, County Coordinator and County Attorney should be consulted in advance of the meeting to approve of the "Add On" agenda item. If the "Add On" agenda is approved, the Agenda Coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas, such distribution to occur no less than 24 hours prior to the meeting. Furthermore, at the time of distribution, the County's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the Commission may be called by the Chairman upon adequate notice being provided under Section 286.011, Florida Statutes.
- P. *Announcing Agenda Items.* The Chairman shall announce each item on the agenda. The County Coordinator, County Attorney, sponsoring Board member, or other appropriate person shall then present the item to the Board.

VI. Parliamentarian.

The County Attorney shall act as parliamentarian and shall advise and assist the Chairman in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the parliamentarian shall refer to *Roberts Rules of Order (Newly Revised, 10th Edition)* on all rulings.

VII. Rules of Debate.

A. *Decorum*

1. Every Board member desiring to speak should address the Chairman, and upon said recognition by the Chairman, should confine discussion to the question under debate, avoiding all personalities and indecorous language.
2. Board members shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Chairman or other Board members are speaking; speaking against their own motions; and disturbing the Board.
3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said member shall be at liberty to proceed.

B. *Motions*

1. A motion and a second to the motion are to precede any action on an agenda matter unless there are speakers to be heard on the agenda matter.
2. All motions shall be made and seconded before debate
3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except as provided in *Robert's Rules of Order, Newly Revised* as adopted herein.
4. Any Board member may move to close debate (move the previous question) on the motion being considered. Such move is not debatable. A successful majority vote on the motion to close debate will end discussion of the item, except that the Board member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.
5. If the Chairman wishes to put forth or second a motion, he or she shall relinquish the Chair to the Vice Chairman until the main motion, on which he or she spoke, has been disposed.
6. The following motions require a majority vote and are not debatable: to adjourn; to lay on the table; to take from the table; or to close debate (move the previous question). A motion to suspend the rules requires a 2/3 majority vote and is not debatable.

C. *Motions to Amend.* An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Board member may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chairman, or another member through the Chairman, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion or other members, the motion shall stand as amended.
2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

VIII. Voting.

- A. *Voice Vote.* Unless otherwise directed by the Chairman, all votes shall be taken by voice.
- B. *Tabulating the Vote.* The Chairman shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any member prior to voting, and each member shall vote "aye" or "nay."
- C. *Voting.* Every member who was in the Commission Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any member declines to vote "aye" or "nay" by voice, his or her silence shall be counted as an "aye" vote.
- D. *Absent for Vote. Changing Vote.* Any Board member momentarily absent for a vote on a particular item may record his or her vote, and any member may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the members who voted thereon.
- E. *Voting Conflict.* No Board member shall vote on a matter when that member has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A member abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. A record of the abstention and the reason for the conflict shall be recorded in the minutes of the meeting or filed by the member in writing with the Clerk for inclusion in the minutes.
- F. *Majority Vote. Extraordinary Majority Vote; Tie Vote.* The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

IX. Citizen Input: Addressing the Board of County Commissioners.

- A. *Citizen Input.* The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encouraging citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.
- B. *Non-Agenda Inquiries.*
 - 1. At the regular official County Commission meetings, the Board provides two comment periods for citizens to speak on items not on the agenda. These public comment periods are denoted on the agenda as "Citizens Requests and Input on Non-Agenda Items" and "Citizens' Forum." Any citizen who did not speak during the first citizen comment period may have the opportunity to speak during the second comment period, as provided herein. For complex or lengthy issues, and to stay within the 3 minute per speaker time limit guidelines specified herein, citizens are encouraged to submit written data, evidence, or comments for distribution to member of the Board, staff, and the public.
 - 2. Any citizens who have non-agenda inquiries at regular official County Commission meetings may be asked to prepare a Citizen Inquiry Form to gain all the necessary information. The matter will then be addressed by staff, and the County Coordinator or County Attorney shall report back to the Board of County Commissioners by written memorandum, by electronic mail, or verbally at a subsequent meeting of the Board.
 - 3. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Coordinator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.
 - 4. This procedure shall not be used if "appeal" mechanisms already exist to address the inquiry. Personnel issues should be addressed as provided in the County's Personnel Manual.
- C. *Input on a Matter Pending Before the Commission.* Unless waived by the Chairman or consent of the Commission, or otherwise provided herein, each person who addresses the Commission on an agenda item pending before the Commission shall complete a Citizen's Input Card and submit the card to the Clerk or to the Chairman.
- D. *Public Input at Workshops, Retreats and Forums.* Commission workshops, retreats and forums are established for in-depth discussion between members of the Commission. Speakers and other participants are at the invitation of the Commission only. Time allotted for public comments and citizen input germane to the topic of the workshops, retreats and forums shall be at the Commission's discretion or as provided in the agenda. No votes shall be taken at Workshops, Retreats, and Forums.
- E. *Discussion and Meeting Time Limits.* In order to insure the efficient conduct of Commission meetings and out of consideration for all attendees of such meetings, the Board establishes the following guidelines to limit the time a speaker is allowed to hold the floor and for the time allotted to a single discussion issue. Exceptions to these guidelines are provided for quasi-judicial proceedings or may be provided for any meeting by a majority vote of the Commission.
 - 1. Unless an exception is granted by the Chairman or by consent of the Commission, the primary presenter of an item on the agenda shall hold the floor for no more than ten (10) minutes, and no speaker shall hold the floor for more than three (3) minutes. No speaker shall speak more than once on an item. No speaker, other than a Board member, may yield the floor to another speaker.
 - 2. Except for workshops and public hearings, no single agenda item shall consume more than 30 minutes of a meeting unless an exception or extension is granted by a majority of the Commission. After 30 minutes, the Chairman shall close discussion and, if a vote is required, bring the agenda item to a vote. The Chairman may limit discussion time to less than three (3) minutes per speaker to accommodate large numbers of persons who want to speak.
 - 3. For public hearings, unless excepted as above, the time limit shall be one (1) hour, provided at least 30 minutes are included for public comments.
 - 4. For Commission workshops, retreats, and forums the time limits for the meeting and for each agenda time shall be determined as announced in the meeting agenda or adjusted at the beginning of the session by consent of the board.

5. Excluding workshops, retreats, and forums, and unless excepted as above, no meeting of the Commission shall extend more than three (3) hours past its start time.
6. During quasi-judicial proceedings all discussion and remarks shall be relevant and germane to the item or items which are the subject of the proceeding.

F. *Addressing the Commission.*

1. When (and only when) recognized by the Chairman, speakers should rise, proceed to the podium, and speak clearly in an easily heard voice. Speakers shall introduce themselves, giving the following information for the record:
 - (a) Name;
 - (b) Place of residence or business address;
 - (c) If requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
2. All remarks shall be addressed to the Commission as a body and not to any member thereof.
3. **The Chairman shall control the dialogue.** No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairman. No question may be asked except through the Chairman.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. Remarks should be germane and relevant to the question before the Commission.

G. *Decorum and Civility*

1. Participants in and attendees at County Commission meetings are expected to be respectful, courteous, civil, and orderly. No person or group shall, by speech or other non-decorous action, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. Non-decorous actions shall include cheering, clapping, booing, heckling, verbal outbursts, and private conversations during proceedings. No person shall refuse to obey the orders of the Chairman or the Commission. No person shall use a Commission meeting as a forum for personal attacks. Any person making irrelevant, impertinent, threatening, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred by the Chairman from making any additional comments during the meeting unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, the Chairman may recess the meeting, and the individual may be subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes, for failure to comply.
3. If any person or group becomes disruptive or interferes with the orderly business of the Commission, the Chairman may recess the meeting and may have the person or group removed from the Commission Chambers or other meeting room for the remainder of the meeting.

X. **Application of these Rules of Procedure**

Unless other rules apply, these rules shall govern all noticed meetings of the Board of County Commissioners and all county boards, commissions, committees and other bodies operating under the authority and jurisdiction of the Board of County Commissioners and to which the Florida open meeting laws (Section 286, F.S.) apply, including, but not limited to the Planning Commission and the Value Adjustment Board. For purposes of this rule, the term "Commission" or "Board" shall apply to all bodies referred to in this section.

¹ Adopted by resolution of the Jefferson County Board of County Commissioners June 18, 2009; amended August 5, 2010 and December 4, 2010.

HEAVY CONSTRUCTION EQUIPMENT ■ TRUCKS AND TRAILERS



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Day 1 – Monday, February 7, 2011
Motor Graders, Asphalt Rollers, Asphalt Pavers,
Asphalt Distributors, Compactors, Sweepers,
Brooms, Vacuum Trucks, Soil Stabilizers,
Roto Mills, Concrete Equipment, Misc.

Day 2 – Tuesday, February 8, 2011
Rubber Tired Loaders,
Rubber Tired Loader Backhoes,
Skid Steer Loaders, Attachments, Pumps, Misc.

Day 3 – Wednesday, February 9, 2011
Crawler Tractors, Crawler Loaders,
Dirt Compactors, Motor Scrapers,
Water Wagons, Off Highway Water Trucks,
Attachments, Generators, Electric Motors,
Power Units, Engines, Misc.

Day 4 – Thursday, February 10, 2011
Hydraulic Excavators, Attachments, Off Highway
End Dumps, Dumpers, Forklifts, Manlifts, Misc.

Day 5 – Friday, February 11, 2011
Rough Terrain Cranes, Truck Cranes,
Crawler Cranes, Pile Driving Equipment,
Marine Equipment, Crushing & Screening,
Boom Trucks, Bucket Trucks, Fuel & Lube Trucks,
Mechanics Trucks, Water Trucks, Misc.

Day 6 – Saturday, February 12, 2011
Farm Tractors & Implements, Mowers, Forestry,
Track Drills, Air Compressors, Welders,
Light Plants, Boring Equipment, Trenchers,
Digger Derricks, Flatbed Trucks, Automobiles,
Vans, Pickups, Mixer Trucks, Specialty Items,
Rollbacks, Garbage Trucks, Cab & Chassis,
Misc. Trucks, Buses, Misc.

Day 7 – Monday, February 14, 2011
Tri-Axle, Tandem & Single Axle Dump Trucks,
Flatbed Dump Trucks, Truck Tractors, Lowboy,
Dropdeck, Dump and Flatbed Trailers,
Misc. Trailers

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ENGAGEMENT AND CONTINGENCY FEE AGREEMENT

This AGREEMENT is made this _____ day of _____, 2010, by and between the _____ (“the Governmental Entity”) and the law firms of Weitz & Luxenberg, P.C., a New York professional corporation, Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A., a professional corporation located in Pensacola, Florida, and Hinkle & Foran, P.A., a professional corporation located in Tallahassee, Florida (collectively "Special Counsel").

EVENT CAUSING HARM:

On April 20, 2010, the *Deepwater Horizon* (a semi-submersible Mobile Offshore Drilling Unit) exploded in the Gulf of Mexico, resulting in the death of eleven persons and injury to many others. Over the ensuing four months, it is estimated that more than 200 million gallons of petroleum were released into the Gulf of Mexico.

HARM CAUSED:

As a result of the Deepwater Horizon Incident, commercial seafood harvesting in much of the Gulf of Mexico was federally forbidden, and petroleum products began washing ashore along and near the Florida seashore. As a result of these events, tourism within the area of the Governmental Entity was (and continue to be) significantly reduced; commercial entities and occupations of every kind have experienced (and continue to experience) large reductions in revenue; and the market value of real estate in the impacted areas have declined. Each of these damages, among many other forms of injury resulting from the Deepwater Horizon Incident, has caused (and continues to cause) loss of revenue to the Governmental Entity.

NEED FOR PRIVATE COUNSEL

The Governmental Entity intends to pursue a cause of action against all parties potentially responsible for the Deepwater Horizon Incident (“Defendants”) to recover damages sustained (and to be sustained) by the Governmental Entity ("Litigation"). However, the Litigation likely will entail numerous complex factual and legal issues, and require the expenditure of substantial human and financial resources, the Governmental Entity is not in a position to expend or risk. Because of the immense allocation of resources necessary to properly undertake and pursue the Litigation, the Governmental Entity seeks to limit its exposure in such Litigation by retaining the services of Special Counsel to assist the Governmental Entity.

SCOPE OF SERVICES/CASE HANDLING

Special Counsel are retained to provide legal services to the Governmental Entity for the purpose of seeking any and all damages that the Governmental Entity is entitled to recover from the Defendants as a result of the Litigation.

_____, as the chief legal officer for the Governmental Entity (“Government Counsel”), is charged with representing the Governmental Entity in legal proceedings with respect to which it has an interest and will retain final authority over all aspects of the Litigation, and Special Counsel shall report to and abide by the directions of Government Counsel.

As provided herein, Special Counsel is authorized to take all appropriate legal action to prosecute the Litigation and participate in settlement negotiations with approval of Government Counsel. Government Counsel will monitor, review and participate as counsel in the prosecution of all aspects of the Litigation. Special Counsel shall consult in advance with, and obtain the prior approval of, Government Counsel concerning all substantive matters related to the Litigation, including, but not limited to, the pleadings and dispositive motions, discovery and selection of consultants and experts.

Special Counsel shall provide Government Counsel with copies of all material correspondence, pleadings, and discovery requests and responses related to the Litigation.

Special Counsel shall communicate with the Governmental Entity departments through Government Counsel unless alternative arrangements are made in advance between Special Counsel and Government Counsel.

Special Counsel shall provide sufficient resources, including attorney time and capital for payment of expenses to prosecute the Litigation faithfully and with due diligence. Legal services under this Agreement shall be performed only by competent personnel under the supervision and in the employment of Special Counsel or retained by Special Counsel as consultants with the prior approval of Government Counsel.

Special Counsel agrees to maintain contemporaneous expense records. Special Counsel shall upon request submit expense records to Government Counsel setting forth all expenses incurred on behalf of the Governmental Entity in pursuing the Litigation.

CONTINGENT FEE

For such professional services, the Governmental Entity agrees to pay Special Counsel attorneys’ fees and costs incurred. The attorneys’ fees shall be a 20% contingency fee for resolution of any final settlement claim payments processed through the Gulf Coast Claims Facility (or similar administrative process); or for resolution of any compensation recovered through a legal proceeding filed in state and/or federal court (whether such recovery occurs as a result of settlement, judicial award and/or jury award).

All fees will be calculated on the total gross amount recovered before reduction of costs and expenditures.

In the event that a court-awarded fee is collected which exceeds the contingency fee percentages as set forth

above, the court-awarded fee shall apply in lieu of the above amounts.

This employment is upon a contingent fee basis and unless a recovery is made there will be no obligation by the Governmental Entity to pay attorneys' fees to Special Counsel.

COSTS

This employment is on a contingent basis and, unless a recovery is made, there will be no obligation by the Governmental Entity to pay costs incurred by Special Counsel. If a recovery is made, then the Governmental Entity will be responsible for all costs and expenses incurred in the handling of the Governmental Entity's case, in addition to the attorneys' fees noted above. However, the Governmental Entity's responsibility for paying costs shall not exceed the gross recovery amount.

Costs shall include, but not be limited to, cash and non-cash expenditures for filing fees; subpoenas; depositions; witness fees; in-house and outside investigation services; expert witness fees; Multi-District Litigation (MDL) assessments; Lexis/Nexis/Westlaw and other computer research and on-line service costs; photographs; in-house and outside photocopies; facsimiles; long-distance telephone calls; postage and federal express, UPS and other overnight service charges; mediation fees; travel costs; out-of-town hotel, food and transportation charges; inhouse and outside trial exhibits; in-house and outside multi-media services; and all other costs necessary for performance of legal services.

In addition to the above listed individual costs, Special Counsel also charges common benefit costs to the Governmental Entity in cases where Special Counsel represents multiple clients in similar litigation (such as this case involving the BP oil disaster). Common benefit costs are costs expended by Special Counsel for the common benefit of a group of clients. For example, if a deposition of a defendant expert witness is taken in one case, and this deposition can be used for and/or benefit the claims of many other clients, Special Counsel classifies these costs as common benefit costs. Similarly, if Special Counsel spends \$30,000 to hire an expert to reach an opinion on a topic affecting many clients, then instead of charging the entire \$30,000 to the first client who utilizes this expert, Special Counsel spreads the costs among all clients in the group. Thus, if Special Counsel has 1,000 clients being represented in similar litigation, each client is charged \$30 of the expert fee instead of the first client being charged \$30,000. By using this common benefit cost system, no one client has to solely bear the costs which actually benefit the group as a whole, and many of the most substantial costs of litigation can be shared equally by all. Common benefit costs include any and all costs which can benefit a group of clients. For example, to the extent charges benefit a group of clients, common benefit charges may include postage, faxes, telephone, copies, experts, investigation, computer research, transportation, and many of the costs incurred in actually trying one client's case before a jury.

All costs advanced on behalf of the Governmental Entity, whether individually and/or common benefit, shall bear interest at the prime rate as published by the Wall Street Journal until such time as the costs are paid by the Governmental Entity.

Unless a recovery is made there will be no obligation by the Governmental Entity to pay costs or interest incurred by Special Counsel.

NATURE OF RELATIONSHIP:

The Governmental Entity acknowledges that by this Agreement, Special Counsel are retained as attorneys and that neither Special Counsel nor their members or employees become officers or employees of the Governmental Entity. Special Counsel shall be deemed at all times to be independent contractors and shall be wholly responsible for the manner in which they perform the services required of them by the terms of this Agreement. Special Counsel shall be liable for any act or acts of their own, or their agents or employees, and nothing contained herein shall be construed as creating the relationship of employer and employee between the Governmental Entity and Special Counsel or their agents and employees.

ASSIGNMENT:

This Agreement may not be assigned by Special Counsel. Special Counsel are expressly employed because of their unique skills, ability and experience and therefore it is understood that no substitution or assignment may be made unless the Governmental expressly approves such substitution or assignment.

SUBCONTRACTING:

Special Counsel are prohibited from subcontracting this Agreement or services unless such subcontracting is agreed to in writing by the Governmental Entity. No party on the basis of this Agreement shall in any way contract on behalf of or in the name of the other party of this Agreement. Any violation of this provision shall confer no right on any party and shall be void.

CONFIDENTIALITY:

Special Counsel understand and agree that, in the performance of this Agreement, Special Counsel may have access to private or confidential information, which maybe owned or controlled by the Governmental Entity or any officer or employee thereof and that such information may contain proprietary or confidential details, whose disclosure to third parties may be damaging to the Governmental Entity or prohibited by law. Special Counsel agree that such information shall be held in confidence and used only in performance of the Agreement and shall not be furnished to others by Special Counsel except as authorized by the Governmental Entity or as required by law.

RETENTION OF CLIENT FILE

The Governmental Entity understands that Special Counsel will only retain the Governmental Entity's file for a period of six years after the case is completed. After the six-year period, the entire file will be discarded, and Special Counsel will not retain a copy of any portion of the file. Thus, it is the Governmental Entity's responsibility to seek the return of all original documents immediately after the case is completed, and to request a copy of any portions of the file the Governmental Entity wishes to retain. If the Governmental Entity waits more than six years to request the file, then no portion of the file will be in existence at that time.

FORUM AND CHOICE OF LAW:

Any actions arising out of this Agreement shall be governed by the laws of Florida.

MODIFICATION:

This Agreement shall not be modified, nor may compliance with its terms be waived, except by written instrument executed and approved by Special Counsel and the Governmental Entity (or its designee).

LEGAL CONSTRUCTION

In case any provision, or any portion of any provision, contained in this Agreement shall for any reason be held to be invalid, illegal and/or unenforceable in any respect, such invalidity, illegality and/or unenforceability shall not affect the validity and/or enforceability of any other provision or portion thereof, and this Agreement shall be construed as if such invalid, illegal and/or unenforceable provision or portion thereof was never contained herein.

ENTIRE AGREEMENT:

This contract sets forth the entire Agreement between the parties, and supersedes all other oral or written provisions.

RECEIPT OF DOCUMENTS

The undersigned Governmental Entity has, before signing this contract, received and read The Statement of Client's Rights and understands each of the rights set forth therein. The undersigned Governmental Entity has signed the statement and received a signed copy to refer to while being represented by Special Counsel.

Signed this _____ day of _____, 2010.

STATEMENT OF CLIENT'S RIGHTS

Before you, the prospective the Governmental Entity, arrange a contingency fee agreement with a lawyer, you should understand this statement of your rights as a client. This statement is not a part of the

actual contract between you and your lawyer but as a prospective client, you should be aware of these rights:

1. There is no legal requirement that a lawyer charge a client a set fee or a percentage of money recovered in a case. You, the client, have the right to talk with your lawyer about the proposed fee and to bargain about the rate or percentage as in any other contract. If you do not reach an agreement with one (1) lawyer, you may talk with other lawyers.
2. Any contingent fee contract must be in writing and you have three (3) business days to reconsider the contract. You may cancel the contract without any reason if you notify your lawyer in writing within three (3) business days of signing the contract. If you withdraw from the contract within the first three (3) business days you do not owe the lawyer a fee, although you may be responsible for the lawyer's actual costs during that time. If your lawyer begins to represent you, your lawyer may not withdraw from the case without giving you notice, delivering necessary papers to you, and allowing you time to employ another lawyer. Often, your lawyer must obtain court approval before withdrawing from a case. If you discharge your lawyer without good cause after the 3-day period, you may have to pay a fee for the work the lawyer has done.
3. Before hiring a lawyer, you the client have the right to know about the lawyer's education, training, and experience. If you ask, the lawyer should tell you specifically about the lawyer's actual experience dealing with cases similar to yours. If you ask, the lawyer should provide information about special training or knowledge and give you this information in writing if you request it.
4. Before signing a contingent fee contract with you, a lawyer must advise you whether the lawyer intends to handle your case alone or whether other lawyers will be helping with the case. If your lawyer intends to refer the case to other lawyers, the lawyer should tell you what kind of fee sharing arrangement will be made with the other lawyers. If lawyers from different Special Counsels will represent you, at least one lawyer from each Special Counsel must sign the contingent fee contract.
5. If your lawyer intends to refer your case to another lawyer, or counsel with other lawyers, your lawyer should tell you about that at the beginning. If your lawyer takes the case and later decides to refer it to another lawyer or to associate with other lawyers, you should sign a new contract that includes the new lawyers. You, the client, also have the right to consult with each lawyer working on your case and each lawyer is legally responsible to represent your interests. Also, The Florida Bar contends that each lawyer is legally responsible for the acts of the other lawyers involved in the case.
6. You, the client, have the right to know in advance how you will need to pay the expenses and the legal fees at the end of the case. If you pay a deposit in advance for costs, you may ask reasonable questions about how the money will be or has been spent and how much of it remains unspent. Your lawyer should give a reasonable estimate about future necessary costs. If your lawyer agrees to lend or advance you money to prepare or research the case, you have the right to know periodically how much money your lawyer has spent on your behalf. You also have the right to decide, after consulting with your lawyer, how much money is to be spent to prepare a case. If you pay the expenses, you have the right to decide how much to spend. Your lawyer should also inform you whether the fee will be based on the gross amount recovered or on the amount recovered minus the costs.

7. You, the client, have the right to be told by your lawyer about possible adverse consequences if you lose the case. Those adverse consequences might include money that you might have to pay to your lawyer for costs, and liability you might have for attorney's fees, costs, and expenses to the other side.

8. You, the client, have the right to receive and approve a closing statement at the end of the case before you pay any money. This statement must list all of the financial details of the entire case, including the amount recovered, all expenses, and a precise statement of your lawyer's fee. Until you approve the closing statement, you need not pay any money to anyone, including your lawyer. You also have the right to have every lawyer or Special Counsel working on your case sign this closing statement.

9. You, the client, have the right to ask your lawyer at reasonable intervals how the case is progressing and to have these questions answered to the best of your lawyer's ability.

10. You, the client, have the right to make the final decision regarding settlement of a case. Your lawyer must notify you of all offers of settlement before and after the trial. Offers during the trial must be immediately communicated and you should consult with your lawyer regarding whether to accept a settlement. However, you must make the final decision to accept or reject a settlement.

If at any time, you, the client, believe that your lawyer has charged an excessive or illegal fee, you, the client, have the right to report the matter to The Florida Bar, the agency that oversees the practice and behavior of all lawyers in Florida. For information on how to reach The Florida Bar, call 850-561-5600, or contact the local bar association. Any disagreement between you and your lawyer about a fee can be taken to court and you may wish to hire another lawyer to help you resolve this disagreement. Usually fee disputes must be handled in a separate lawsuit, unless your fee contract provides for arbitration. You can request, but may not require, that a provision for arbitration (under Chapter 682, Florida Statutes, or under the fee arbitration rule of the Rules Regulating The Florida Bar) be included in your fee contract.

APPROVED BY:

Jefferson County, Florida, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 8 - ANIMALS >> ARTICLE II. - DANGEROUS ANIMALS AND RABIES CONTROL >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

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| Sec. 8-21. - Definitions.

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

Abandon means to forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for a period of 24 or more consecutive hours.

Animal means any domesticated animal or any captive wild animal.

Animal services means the department designated by the board to retrieve and impound dangerous animals.

Animal services officer means any person employed or appointed by the county who is trained and certified to apprehend dangerous animals and assist in the investigation, on public or private property, of violations relating to animal services pursuant to this article.

Animal shelter means any facility designated by the county for the purpose of housing and caring for animals held under the authority of this article or state law.

At large means any animal which is off of the premises of the owner while not under the supervision of the owner.

Attack means the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or a person occurs.

Citation means a written notice issued to a person by a sheriff's department officer or a designee of the department which may be the animal services officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge.

County health officer means the county health department director or administrator.

Dangerous animal means any animal that:

- (1) When unprovoked, has bitten, attacked, endangered or inflicted severe injury on a human being on public or private property;
- (2) Has more than once injured or killed a domestic animal while off the owner's property;
- (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority; or
- (4) In the case of a dog, has been used primarily or in part for the purpose of dogfighting or is a dog trained for dogfighting.

Division means the animal services division.

Exposure to rabies means contact by any person or domestic or captive wild animal with the saliva, brain tissue or body fluids of a rabid animal or of an animal suspected to be rabid due to its apparent health or which is of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks or bobcats.

Feral animal means any wild cat or dog whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication. Healthy dogs without collars will not necessarily be considered feral.

Impoundment means the taking up and confining of an animal by animal services in a manner consistent with professionally recognized standards of humane treatment.

Owner means any person, organization, group of persons, or association, or, in the case of a person under 18 years of age, that person's legal parent or guardian that has a property right in an animal, keeps or harbors an animal, has an animal in their care or acts as a custodian of an animal for seven or more consecutive days, except for a temporary caretaker acting on behalf of the animal's owner, and excluding an animal shelter and every nonprofit animal welfare organization that operates an animal sheltering facility in the county.

Potential rabies carrier means any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks or bobcats.

Restraint. An animal is under restraint within the meaning of this article if it is:

- (1) Controlled by a competent person by means of a chain, leash or other like device;
- (2) Within a vehicle being driven or parked; or
- (3) Within a secure enclosure.

Secure enclosure means a facility, suitable building or fenced area that:

- (1) Will prevent an animal from coming in contact with another animal or person;
- (2) All entrances and exits can be securely locked;
- (3) Has a top and a concrete floor; and
- (4) Has been approved by an animal services officer.

(Ord. No. 05-04, §§ 1.3, 1.5, 5-15-2005)

Sec. 8-22. - Territorial applicability.

This article shall be effective throughout the unincorporated area of the county. The article shall further be effective in the incorporated area of any municipality in the county, which so consents by ordinance.

(Ord. No. 05-04, § 1.4, 5-15-2005)

Sec. 8-23. - Obstructing enforcement.

No person shall:

- (1) Refuse to surrender an animal upon lawful demand by any animal services officer or law enforcement officer.
- (2) Interfere with any animal services officer or law enforcement officer who is lawfully performing his duties.
- (3) Hold, hide or conceal any animal, which any animal services officer or law enforcement officer has deemed to be in violation of this article.
- (4) Take or attempt to take any animal from any animal services officer or from any law enforcement officer or from any vehicle used by him to transport animals in the legal performance of his duties.
- (5) Take or attempt to take any animal from an animal services shelter, a humane live trap or an animal carrier, without proper authority.
- (6) Refuse to provide information to any animal services officer or any law enforcement officer which is necessary to complete official documents, including, but not limited to, citations, bite reports, courtesy notices or warnings.

(Ord. No. 05-04, § 10.2, 5-15-2005)

| Sec. 8-24. - Animal bites generally.

- (a) *Unlawful conduct.* It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to allow that animal to bite a human being or animal.
- (b) *Preventive measures authorized.* If the animal services division determines that an animal has bitten a human being or animal, then the division shall have the authority to order the preventive measures authorized by section 8-25. The division shall have the authority to require the owner to notify the division if the animal escapes and the division shall have the authority to seize and impound the animal if the owner fails to comply with the provisions of this article.
- (c) *Waiver.* The animal services division director shall have the authority to waive any or all of the requirements set forth in this section if the director determines that the bite was inconsequential.

(Ord. No. 05-04, § 3.1.1, 5-15-2005)

| Sec. 8-25. - Preventive measures for confinement of animals.

- (a) *Circumstances requiring special measures.* When the animal services division deems that preventive measures are appropriate, the division shall have the authority to require the person owning or having possession, charge, custody or control of an animal to comply with specific preventive measures, as described in subsection (c) of this section, after taking into consideration the following circumstances:
 - (1) *Nature of the particular animal.* The behavior, size, temperament, breed, capacity for inflicting serious injury, the number of animals or other such similar factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation.
 - (2) *Adequacy of confinement.* The adequacy of the enclosure or confinement, if any.
 - (3) *Immediate surrounding area.* The likelihood that the conditions pertaining to the particular animal and the animal's confinement are detrimental to the safety or welfare of citizens or the peace and tranquility of citizens in the immediate surrounding area.
- (b) *Additional factors.* In considering whether to order a special preventive measure, the division is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventive measures, including, but not limited to, the following:
 - (1) *Child under 13 years of age.* There is a child under the age of 13 years who lives in close proximity to the animal or children walk by or are otherwise in close proximity to the property occupied by the animal.
 - (2) *Bite.* The animal has bitten a human being or domestic animal without provocation.
 - (3) *Dog trained for fighting or attack.* The dog is kept primarily or in part for the purpose of dogfighting or the dog has been trained for attack.
 - (4) *Attitude of attack incident.* The animal, without provocation, has approached a person or domestic animal in an apparent attitude of attack.
 - (5) *Reputation of animal.* The individual animal has a known propensity, reputation, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (c) *Authority to require measures.* If the animal services division determines that the circumstances require special preventive measures, the division shall have the authority to require appropriate, specific preventive measures which shall include, but are not limited to, the following:
 - (1) Requiring repairs deemed appropriate by the division to any fence or enclosure.
 - (2) Measures to ensure that a gate will remain closed.
 - (3) A fence or secure dog fence or any other similar device that would provide greater assurance for the confinement of the animal, all of which are subject to being specifically approved for their adequacy by the division. The division shall have the authority to establish the fencing and enclosure requirements on a case-by-case basis.
 - (4) When the division deems that preventive measures are appropriate, requiring the animal's owner or person having possession, charge, custody or control of the animal to install a microchip implant in the animal at the owner's or keeper's expense, if that is deemed necessary by the division for identification, investigative or enforcement purposes.
 - (5) The division shall have the authority to require the animal's owner or keeper to procure liability insurance in the amount of at least \$100,000.00 at the owner's or keeper's expense for the benefit of any person who suffers damages, injury or death caused by the animal and to display a sign on the premises warning of the animal on the premises, for as long as the animal remains in the county. The division shall have the authority to require the owner or keeper to provide written proof of the liability insurance and to require the owner or keeper to have the insurer notify the division of any change in the insurance coverage or policy.
 - (6)

The animal's owner or keeper shall have the duty to immediately notify the animal services division if the animal escapes.

- (7) The division shall have the authority to seize and impound the animal if the owner or keeper fails to comply with any provision of this section.
- (8) The animal services division shall have the authority to waive any or all of the requirements set forth in this section if the animal service officer determines that the incident is inconsequential.
- (d) *Written order.* In order to protect the public's safety and welfare, if the animal services division determines that specific preventive measures should be implemented by the animal's owner or keeper, the division shall promptly issue a written order directed to the owner or keeper, stating the reasons why preventive measures are required, describing the specific preventive measures that must be implemented and designating the time period during which the owner is to comply with the written order. The division shall have the authority to exercise discretion in providing for extensions of time for the owner's or keeper's compliance if the division deems an extension to be reasonable in view of the owner's or keeper's good-faith progress in implementing the preventive measures.
- (e) *Failure to comply with written order.* It shall be unlawful for the animal's owner or keeper to fail to comply with a written order from the division within the designated time for compliance stated in the order or any extension thereof. In addition to the penalties set forth in section 8-62, the penalty for a failure to comply with the written order shall be \$100.00.
- (f) *Seizure and disposition of animal.* In addition to any other authority or procedure authorized by this article or any other ordinance or law to seize an animal, the animal services division shall have the authority to summarily seize any animal from a premises when the division determines that the animal in the surrounding circumstances is dangerous or detrimental to the public safety or public health and to seize an animal at any other time when so authorized by this article. The written order shall explicitly state that the animal services division has the authority to terminate ownership rights to the animal, including the possible humane destruction of the animal, if there is a failure to comply with the written order. If the animal services division presents an animal's owner or keeper with a written order or a court order to seize the animal, it shall be unlawful for the owner or keeper to fail to comply with the order or to interfere with the animal services officer. The animal's owner or keeper shall be entitled to redeem the animal from the animal services division within five days of the date of the animal's seizure (unless the division retains the animal upon some other basis of legal authority) by paying all applicable fees, citation fees, boarding fees, any other costs that are attributable to the animal and by complying with any outstanding division order and court order. If an animal's owner or keeper fails to comply with the requirements that constituted the basis for seizing the animal or fails to reclaim the animal within five days of its seizure, the animal services division shall have the authority to humanely destroy the animal or place the animal for adoption by the public, all in accordance with this article.

(Ord. No. 05-04, § 3.2, 5-15-2005)

Sec. 8-26. - Rabies control.

- (a) *Animal bites.*
 - (1) When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with F.A.C. ch. 64D-3.
 - (2) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies to report the incident immediately to any law enforcement officer, the county or the county health department for examination or for the supervised quarantine of the animal at the expense of the owner.
 - (3) Any cat or dog, which has bitten or exposed a human to the potential transmission of rabies, shall be quarantined for a period of not less than ten days.
 - (4) The procedures for the investigation of animal bites inflicted by animals other than dogs and cats shall be followed in accordance with the provisions set forth in F.A.C. ch. 64D-3.
 - (5) The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to the possible transmission of rabies shall be established by the county health officer.
 - (6) It shall be unlawful for any person to hide, conceal or refuse to surrender any animal for examination or quarantine upon lawful demand to do so by animal services, any law enforcement officer or the county health department.
 - (7) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies such as, but not limited to, raccoons, foxes, skunks, bats or bobcats shall immediately report such exposure to the division, any law enforcement officer or the county health department.
- (b) *Rabies vaccination for dogs and cats required.*

- (1) *Frequency; exception.* Every dog and cat four months of age or older shall be vaccinated annually against rabies with a U.S. government-approved vaccine. Such vaccination is excused for bona fide racing greyhound kennels or if a licensed veterinarian certifies in writing that a vaccination would be injurious to the dog's or cat's health. In either case, the dog or cat shall be confined in an enclosed building or kennel.
- (2) *Proof of vaccination; tags.* Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag issued for one dog or cat shall be not valid for any other dog or cat. Rabies vaccinations by licensed veterinarians outside of the county shall be recognized as current rabies vaccinations in the county.
- (3) *Display of proof.* It is unlawful for the owner of a dog or cat to refuse to show proof of current vaccination of such dog or cat by the end of the next business day if such information is requested by animal services, any law enforcement officer or the county health department.
- (4) *Rabies information.* For rabies investigations, any veterinarian administering a rabies vaccination to a dog or cat within the county shall furnish the information contained therein to animal services or to the county health department upon request.

(Ord. No. 05-04, § 4, 5-15-2005)

| **Secs. 8-27—8-55.** - Reserved.