



AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

October 10, 2013
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. OLF8 (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)
(Craig Dalton/Scott Luth - 30 min)
 - A. Board Discussion
 - B. Board Direction
4. First Transit and Escambia County Area Transit Employees (REFERRED FROM THE JULY 18, 2013, COMMITTEE OF THE WHOLE WORKSHOP)
(Larry Newsom/Tom Turner/Amy Lovoy - 45 min)
 - A. Board Discussion
 - B. Board Direction
5. Pensacola Bay Center
(Cyndee Pennington - 20 min)
 - A. Board Discussion
 - B. Board Direction
6. Small Business Enterprises
(Alison Rogers - 30 min)
 - A. Board Discussion
 - B. Board Direction

7. Code Enforcement Officers Carrying Concealed Weapons
(Commissioner Gene M. Valentino/Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction
8. GRS Bridge Construction by Public Works
(Wes Moreno/Kirk Kassebaum - 10 min)
 - A. Board Discussion
 - B. Board Direction
9. GPS Testing by Public Works
(Wes Moreno/Terry Gray - 10 min)
 - A. Board Discussion
 - B. Board Direction
10. County Road 95A Truck Prohibition
(Commissioner Steven L. Barry/Alison Rogers/Larry Newsom - 15 min)
 - A. Board Discussion
 - B. Board Direction
11. Recycling Update (REFERRED FROM THE OCTOBER 3, 2013, AGENDA REVIEW – NO BACKUP PROVIDED - INFORMATION REPORT ONLY)
(Pat Johnson - 15 min)
 - A. Board Discussion
 - B. Board Direction
12. Adjourn

Committee of the Whole

3.

Meeting Date: 10/10/2013

Issue: OLF8

From: George Touart, Interim County Administrator

Information

Recommendation:

OLF8 (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

(Craig Dalton/Scott Luth - 30 min)

A. Board Discussion

B. Board Direction

Committee of the Whole

4.

Meeting Date: 10/10/2013

Issue: First Transit and Escambia County Area Transit Employees

From: Larry Newsom, Assistant County Administrator

Information

Recommendation:

First Transit and Escambia County Area Transit Employees (REFERRED FROM THE JULY 18, 2013, COMMITTEE OF THE WHOLE WORKSHOP)

(Larry Newsom/Tom Turner/Amy Lovoy - 45 min)

A. Board Discussion

B. Board Direction

Attachments

ECAT Presentation

ECAT Presentation Additional Information

ECAT

Escambia County Area Transit
First Transit Management

Information Report
October 10, 2013

FIRST TRANSIT CONTRACT

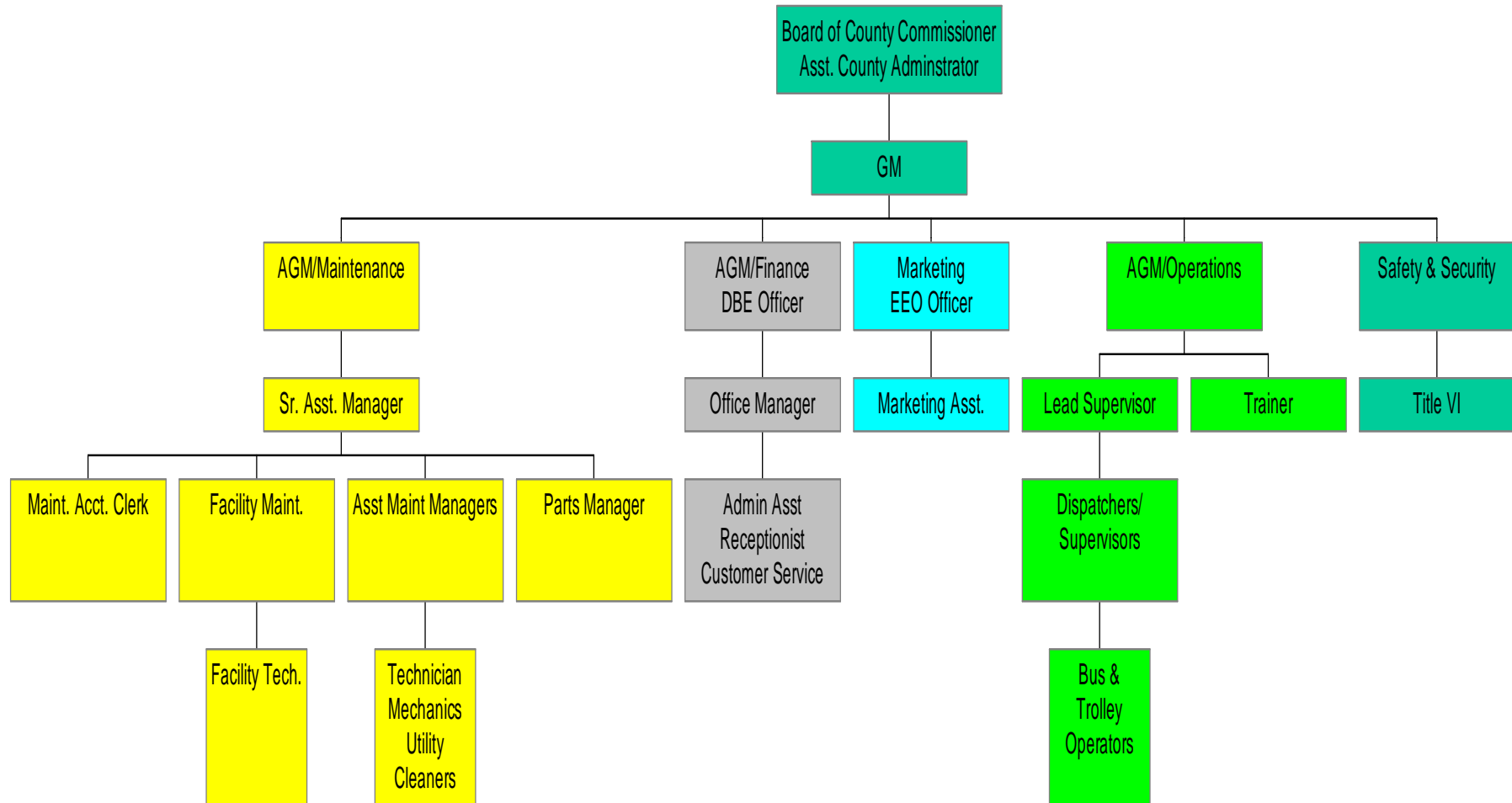
4.9 Personnel.

a. All ECAT employees shall be the sole and exclusive employees or agents of Management Company and shall be paid by Management Company. Management Company shall set the number, function, qualifications, compensation and benefits of such employees and shall pay applicable social security, unemployment, workers' compensation, or other employment taxes or contributions to insurance plans.

4.10 Maintenance. Management Company shall be responsible for maintenance of ECAT vehicles and any other equipment incident to the operation of the transit system. Equipment shall be maintained in good working order per the manufacturer's specifications and shall perform all necessary preventative maintenance to ensure full validation of the manufacturer's warranty.

Escambia County Area Transit (ECAT)

First Transit
August 16, 2013



ECAT STRUCTURE

ESCAMBIA COUNTY AREA TRANSIT

- **MANAGEMENT TEAM – 3 (FIRST TRANSIT)**
- **MIDDLE MANAGEMENT – 21 (Non-ATU)**
- **ECAT EMPLOYEES – 89 (ATU)**

FIRST TRANSIT (FT)

MANAGEMENT

Number of Employees: 3

ATV/VEOLIA 2011

FIRST TRANSIT 2013

Difference: \$57,685.00

CONTRACTS

\$450,685.00

\$393,000.00

FIRST TRANSIT MANAGEMENT

MANAGEMENT

Number of Employees: 3
Contract Amount FY12-13
\$393,000.00
Contract Amount FY 14
\$400,860.00
Contract Amount FY 15
\$408,876.00
Contract Amount FY 16
\$417,048.00

POSITIONS

- **GENERAL MANAGER**
- **FINANCE DBE OFFICER**
- **MAINTENANCE**

TRANSIT MIDDLE MANAGEMENT

NON ATU

Number of Employees: 21

Rule 13(C) Applies

No Step Program

POSITIONS

Assistance Managers

Facilities Maintenance

Parts Manager

Office Managers

Operations

Marketing

Administration Assistant

Dispatchers

Safety and Security

Trainer

ECAT DRIVER CONTRACT CDL REQUIRED

DRIVER/ATU
CONTRACT

AUTOMATIC STEP

RATE PER HOUR

- | | |
|-----------------------|-------------------|
| • 1-90 DAYS | • \$ 10.70 |
| • 91-24 MONTHS | • \$ 12.35 |
| • 24-36 MONTHS | • \$ 13.99 |
| • 36 MONTHS + | • \$ 16.47 |

FINANICAL SUMMARY (Today)

GROUP

TOTAL

Management

\$ 355,718.00

Middle Management/ATU

\$5,272,855.42

FINANICAL SUMMARY (COUNTY DBM APPLIED)

GROUP

TOTAL

Management

\$320,238.30

Middle Management/ATU

\$4,690,474.45

ATU/ECAT (RULE 13{C})

DEFINITION: Any and all benefits including but not limited to health Insurance, leave, discipline, existing retirement (401K), etc. must transfer as per the existing contract between the ATU and First Transit.

(See Backup - *Memo from County Attorney's Office*)

FINANCIAL SUMMARY (RULE 13{C})

GROUP

TOTAL

Middle Management/ATU	\$5,523,238.90
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ECAT/COUNTY CDL 3 year COMPARISON

ECAT DRIVERS

Drivers

- 3 Years = \$ 16.47

EQUIPMENT OPERATORS(LOADED)

- EO II Adjusted (Cost)
 - \$ 303,935.16
- EO III Adjusted (Cost)
 - **\$ 116,390.30**

AREAS - PER CAPITA COMPARISON (3 Year Annual Top Wage)

<u>ACTUAL PAY</u>		<u>PER CAPITA</u>
• Pensacola, FL	\$34,257.60	• \$30,556.00
• Central, Virginia	\$33,280.00	• \$33,040.00
• Ashville, NC	\$34,881.60	• \$26,664.00
• Spartanburg, SC	\$29,910.40	• \$21,304.00
• Durham, NC	\$41,412.80	• \$27,156.00
• Jackson, TN	\$33,987.20	• \$21,848.00

TECHNICIAN COMPARISON

	<u>ECAT/ATU</u>	<u>COUNTY</u>
TECH (Lowest)	\$ 17.45	\$ 14.54
TECH (Highest)	\$ 20.22	\$ 17.96

COUNTY EMPLOYEES ANNUAL AVERAGE

*** NO STEP RAISES WITHIN 3 YEARS (Average)**

<u>ECAT Drivers</u>	<u>\$34,257</u>
Firefighters	\$29,231
EMT	\$26,479
Paramedic	\$30,825
Maintenance Worker	\$22,277
Maintenance Tech.	\$23,400
Mosquito Control	\$23,400 (ATU)
Senior Kennel Tech.	\$29,848
Animal Control	\$25,979

COUNTY EMPLOYEES ANNUAL AVERAGE

*** NO STEP RAISES (Average)**

<u>ECAT Drivers</u>	<u>\$34,257</u>
Equipment Operator II	\$25,979 (ATU)
Equipment Operator III	\$30,243 (ATU)
Correction Officer	\$34,590 (PBA)
Fleet Maintenance Worker	\$23,845 (ATU)
Fleet Maintenance Tech.	\$38,448 (ATU)
Code Enforcement Officer	\$25,979
Fire Inspector	\$25,979

COUNTY EMPLOYEES ANNUAL AVERAGE

*** NO STEP RAISES WITHIN 3 YEARS (Average)**

<u>ECAT Drivers</u>	<u>\$34,257</u>
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[NOTE] 349 (3 Year) County Employees Less than ECAT Drivers

PRESENTATION SUMMARY

- First Transit as a management company accepts liability for drivers and staff.
- 75% of existing ECAT employees participate with the existing 401K program.
- Transfer will expect more employees to join ATU adding additional cost.
- ECAT employees will receive a 0 - 3% reduction of “take home” pay for FRS.

PRESENTATION SUMMARY

First Transit incorporates assistance for a corporate office without additional cost to the County:

- ✓ Legal Services
- ✓ Corporate Buying Power for buses and parts
- ✓ State and FTA Grant Applications, monitoring, and reporting
- ✓ Transit Training Cost
- ✓ Financial and Human Resource Support
- ✓ Etc.

Transfer of Management

Savings: \$ 35,479.70

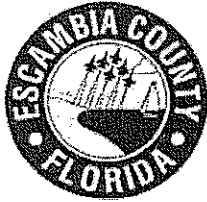
Transfer of ECAT/ATU:

Applied DBM: Savings	\$ 582,380.97
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Applied Rule13(c): Cost	\$ 250,383.48
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Adjustment for County Employees:

“If Applied” Cost: \$ 796,948.35



**ESCAMBIA
COUNTY**

INTER-OFFICE MEMORANDUM

TO: Tom Turner, Director, Human Resources
FROM: Charles V. Peppler, Deputy County Attorney *CM*
DATE: September 23, 2013
RE: Contemplated Acquisition of ECAT

You have asked this office to determine whether compliance with §13(c) (49 U.S.C. §5333b) would contribute substantially to the costs of acquiring ECAT. Section 13(c) arose from the Urban Mass Transit Act of 1964 (UMTA) in which Congress sought to inject federal funding to rejuvenate urban mass transit systems. However, Congress did not want federal funding to result in a worsening of position nor displacement of private transit employees. Section 13(c) provides that in order for a local government such as Escambia County to be eligible for federal funds under the UMTA, the County must enter into employee protection arrangements with all transit employees in the service area covered by the transit system. These agreements are called §13(c) agreements. The §13(c) agreement must address six elements as mandated by Congress:

- ♦ Continuation of collective bargaining rights;
- ♦ Preservation of rights and privileges and benefits under the existing collective bargaining agreement;
- ♦ Protection against worsening of mass transit employees' positions;
- ♦ Assurances of employment;
- ♦ Assurances of priority of re-employment who are laid off or terminated; and
- ♦ Paid training or re-training programs.

Although the Department of Transportation funds projects related to urban mass transit, the Secretary of Labor reviews §13(c) agreements to determine if there are fair and equitable and whether they address each of the statutory elements set forth above. The Secretary must certify that the §13(c) agreement is fair and equitable in order for a local government to obtain federal funds under UMTA.

If the County does not plan on applying for federal grants under UMTA, then no §13(c) agreement is necessary. The Department of Labor has promulgated Guides to implement §13(c) protection agreements. The model agreement in the Guides provides for payments to employees laid off or dismissed because of the project funded by UMTA funds. An eligible employee could receive 1/12 of his salary per month for up to six years depending on the length of service or he could accept a lump sum payment, again, the amount of the lump sum would depend on length of service. The displaced

employee would be given travel and moving expenses, if he is required to move because of the project, as well as compensation for loss of fair market value, if the employee must sell his or her home. Furthermore, during the protective period, depending on the length of service, the dismissed employee would have rights of priority for re-employment. The Guides also provide for objections to be filed by the union or the employer to the denial or grant of the certification of the §13(c) agreement by the Secretary of Labor.

Interestingly enough, §13(c) agreements are enforceable in state court and are governed by state contract law. As noted by one federal district court, §13(c) agreements strike a balance between state law governance of labor relations, but conditions federal aid on the continuation of collective bargaining agreements and rights. Collective bargaining rights are generally defined as good faith bargaining to the point of impasse, if necessary, over wages, hours, and other terms and conditions of employment. Through a §13(c) agreement the substantive provisions of the underlying collective bargaining agreement need not change. Furthermore, PERC, the Florida Public Employee Relations Commission, can continue to be a neutral fact finding body in the event of charges of unfair labor practices or other issues concerning existing collective bargaining agreements.

This office's research has uncovered a few questions which may require retaining special counsel with expertise in §13(c) agreements as follows:

- ♦ Even if Escambia County does not use UMTA funds to acquire or purchase ECAT, does § 13(c) still apply if ECAT is receiving federal grant monies under UMTA on a continuing basis?
- ♦ Escambia County has its own policies for payment of wages and benefits for heavy equipment operators. ECAT bus drivers are paid a higher wage than the highest paid County heavy equipment operator. If ECAT bus drivers wages are reduced to be consistent with Escambia's policies, are not ECAT bus drivers' positions being worsened because of Escambia County's pre-existing wage policy, rather than UMTA funding?
- ♦ Does Pensacola Bay Transportation Company employees come within the protections of §13(c)? Congress requires all mass transit employees in a geographic area affected by the federal project to be covered by the §13(c) agreement. Would Pensacola Bay Transportation Company employees come within the definition of an urban mass transit employee?

CVP/el

**Cost to Bring Selected County Positions to Parity
with ECAT Drivers of Greater than 3 years of Service**

EO II	\$303,935.16
EO III	116,390.30
EMT/Paramedics	196,327.27
Fleet Maintenance Technicians	43,669.17
Firefighter	136,626.44
Total	<u>\$796,948.35</u>

First Transit Corporate Support Benefits –

- Financial controls monitoring and auditing
- Federal regulations compliance monitoring and audit support, i.e. triennial review
- Legal support is included in our fees for labor negotiations and various litigation
- Third party workers compensation and liability claims management
- HR backend support for unemployment claims, FMLA management and insuring the location is compliant with up to date HR laws
- National purchasing agreements are in place to get the best pricing on parts and supplies needed in maintenance
- We operate 11,200 vehicles nationally with 16,000 transit professionals transporting over 317 million passengers per year which gives us a lot of resources to support ECAT
- The local management team assigned to ECAT has over 40 years of transit experience
- We have a World Class safety program for the operation
- Payroll functions, employee setup, ADP, all payroll ledger entries, pay rates, garnishment management
- Finance, all accounts payable and receivable processing, budgeting, forecasting and reconciliation reviewing
- Review cash handling, I-9's, personnel files, vehicle inspection reports
- Safety compliance monitoring of FTA regulations and FDOT regulations
- Supply internal IT programs, Datastream for maintenance parts management/billing
- 60 day payment terms for vendors



January 17, 2012

Frank Tobey
First Transit, Inc.
1425 Poole Road
Moscow, TN 38057
Tel 901-409-8730

Joe Pillitary Jr. CPPB, CPPO
Board of County Commissioners
Office of Purchasing
Matt Langley Bell III Building
213 Palafox Place, Room 11.407B
Pensacola, FL 32502

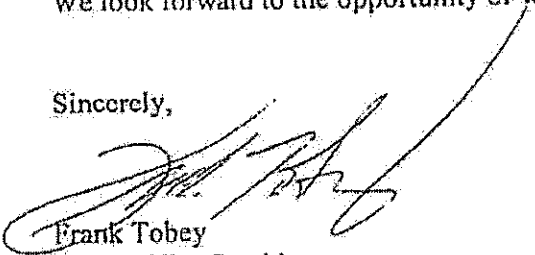
Dear Mr. Pillitary,

This letter is to confirm our Best and Final Offer to provide Transit Management Service for Escambia County.

Year 1 \$393,000	Monthly \$32,750
Year 2 \$393,000	Monthly \$32,750
Year 3 \$400,860	Monthly \$33,405
Year 4 \$408,876	Monthly \$34,073
Year 5 \$417,048	Monthly \$34,754

We look forward to the opportunity of working with you and Escambia County.

Sincerely,


Frank Tobey
Region Vice President
First Transit, Inc.



A FirstGroup America Company

ATC

July 6, 2004

ECAT Management Services

Escambia County RFQ Specification # PD 03-04.36

Management Fee Proposal

Alternative 2

Program	Current	FY2005	FY2006	FY2007	FY2008	FY2009
Mass Transit	\$307,900	326,595	339,624	353,365	365,000	379,623
Fleet Maintenance	<u>41,200</u>	<u>41,200</u>	<u>41,200</u>	<u>41,200</u>	<u>41,200</u>	<u>41,200</u>
Total	\$349,100	367,795	380,824	394,565	406,200	420,823

Option Years 6 & 7 Fees follow:

Program	FY2010	FY2011
Mass Transit	\$392,151	409,485
Fleet Maintenance	<u>41,200</u>	<u>41,200</u>
Total	\$433,351	450,685

Committee of the Whole

5.

Meeting Date: 10/10/2013

Issue: Pensacola Bay Center

From: Amy Lovoy, Department Head

Information

Recommendation:

Pensacola Bay Center

(Cyndee Pennington - 20 min)

A. Board Discussion

B. Board Direction

Attachments

Pensacola Bay Center Presentation



PENSACOLA BAY CENTER

PROVIDING A PLAN FORWARD

INVESTING IN THE FUTURE:

Pensacola Bay Center has performed well over the past ten years, however improvements are needed now in order to continue to create economic vitality in the region and to keep the facility competitive going forward. The investment will be used to enhance the guest experience, to replace aging equipment and update life safety features while continuing to remain in compliance with updated standards (see attached Appendix for full detailed listing). SMG is prepared to participate with the community by investing up to \$1M toward the \$5.25M project with the remainder funded by Escambia County to complete work in the following categories:

<u>CATEGORY</u>	<u>EST. COST</u>
Life safety	\$899,560
Building systems upgrades/replacements	\$1,023,580
Hockey	\$73,194
Hockey Enhancements	\$200,000
Equipment	\$215,565
Enhancements	\$2,685,953
Master plan	\$150,000
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Total Phase 1	\$5,247,852

All projects will be bid through the Escambia County Purchasing Department to assure the best pricing and greatest value. SMG will bring its experience and internal resources to the process by setting forth the appropriate specifications for the project.

PATH FORWARD

SMG values its relationship with Escambia County and wants to be helpful in finding a comprehensive solution that is best for the community. As such, we propose a possible 'path forward' for your consideration that includes the following general elements:

- SMG is prepared to provide a capital contribution of \$1.0 million to Escambia County which could be used to fund needed capital enhancements and replacement in the arena.
- SMG will assist in developing a long-range master plan for possible future development of a Convention and Conference Center for the County, which is likely to be needed before any public and private investment can be secured.

SMG has a significant depth of resources throughout its network of facilities, both on the arena and convention center side of the business, and is prepared to commit those resources to assist from project conception through implementation.



PHASE 1 OF RENOVATIONS

LIFE SAFETY

Retractable Seating	\$195,000
Exterior Doors	\$385,000
Parking Lot - Resurfacing	\$218,000
Ecoglow for Steps	\$76,000
Traction Coating - Arena Steps	\$25,560

TOTAL \$899,560

BUILDING SYSTEMS UPGRADE / REPLACEMENTS

New Generator	\$127,969
Interior Upgrades to Venue (walls/rails/ADA Improvements)	\$213,985
Kitchen Equipment and Upgrade	\$100,570
Venue Lighting (Interior)	\$425,000
Show Power Upgrade	\$8,500
HVAC Controls	\$8,975
Boilers Replacement (2)	\$81,660
Event Curtain Replacement	\$56,921

TOTAL \$1,023,580

HOCKEY

Corner Ramps (Ice Rink)	\$10,740
Hockey Mats	\$24,454
Zamboni	\$38,000

TOTAL \$73,194

HOCKEY ENHANCEMENTS

Ice Pro	\$190,000
Ice Painting Equipment	\$10,000

TOTAL \$200,000

EQUIPMENT

Box Truck	\$39,892
Ice Machines Replacement	\$38,373
Rolling Stage (40' x 60')	\$86,024
Fork Lift	\$30,000
Scissor Lift	\$21,276

TOTAL \$215,565

ENHANCEMENTS

Acoustic Walls - Arena (Labor cost estimated from 600k - 800k)	\$967,030
Sound Upgrade - Arena	\$500,000
Restrooms - FOH/BOH	\$752,799
Truss System/Lighting/Motors	\$120,711
Roll Up Security Door	\$8,500
Fencing	\$76,510
Concession Stand Upgrade with ADA Improvements	\$218,150
Sound System Replacement - Meeting Rooms	\$17,000
Concrete Polishing - Back of House	\$25,253

TOTAL \$2,685,953

MASTER PLAN

Feasibility, architectural services	\$150,000
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TOTAL \$150,000

GRAND TOTAL \$5,247,852

Life Safety

Retractable Seating

- Replace 11 sections with motor controlled equipment, 372 seats – Approximately \$17,700 per section

Exterior Doors

- 134 Doors at approximately \$2800 per door

Parking Lot – Resurfacing

- 1.5" asphalt, re-stripe West and East lots

Eco Glow for Steps

- Illumination strips on 1572 steps - approximately \$48 per step

Traction Coating – Arena Steps

- Clean and remove existing coating - Apply new non-skid material on 1572 steps at \$16.26 per step

Building Infrastructure/Systems Upgrade

New Generator

- 350KW, 600 amp transfer switch

Interior Upgrades to Arena (walls/rails/ADA)

- Prep and paint interior walls and rails. Adjust railings inside arena to be ADA-friendly.

Kitchen Equipment & Upgrade

- Commercial grade kitchen equipment to include dishwasher, walk-in cooler, prep stations and fryer

Venue Lighting (Interior)

- Retrofit all tubes/bulbs with energy saving lighting - Save \$1.75 million dollars over 10 year period

Show Power Upgrade

- Retrofit current connections with CAM-Type receptacles

HVAC Controls

- Upgrade to web-based controller that allows a more efficient operation & reduce energy consumption

Boilers Replacement (two)

- Replace existing boilers including new burners

Event Curtain

- 20 custom panels - 55 feet high by 25 feet wide with grommets at \$2846 per panel

Hockey

Corner Ramps (Ice Rink)

- Transitions for the public access points from the ground floor, over the ice dam and onto the ice pro covering

Hockey Mats

- 3000 square feet with 3/8 recycled rubber flooring - \$8.15 per square foot

Zamboni

- Purchase of 1999 used Zamboni with 1000 hours for \$25K and to replace the carriage deck for existing Zamboni
-

Equipment

Box Truck

- 12 foot box truck used for off-site catering

Ice Machines Replacement

- Replacement of 7 ice machines

Rolling Stage

- Includes deck, guardrail, stairs and bases

Fork Lift

- Fork Lift greater than a 5000lb capacity

Scissor Lift

- 32 foot lift

Enhancements

Acoustic Walls - Arena

- Replacement of 825 panels - 33,000 square feet - \$1172 per panel

Sound Upgrade – Arena

- Replace existing sound system in area - to include amps, speakers and control board

Restrooms (Front/Back of House)

- Upgrade all finishes to include partitions, toilets, urinals, sinks, flush valves, mirrors, wall, floors

Truss System & Lighting

- 400' box truss, 40 LED lights, 12 motors, 1 controller

Roll Up Security Door

- Replace overhead security door on first level to better secure the facility

Fencing

- To replace existing 2500 feet with aluminum fencing with gates at \$30.60 per foot

Concession Stand Upgrade

- Includes equipment, digital menu boards, concession re-facing, cash registers & ADA friendly

Sound – Meeting Rooms

- Replace existing amps, mixer and speakers

Concrete Polishing – Back of House

- Includes back of house hallways, locker rooms and green rooms - 5900 square feet - \$4.28 per square foot

Hockey Enhancements

Ice Pro

- 1700 square feet of ice flooring system (covers the ice for non-ice related events) - \$111.76 per square foot

Ice Painting Equipment

- 250 - gallon calibrated tank, with propane and paint application equipment

Master Plan

- SMG will lead a comprehensive feasibility analysis to determine whether the conference and convention center is a viable long-term option for the County.
- Subject to the County's discretion, the conference and convention center study could be funded out of a portion of SMG's \$1.0 million capital contribution.
- SMG will assist in developing a long-range master plan for future development in that area, which is likely to be needed before any public and private investment can be secured.

Committee of the Whole

6.

Meeting Date: 10/10/2013

Issue: Small Business Enterprises

From: Alison Rogers, County Attorney

Information

Recommendation:

Small Business Enterprises

(Alison Rogers - 30 min)

A. Board Discussion

B. Board Direction

Attachments

Commissioner Barry's Bullet Points and Small Business Self Certification

Summary

Alachua County Administrative Code

Ordinance 1 Draft

Ordinance 2 Draft

Thoughts

- Establish a % goal for departmental spending on non formal, contractual, written, or verbal bids and purchases
- Additional bid match preference on formal/piggyback bids and purchases
- Opportunity to identify current distribution of dollars
- Additional points on scoring RLI professional services
- Exclusive pool of small task order PO's (up to 20k ?)
- As more small businesses grow familiar with the process of working with a municipality, they possibly grow their business by the city, state, and federal opportunities available locally
- This will be a good precursor to possible disparity study and a more formal and defined minority program (ethnicity/gender/small-disadvantaged/veteran, etc)
- Acknowledges 80% of new jobs will be created from the businesses already here (along with our local vendor preference)

SMALL BUSINESS SELF CERTIFICATION

NAME OF BUSINESS: _____

VENDOR NUMBER (MUST BE ESTABLISHED AS A VENDOR TO PARTICIPATE): _____

MAILING ADDRESS OF BUSINESS:

PHYSICAL ADDRESS OF BUSINESS (IF MAILING IS PO BOX):

PHONE: _____ FAX: _____ EMAIL: _____

NAME OF OWNER/NAMES OF OWNERS: _____

NUMBER OF EMPLOYEES (INCLUDING FULL, PART TIME, LEASED): _____ (MUST BE LESS THAN 25)

Documents to include:

- 1) **Financial Statement: Notarized financial statement (such as a balance sheet) for the business and each of the owners dated within the last twelve months. (Business and all owners must have aggregate net worth of 1 million dollars or less to be eligible)**
- 2) **Most current tax form for business (1040 schedule C, or 1120S, or equivalent)**
- 3) **Most recent State of Florida annual report indicating business has been established more than one year, if applicable. If sole proprietor, then one previous tax year 1040 schedule C.**

I attest the information contained in this application, as well as submitted documents, is true, accurate and includes all the information requested to identify the ownership, control, and financial position of both the submitting business and each of the owners.

_____ OWNER _____ DATE

_____ OWNER _____ DATE

Small Business Enterprise Programs

I Certification Requirements-

Location of fixed office or distribution point
Serve a commercially useful business function
Number of full-time employees
Net worth

II Annual Program Goal-

Minimum expenditure of total procurement funds.

III Program Incentives-

SBEs:

Reservation of contracts (set asides) for SBEs
Bidding Preference/ RFP evaluation preference for SBEs
SBE Assistance Program
SBE Advisory Board

Contractors:

Reservation of contracts (set asides) for contractors who meet SBE participation goals
Bidding preferences for contractors who meet SBE participation goals
RFP evaluation preferences for contractors who meet SBE participation goals
Must demonstrate good faith effort to utilize SBEs as prequalification for bid/proposal

IV Administrative Procedures

Certification/recertification/decertification review and oversight
Evaluation and reporting of annual goal attainment
Maintain central list of certified SBEs
Determine which contracts may be reserved
Award preferences
Evaluate documentation of contractor's efforts to utilize SBEs
Implement SBE assistance program

V Select Programs

Alachua County--

Certification: SBE must be performing a useful business function, located in the SBE zone, have 25 or fewer FT employees, and a net worth not to exceed \$1,000,000.

Incentives:

Reservation of contracts

Bidding/RFP evaluation preferences

Contractors must demonstrate good faith effort to utilize SBEs

SBE Assistance Program

Broward County—

Certification: SBE must be performing a useful business function, have a continuous operating presence in the County, have 25 or fewer FT employees, and average annual gross revenue less than \$1,000,000/ personal net worth not to exceed \$750,000.

Annual Goal: at least 25% participation by SBEs for the total expenditure of procurement funds.

Incentives:

Reservation of contracts (all contracts under \$250,000 and as otherwise determined)

Contractors must demonstrate good faith effort to utilize SBEs

Miami Dade County—

Certification: SBE must be performing a commercially useful business function, have an actual place of business located in the County, a three year average gross revenue less than \$5,000,000 OR mfg with 100 or fewer employees or wholesaler with 50 or fewer employees.

Incentives:

Reservation of contracts (all contracts under \$100,000 and as otherwise determined)

Bidding/RFP evaluation preferences (10%)

Contractors must demonstrate good faith effort to utilize SBEs

Management and Technical Assistance for SBEs

SBE Financial Assistance

SBE Advisory Board

Palm Beach County:

Certification: SBE must be performing a commercially useful business function, domiciled in the County, have 25 or fewer FT employees, in business for at least one year, and a three year average gross income between \$4,000,000 -9,000,000. Recertification every 3 years.

Annual Goal: at least 15% participation by SBEs for the total expenditure of procurement funds.

Incentives:

Bidding/RFP evaluation preferences (10%)

SBE Advisory Committee

Alachua County, Florida, Code of Ordinances >> PART II - ADMINISTRATIVE CODE >> Title 2 - ADMINISTRATION >> CHAPTER 22. - PURCHASING >> ARTICLE II. - SMALL BUSINESS ENTERPRISE PROGRAM >>

ARTICLE II. - SMALL BUSINESS ENTERPRISE PROGRAM

- Sec. 22.30. - Purpose and intent of article.
- Sec. 22.31. - Certification.
- Sec. 22.32. - False representation.
- Sec. 22.33. - Acquisition of professional services.
- Sec. 22.34. - Reservation of contracts.
- Sec. 22.35. - SBE preference.
- Sec. 22.36. - Responsiveness of bids—Good faith efforts.
- Sec. 22.37. - Assistance program.
- Sec. 22.38. - Implementation of policy; monitoring of compliance.

Sec. 22.30. - Purpose and intent of article.

The lack of small business participation in the national economy is reflected in state and local contracting for the purchasing of commodities, services, and capital improvement contracts. Therefore, the purpose and intent of this article is to provide the maximum opportunity for increased participation of small businesses in the county's procurement system.

(Ord. No. 86-8, § 22, 3-11-86; Ord. No. 94-8, § 11, 5-24-94; Ord. No. 06-28, § 1, 9-12-06)

Sec. 22.31. - Certification.

For the purposes of this chapter, the following certification requirements shall govern:

- (1) The equal opportunity division (EO division) shall certify small business enterprises (SBE) for use by the county in its purchasing and procurement process. The EO division will maintain an up-to-date electronic list of SBE.
 - a. To become certified, a small business must be currently performing a useful business function, located in the SBE zone, have 25 or fewer permanent, full-time employees and have a net worth not exceeding \$1,000,000.
 - b. A "useful business function" is one which results in the provision of materials, supplies, equipment, or services to customers. For this reason, merely acting as a financial conduit to transfer funds to a non-SBE will not constitute a useful business function, unless it is done as a part of normal industry practices.
 - c. The county manager or designee will approve a list of neighboring counties to comprise the SBE zone.
 - d. Certifications for SBE are valid for one year from certification date.
- (2) The purchasing division shall secure a list of SBE from the EO division for use in the bid solicitation process, and encourage the use of this list by all departments in their procurement activities.
- (3)

The county's purchasing and EO divisions shall continually endeavor to identify small businesses which are eligible for certification in all areas of county procurement.

- (4) Any change of ownership or circumstances that may affect certification eligibility of an SBE must be reported to the EO division, within 14 days of the change taking place. In the event of a change, the current owner is responsible for fulfilling this reporting requirement prior to seeking business with the county.

(Ord. No. 86-8, § 23, 3-11-86; Ord. No. 06-28, § 2, 9-12-06; Ord. No. 08-18, § 14, 8-12-08)

Sec. 22.32. - False representation.

- (a) It is unlawful for any individual or entity to knowingly submit false information in order to qualify for SBE certification.
- (b) Any contractor that falsely represents to the county that it is an SBE, or knowingly submits false information or represents that it will use the services or commodities of an SBE and subsequently does not, shall be deemed in breach of contract. Upon a determination that a breach has occurred, all payments under the contract or any other arrangement shall be immediately suspended. The contractor may show that it attempted in good faith to comply with the terms of the contract but was unable to comply. If the county determines that the contractor did not act in good faith, all amounts paid to the contractor under the county contract or agreement intended for expenditure with the SBE shall be forfeited and recoverable by the county. In addition, the contract or agreement may be rescinded and the department or division may return all unused goods received and recover all amounts paid under the contract.
- (c) Any contractor or affiliate determined to have falsely represented that it or a subcontractor is an SBE, or determined to have not acted in good faith to fulfill the terms of a contract calling for it to use the services or commodities of an SBE, will be considered under the county's suspension and debarment policy.

(Ord. No. 86-8, § 24, 3-11-86; Ord. No. 06-28, § 3, 9-12-06)

Sec. 22.33. - Acquisition of professional services.

When procuring professional services, the county shall endeavor to include SBE. The county's administrative procedures for the formal evaluation of professional services shall include but not be limited to, capabilities, adequacy of personnel, past record, experience, SBE status, and such other relevant factors.

(Ord. No. 86-8, § 25, 3-11-86; Ord. No. 06-28, § 4, 9-12-06; Ord. No. 08-18, § 15, 8-12-08)

State law reference— Florida Small and Minority Business Assistance Act of 1985, F.S. § 288.702 et seq.

Sec. 22.34. - Reservation of contracts.

- (a) The county may reserve contracts to be awarded only to SBE. The county shall review all of its needs and requirements in each fiscal year, and shall determine which contracts may be reserved for bidding only by SBE. This reservation may only be used when it is determined, before dissemination of the request for proposals or invitation to bid, that there are capable, qualified, SBE available within the SBE zone who are interested and willing to bid on these contracts in order to provide for effective competition. Once a decision has been made to reserve a contract the county shall estimate what it expects the dollar amount of the contract to be, based on the nature of the contract and its value under prevailing market conditions. If all the bids received are over this estimate, the county may reject the bids and open the

bidding to all vendors and contractors. Before contracts can be reserved for bidding only by SBE, the county manager, in conjunction with the equal opportunity manager and purchasing manager, must determine that such a reservation is in the best interest of the county.

- (b) The county may reserve any construction contract for competitive bidding only among contractors who agree to utilize SBE as subcontractors or subvendors. The percentage of funds which must be expended with SBE subcontractors and subvendors shall be determined by the county before the contracts is reserved. In order to bid on a construction contract so reserved, the contractor shall identify those SBE which will be utilized as subcontractors or subvendors. Once a decision has been made to reserve a contract, but before bids are requested, the county shall estimate what it expects the amount of the contract to be, based on the nature of the contract involved and its value under prevailing market conditions. If all the bids received are over this estimate, the county may reject the bids and open the bidding to all vendors and contractors. It is the express responsibility of the contractor to verify that all SBE which will be utilized as subcontractors or subvendors are currently certified by the county.

(Ord. No. 86-8, § 26, 3-11-86; Ord. No. 90-9, § 16, 2-20-90; Ord. No. 94-8, § 12, 5-24-94; Ord. No. 06-28, § 5, 9-12-06)

Sec. 22.35. - SBE preference.

- (a) The county will award a five-percent bid price preference, not to exceed \$50,000.00 on any single bid, to any SBE that submits a bid to the county.
- (b) The county will award a three-percent bid price preference, not to exceed \$50,000.00 on any single bid, to any contractor that agrees to use SBE for at least 15 percent of the dollar value of the bid.
- (c) The monetary value of the bid price preference given to a certified SBE in any particular procurement shall not exceed \$50,000.00.
- (d) If the adjusted bid price of the SBE vendor is equal to or lower than the original lowest responsive bid, the SBE will be awarded the contract.
- (e) The county will award a preference in evaluation points to SBE or contractors that meet the SBE participation goal in its RFP response.
- (f) The EO and purchasing divisions will formulate and present for adoption any rules necessary to implement the SBE preference in order to guide the county toward having a certain percentage of its expenditures for materials, supplies, equipment, services or construction placed with SBE.
- (g) SBE preference does not apply to contracts that are reserved in accordance with section 22.34 above. SBE bid preferences will not be combined.

(Ord. No. 86-8, § 27, 3-11-86; Ord. No. 90-9, § 16, 2-20-90; Ord. No. 06-28, § 6, 9-12-06)

Sec. 22.36. - Responsiveness of bids—Good faith efforts.

- (a) Every competitive bid or proposal, if not submitted by a SBE, must demonstrate good faith efforts to utilize SBE as subcontractors or subvendors.
- (b) The county may consider written documentation submitted with the bid package or proposal in determining whether a contractor has made one or more good faith efforts including, but not limited to:
 - (1) Whether the contractor attended any presolicitation or prebid meeting that was scheduled by the county to inform SBE of contracting and subcontracting opportunities;

- (2) Whether the contractor advertised in a general circulation, trade association, and/or SBE focus media concerning the subcontracting opportunities;
 - (3) Whether the contractor provided written notice to a reasonable number of SBE that their interest in the contract was being solicited in sufficient time to allow the SBE to participate effectively;
 - (4) Whether the contractor followed up initial solicitations of interest by contacting SBE to determine whether a SBE is interested;
 - (5) Whether the contractor selected portions of the work to be performed by SBE in order to increase the likelihood of meeting the SBE goals of the county, including, where possible, breaking down contracts into economically feasible units to facilitate SBE participation;
 - (6) Whether the contractor negotiated in good faith with interested SBE, not rejecting SBE as unqualified without sound reasons based on investigation of their capabilities;
 - (7) Whether the contractor made efforts to assist interested SBE in obtaining bonding, lines of credit, or insurance required by the county and/or the contractor; and
 - (8) Whether the contractor effectively used the services of available small business community organizations; small business contractors' groups; local, state, and federal business assistance offices; and other organizations that provide assistance in the recruitment and placement of small businesses.
- (c) The county may waive the good faith requirement for procurement where sub-contracting is not applicable or in order to ensure adequate competition.

(Ord. No. 86-8, § 28, 3-11-86; Ord. No. 90-9, § 16, 2-20-90; Ord. No. 06-28, § 7, 9-12-06)

Sec. 22.37. - Assistance program.

The SBE assistance program is established within the department of administrative services under the EO division and will report all recommendations and activities associated with the SBE program directly to the county manager. This program will assist, encourage, and serve as a liaison for a SBE to become a supplier of materials, supplies, equipment, or services to the county government. In addition, the EO and purchasing divisions shall:

- (1) Review and comment on any changes to a county policy, rule or regulation relating to SBE procurement;
- (2) Receive, compile and disseminate information on procurement opportunities, availability of SBE and available technical assistance;
- (3) Refer all information on any business suspected of misrepresenting its SBE status to the county manager's office;
- (4) Maintain a central list of certified SBE, provide it upon request, and maintain a process for timely and independent verification of the status of businesses currently certified and seeking certification from the County as an SBE; and
- (5) Host, not less than annually, a workshop to assist small businesses located in the SBE zone to obtain SBE certification and to do business with the county.
- (6) Present a written report to the board of county commissioners quarterly on the SBE Program.

(Ord. No. 86-8, § 29, 3-11-86; Ord. No. 90-9, § 16, 2-20-90; Ord. No. 94-8, § 13, 5-24-94; Ord. No. 06-28, § 8, 9-12-06)

Sec. 22.38. - Implementation of policy; monitoring of compliance.

In order to systematically augment a viable SBE component within the county's purchasing and procurement system, the EO manager and the purchasing manager shall be delegated the following powers and duties to fulfill their responsibilities and functions:

- (1) Establish and compile a system of coordinated, uniform procurement policies, procedures, and practices to implement the SBE program.
- (2) Establish and strongly encourage the expenditure of 15 percent of the total competitive procurement monies with SBE for materials, supplies, equipment, services and construction.
- (3) Formulate and establish a system to record and measure the use of SBE in county contracting. This system shall maintain information and statistics on SBE participation, in order to analyze the progress of the SBE program.
- (4) The purchasing manager shall annually report the contractual or procurement disbursements made to SBE to the county manager. This information shall be made available to the board of county commissioners as well as the public at large. The purchasing division shall be responsible for the accuracy of information provided.

(Ord. No. 86-8, § 30, 3-11-86; Ord. No. 90-9, § 16, 2-20-90; Ord. No. 06-28, § 9, 9-12-06)

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA CREATING VOLUME 1, CHAPTER 46, ARTICLE II, DIVISION 3, SECTION 46-111 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES RELATING TO SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, small businesses are often at a disadvantage when competing with other businesses in the free enterprise system; and

WHEREAS, providing qualified small businesses the maximum opportunity to participate in the public procurement of goods and services encourages local industry, employment opportunities, and increases the County's overall tax base; and

WHEREAS, the Board of County Commissioners finds that the proposed Ordinance establishing a small businesses enterprise program for the County's procurement of goods and services serves a compelling public purpose for the benefit of the taxpayers and residents of Escambia County.

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

Section 1. Recitals.

That the foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Creation.

That Volume I, Chapter 46, Article II, Division 3, Section 46-111 of the Escambia County Code of Ordinances is hereby created to read as follows:

Sec. 46-111. Small Business Enterprise Program.

A. Purpose and intent of article.

The purpose and intent of this article is to provide the maximum opportunity for increased participation of qualified small businesses in the County's procurement system.

B. Definitions.

Commercially useful business function means adding value to the goods and services supplied under a contract. A small business is considered to perform a commercially useful business function when it is responsible for execution of a distinct element of work of a contract or transaction and carrying out its responsibilities by

actually performing, managing and supervising the work performed. Businesses who merely act as a conduit do not perform a commercially useful business function and will not be eligible for certification as a SBE. In determining whether a business performs a commercially useful business function, consideration will include, but not be limited to, whether the business adds a value to the product or service provided; whether the business has a distributorship agreement with the manufacturer of goods supplied; whether the business takes possession of the product or service provided; whether the business warrants the product or service provided; whether the business maintains sufficient storage space to keep the product in inventory; whether the business maintains sufficient inventory to meet the requirements of its contracts; whether the business provides the product or service to the public or other business other than a governmental agency.

SBE means a small business enterprise certified by Escambia County.

C. Scope.

Unless otherwise prohibited by federal or state law, this chapter shall apply to the solicitation of all goods, services and construction by the County which are governed by the county purchasing code. Whenever possible, the County shall utilize a solicitation process which encourages SBE participation even on those items which are exempted from the requirements of the purchasing code.

D. SBE Program Goals.

(1) *Annual goals:* The cumulative annual SBE goal for county procurement contracts shall be a minimum expenditure of **fifteen (15) percent** of the total competitive procurement monies for materials, supplies, equipment, services and construction. The annual goal shall be applied to each individual county procurement of goods, services or construction unless otherwise approved by the County Administrator.

(2) *Evaluation of goal attainment:* The goal shall be applied to the full monetary value of the contract and be reflected in the full monetary portion spent on subcontracts for supplies, consulting or construction services to be awarded to those SBEs meeting contract specifications.

E. Certification.

(1) *Requirements.* For the purposes of this section, the following certification requirements shall govern:

- (a) The business must currently perform a *commercially useful business function*;
- (b) The business must be a local business as defined in Sec. 46-110;
- (c) The business must be an independently owned and operated, for-profit entity;
- (d) The business may employ 25 or fewer full time employees; and
- (e) The business may have a net worth of not more than one million dollars.

(2) *Application procedure.* All applicants wishing to be considered as certified businesses for the benefits of the SBE program must apply for certification by completing the application and affidavit which can be obtained through the office of purchasing and pay the applicable fee for certification, modification of certification or recertification. Applicants must submit the necessary documentation as appropriate to their business and all of its affiliates. The Office of Purchasing may request any other documentation necessary to determine eligibility.

(3) The purchasing department shall certify SBEs for use by the County in its purchasing and procurement process based upon the eligibility requirements provided herein. The purchasing department shall maintain an up-to-date electronic list of SBEs, and encourage the use of this list by all departments in their procurement activities.

(4) Any change of ownership or circumstances that may affect certification eligibility of an SBE must be reported to the purchasing department within 30 days of the change taking place. In the event of a change, the current owner is responsible for fulfilling this reporting requirement prior to seeking business with the County.

(5) *Recertification.* Certified SBEs are required to submit an affidavit of their continued eligibility as a SBE every three (3) years along with an application for recertification. If there has been a change in operation, ownership, control, activities, domicile or gross receipts, the SBE must identify such change on their application for recertification. Supporting documentation may be required for continued certification. A company that fails to submit its application for recertification and affidavit of continued eligibility or fails to submit documentation requested by the office of purchasing will no longer be deemed certified for purposes of participation in the small business program.

F. False representation.

(1) It is unlawful for any individual or entity to knowingly submit false information in order to qualify for SBE certification.

(2) Any contractor that falsely represents to the county that it is an SBE, or knowingly submits false information or represents that it will use the services or commodities of an SBE and subsequently does not, shall be deemed in breach of contract. Upon a determination that a breach has occurred, all payments under the contract or any other arrangement shall be immediately suspended. The contractor may show that it attempted in good faith to comply with the terms of the contract but was unable to comply. If the county determines that the contractor did not act in good faith, all amounts paid to the contractor under the county contract or agreement intended for expenditure with the SBE shall be forfeited and recoverable by the county. In addition, the contract or agreement may be rescinded and the department or division may return all unused goods received and recover all amounts paid under the contract.

(3) Any contractor or affiliate determined to have falsely represented that it or a subcontractor is an SBE, or determined to have not acted in good faith to fulfill the terms

of a contract calling for it to use the services or commodities of an SBE, will be considered under the county's suspension and debarment policy.

G. Reservation of Contracts.

(1) Unless otherwise prohibited by federal or state law, the County may reserve contracts to be awarded only to SBEs. The County shall review all of its needs and requirements in each fiscal year, and shall determine which contracts may be reserved for bidding only by SBEs. This reservation may only be used when it is determined, before dissemination of the request for proposals or invitation to bid, that there are capable, qualified, SBEs available who are interested and willing to bid on these contracts in order to provide for effective competition. Once a decision has been made to reserve a contract the County shall estimate what it expects the dollar amount of the contract to be, based on the nature of the contract and its value under prevailing market conditions. If all the bids received are over this estimate, the County may reject the bids and open the bidding to all vendors and contractors. Before contracts can be reserved for bidding only by SBE, the County Administrator, in conjunction with the purchasing manager, must determine that such a reservation is in the best interest of the County.

(2) Unless otherwise prohibited by federal or state law, the County may reserve any construction contract for competitive bidding for contractors who agree to utilize SBEs as subcontractors or subvendors. The percentage of funds which must be expended with SBE subcontractors shall be determined by the County before the contract is reserved. In order to bid on a construction contract so reserved, the contractor shall identify those SBEs which will be utilized as subcontractors or subvendors. Once a decision has been made to reserve a contract, but before bids are requested, the County shall estimate what it expects the amount of the contract to be, based on the nature of the contract involved and its value under prevailing market conditions. If all the bids received are over this estimate, the County may reject the bids and open the bidding to all vendors and contractors. It is the express responsibility of the contractor to verify that all SBEs which will be utilized as subcontractors or subvendors are currently certified by the County.

H. SBE Preference.

(1) The County may award a bid preference on any single bid, as provided in Sec. 46-110, to a certified SBE.

(2) The County may award a bid preference on any single bid, as provided in Sec. 46-110, to any contractor that agrees to use SBEs as subcontractors or subvendors for at least 15 percent of the dollar value of the bid.

(3) The County may award a preference in evaluation points to SBEs or contractors that meet the SBE participation goal in its RFP response.

(4) The purchasing department will formulate and present for adoption any rules necessary to implement the SBE preference in order to guide the county toward having a certain percentage of its expenditures for materials, supplies, equipment, services or construction placed with SBEs.

(5) SBE preference does not apply to contracts that are reserved in accordance with this section. Preferences as provided in this chapter may not be combined. Only one preference may be awarded on any single solicitation to any certified SBE or contractor.

I. Responsiveness of bids—Good faith efforts.

(1) Every competitive bid or proposal, if not submitted by a SBE, must demonstrate good faith efforts to utilize SBEs as subcontractors or subvendors.

(2) The County may consider written documentation submitted with the bid package or proposal in determining whether a contractor has made one or more good faith efforts including, but not limited to:

- (a) Whether the contractor attended any presolicitation or prebid meeting that was scheduled by the county to inform SBEs of contracting and subcontracting opportunities;
- (b) Whether the contractor advertised in a general circulation, trade association, and/or SBE focus media concerning the subcontracting opportunities;
- (c) Whether the contractor provided written notice to a reasonable number of SBEs that their interest in the contract was being solicited in sufficient time to allow the SBE to participate effectively;
- (d) Whether the contractor followed up initial solicitations of interest by contacting SBEs to determine whether a SBE is interested;
- (e) Whether the contractor selected portions of the work to be performed by SBEs in order to increase the likelihood of meeting the SBE goals of the county, including, where possible, breaking down contracts into economically feasible units to facilitate SBE participation;
- (f) Whether the contractor negotiated in good faith with interested SBEs, not rejecting SBE as unqualified without sound reasons based on investigation of their capabilities;
- (g) Whether the contractor made efforts to assist interested SBEs in obtaining bonding, lines of credit, or insurance required by the county and/or the contractor; and
- (h) Whether the contractor effectively used the services of available small business community organizations; small business contractors' groups; local, state, and federal business assistance offices; and other organizations that provide assistance in the recruitment and placement of small businesses.

(3) The County may waive the good faith requirement for procurement where subcontracting is not applicable or in order to ensure adequate competition.

J. SBE Assistance Program.

(1) The SBE assistance program is established within the Office of Purchasing and will report all recommendations and activities associated with the SBE program directly to the County Administrator. This program will assist, encourage, and serve as a liaison for a SBE to become a supplier of materials, supplies, equipment, or services to the County.

(2) In addition, the purchasing department shall:

- (a) Review and comment on any changes to a county policy, rule or regulation relating to SBE procurement;
- (b) Receive, compile and disseminate information on procurement opportunities, availability of SBEs and available technical assistance;
- (c) Refer all information on any business suspected of misrepresenting its SBE status to the county administrator's office;
- (d) Maintain a central list of certified SBEs, provide it upon request, and maintain a process for timely and independent verification of the status of businesses currently certified and seeking certification from the County as a SBE; and
- (e) Host, not less than annually, a workshop to assist small businesses located in Escambia County to obtain SBE certification and to do business with the county.
- (f) Present a written report to the Board of County Commissioners quarterly on the SBE Program.

K. Implementation of policy; monitoring of compliance.

In order to systematically augment a viable SBE component within the County's purchasing and procurement system, the purchasing manager shall be delegated the following powers and duties to fulfill their responsibilities and functions:

- 1) Establish and compile a system of coordinated, uniform procurement policies, procedures, and practices to implement the SBE program.
- 2) Establish and strongly encourage the annual expenditure of **fifteen (15) percent** of the total competitive procurement monies with SBEs for materials, supplies, equipment, services and construction.
- 3) Formulate and establish a system to record and measure the use of SBEs in county contracting. This system shall maintain information and statistics on SBE participation, in order to analyze the progress of the SBE program.
- 4) The purchasing manager shall annually report the contractual or procurement disbursements made to SBEs to the county administrator. This information shall be made available to the board of county commissioners as well as the public at large. The purchasing department shall be responsible for the accuracy of information provided.

Section 3. Severability.

That if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code.

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS ____ DAY OF _____, 2013.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

BY: _____
Gene M. Valentino, Chairman

ATTEST: **PAM CHILDERS**
Clerk to the Circuit Court

BY: _____
Deputy Clerk

(SEAL)

Enacted:
Filed with Department of State:
Effective:

ORDINANCE NUMBER 2013-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA CREATING VOLUME 1, CHAPTER 46, ARTICLE II, DIVISION 3, SECTION 46-111 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES RELATING TO SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, small businesses are often at a disadvantage when competing with other businesses in the free enterprise system; and

WHEREAS, providing qualified small businesses the maximum opportunity to participate in the public procurement of goods and services encourages local industry, employment opportunities, and increases the County's overall tax base; and

WHEREAS, the Board of County Commissioners finds that the proposed Ordinance establishing a small businesses enterprise program for the County's procurement of goods and services serves a compelling public purpose for the benefit of the taxpayers and residents of Escambia County.

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

Section 1. Recitals.

That the foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Creation.

That Volume I, Chapter 46, Article II, Division 3, Section 46-111 of the Escambia County Code of Ordinances is hereby created to read as follows:

Sec. 46-111. Small Business Enterprise Program.

A. Purpose and intent of article.

The policy of the County is to create economic opportunities for certified local area small business enterprises (hereinafter referred to as "SBE") by establishing a program providing for the encouragement of such enterprises to compete for contracts and subcontracts for goods, services, and construction purchased by and for the County. This policy is to be implemented in conjunction with the Purchasing Code and with the purchasing policy and procedures manual, without sacrificing cost effectiveness based on the lowest and best responsible bidder criteria. It is further the policy of the County, to ensure that all segments of the community have an effective opportunity to participate in the County's purchasing program.

B. Definitions.

1. *Tier one (1) small business* means an independently owned and operated business concern which employs fifteen (15) or fewer permanent full-time employees, and which has a net worth of not more than one million dollars (\$1,000,000.00). As applicable to sole-proprietorships, the one million dollars (\$1,000,000.00) net worth shall include both personal and business investments. Goods and services provided by tier one (1) small businesses may be purchased under the County Administrator's spending authority up to one-hundred thousand dollars (\$100,000.00).

2. *Tier two (2) small business* means an independently owned and operated business concern which employs fifty (50) or fewer permanent full-time employees, and which has a net worth of not more than one million dollars (\$1,000,000.00). As applicable to sole-proprietorships, the one million dollars (\$1,000,000.00) net worth shall include both personal and business investments.

3. *Certified small business enterprise* means a business that has been certified by the County as a certified small business enterprise.

4. *Small business joint venture* is a joint business association of small businesses and nonsmall business firms. The small business firms shall receive a share of contract dollars proportionate to the percentage participation it represents in the joint venture.

5. *Local area* means that geographic area served by the 325 zip code prefix.

6. *Participation goal* is the percentage goal as determined by the contract coordinator for a specific project based on review of specifications and available certified SBE firms.

C. County Administrator Authority. The County Administrator is hereby authorized to establish a program for the purchasing and contracting activities of the County, directed toward providing economic opportunities to local area certified small business enterprises where practical and feasible.

D. SBE Program.

(1) The program to be developed and implemented by the County Administrator shall have applicability to all purchasing and contracting, including, but not limited to, formal bidding, competitive bidding, and direct purchases by the County.

(2) In the development and implementation of this program, the County Administrator shall direct the contract coordinator to review all feasible sources of small business enterprise participation in county contracting and purchasing programs and to develop a pool of available concerns to be utilized. The contract coordinator shall also be authorized to evaluate each contracting and purchasing opportunity and to establish a participation goal utilizing available small business enterprises to be required of all

potential bidders, contractors, or suppliers. In evaluating competitive bids, the contract coordinator shall make a determination and so recommend regarding whether or not a bidder has either met the established participation goal or has demonstrated good faith efforts towards meeting such goal. In the event that a bidder is determined by the Board of County Commissioners, upon the recommendation of the contract coordinator and County Administrator to not have met an established participation goal and not have evidenced sufficient good faith efforts towards meeting such goal, the Board of County Commissioners may determine that such bid was nonresponsive.

(3) The County Administrator or designee shall require prospective bidders or contractors to supply such information as the County Administrator may require pertaining to any SBE bidder or contractor or of any subcontractor involved in the project. This information will be collected and monitored by the County Administrator for purposes of determining the extent of participation by such firms in the County's contracting program.

(4) *Quarterly reports.* The County Administrator shall provide the Board of County Commissioners with quarterly reports describing the operation and effectiveness of the small business enterprise program. The reports submitted by the County Administrator shall include information regarding the rates of participation by SBEs in the County's contracting program.

Section 3. Severability.

That if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code.

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS ____ DAY OF _____, 2013.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

BY: _____
Gene M. Valentino, Chairman

ATTEST: PAM CHILDERS
Clerk to the Circuit Court

BY: _____
Deputy Clerk

(SEAL)

Enacted:
Filed with Department of State:
Effective:

Committee of the Whole

7.

Meeting Date: 10/10/2013

Issue: Code Enforcement Officers Carrying Concealed Weapons

From: Alison Rogers, County Attorney

Information

Recommendation:

Code Enforcement Officers Carrying Concealed Weapons

(Commissioner Gene M. Valentino/Alison Rogers - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Backup

5/5/2011 CAT II-1

RESOLUTION R2011-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA REPEALING RESOLUTION R-2006-232 IN ITS ENTIRETY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners at its May 5, 2011 meeting approved to repeal Resolution 2006-232 concerning Code Enforcement Officers having the authority to carry weapons or firearms for the purpose of self-defense; and

WHEREAS, the Board of County Commissioners strives to accurately maintain its records.

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

- Section 1. The foregoing recitals are true and correct and are incorporated herein by reference.
- Section 2. Resolution R-2006-232 is hereby repealed in its entirety.
- Section 3. This Resolution shall take effect immediately upon adoption by the Board of County Commissioners.

ADOPTED this 5th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: [Signature]
Kevin W. White Chairman

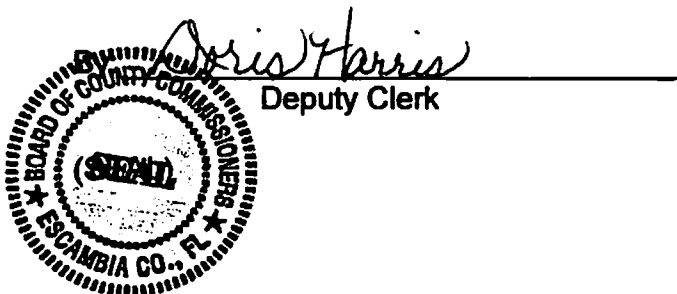
ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

Date Executed

May 12, 2011

This document approved as to form and legal sufficiency

By [Signature]
Title County Attorney
Date 5/9/11



Not Agenda Backup

5/11/2011 Otis



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-726

County Attorney's Report Item #: 12.1.

BCC Regular Meeting

Discussion

Meeting Date: 05/05/2011

Issue: Amending Discipline Policy, Section II, Part C.2 and Clarifying Resolution R2006-232 and Authorizing Addendum to Job Descriptions 912, 913 and 915

From: Alison Rogers

Organization: County Attorney's Office

CAO Approval:

Information

RECOMMENDATION:

Recommendation Concerning (A) Amending the Board's Discipline Policy, Section II, Part C.2;
(B) Clarifying that Resolution R2006-232 is in effect; (C) Authorizing Addendum to Job
Description numbers 912, 913 and 915

That the Board take the following action:

- A. Amend its Discipline Policy, Section ii, Part C.2 to allow Code Enforcement Officers to carry concealed weapons only if certain conditions are met (copy attached); and
- B. Clarify that Resolution R2006-232 is in effect (copy attached); and
- C. Authorize Addendum to Job Description numbers 912, 913 and 915 (copy attached).

BACKGROUND:

At the COW meeting on April 12, 2011, the Board directed staff to develop a concealed weapons policy for Code Enforcement Officers. This recommendation is not intended to affect any Florida Retirement System (FRS) classification of County Code Enforcement Officers.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

The County Attorney's Office has drafted the attached amendment to the Board's Discipline Policy.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

2011-000478 BCC
May. 05, 2011 Page 3

Attachments

Amended Discipline Policy, Section II, Part C.2

Resolution R2006-232

Addendum to Job Descriptions 912, 913 and 915

Email dated Feb. 18, 2009 from FRS

Board of County Commissioners

Escambia County, Florida

Title: Discipline Policy, Section II, Part C.2
Date Adopted: January 26, 1981
Effective Date: May 5, 2011, as amended
Reference:
Policy Amended: April 15, 2004 (Previously known as "Reprimands, Suspensions, and/or Dismissals" Policy); May 5, 2011

A. PURPOSE

To establish a uniform, fair, and standardized means by which the Escambia County Board of County Commissioners (BCC) may administer a program of disciplinary procedures and guidelines.

B. SCOPE

This policy shall apply to all employees serviced by the Escambia County BCC Human Resources Department. This includes, for example, full-time, part-time, seasonal, and relief employees. Employees contracted for work through an agency other than Escambia County, and who are paid by that agency, are not subject to the provisions of this policy.

C. GENERAL

1. Discipline is action taken against an employee when a rule of the County or department is violated, when work performance is not satisfactory, or when other inappropriate behavior is exhibited. A discipline program should exhibit promptness, impartiality, consistency, and fairness, where employees know what to expect as the result of certain behaviors on the job.
2. The Board of County Commissioners generally follows a policy of progressive discipline. The purpose of a progressive disciplinary procedure is to give the employee adequate notice and opportunity to correct any deficiencies, and its focus is on prevention of future violations rather than on punishment. The disciplinary action taken is normally to be the least serious needed to prevent future instances of inappropriate behavior. If inappropriate behavior continues, the employee can expect further, and more serious discipline. This policy does not restrict the imposition of a suspension or termination in matters that are considered gross violations or which could affect the safety or security of the workforce. A copy of any disciplinary action placed in a Bargaining Unit (BU) employee's permanent personnel file will be provided to the union within two working days following the imposition of discipline.

3. The types of disciplinary action, in order of their severity, are:

a. *Letter of Counseling*

A Letter of Counseling is the least severe type of disciplinary action and may be used to admonish an employee for committing a minor violation when verbal counseling, correction and/or guidance has failed to provide the necessary corrective action. The "Notice of Letter of Counseling" at Appendix 2 provides documentation that the counseling occurred, outlining the shortcomings or violations and then offering recommendations for improvement. Documentation is maintained at the department level. The employee will be responsible for providing a copy of the Letter of Counseling to the union.

b. *Written Reprimand*

A Written Reprimand is admonishment given to the employee in writing, and is always placed in the official personnel file in Human Resources. This form of discipline is more serious than a Letter of Counseling, but less serious than a suspension. A Written Reprimand often serves as the type of discipline given for a repeated offense of minor violations or for the first offense of a more serious infraction. The "Notice of Written Reprimand" form at Appendix 3 will be completed by the supervisor and forwarded to Human Resources for inclusion in the employee's official personnel file. If a Letter of Counseling has been issued previously, a copy may be attached as supporting documentation.

c. *Suspension Without Pay*

A suspension is the most severe form of discipline, short of termination, and usually involves time off without pay. It is used when a written reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any suspension shall utilize the "Notice of Disciplinary Action" form and will be processed through the HR Director for review and then approved by the County Administrator or designee.

d. *Suspension With Pay*

1. If it is determined by the Department Director that an employee poses a threat, such as health and safety, to himself and/or other employees, or if it is suspected that wrong-doing of a serious nature has occurred, that employee may be suspended with pay pending investigation.
2. If circumstances warrant quick action, the Department Director may suspend an employee immediately if it is prudent to do so. The Human Resources Director must be notified as soon as possible.
3. The Human Resources Director may approve up to forty (40) hours of Suspension With Pay. Subsequent extensions of this time may be requested and

will require approval of the County Administrator

e. Termination

Termination from employment is the most severe form of discipline. It is normally used when an employee has been disciplined repeatedly and commits yet another infraction. It may also be used when the employee has committed a very serious infraction, regardless of disciplinary history. For classified employees, it will be submitted for approval on the form, "Notice of Disciplinary Action."

4. For purposes of progressive discipline, the BCC will not rely upon any disciplinary action in excess of two (2) years old, unless the violation is the type of conduct that is prohibited by state or federal law or is a traffic/vehicle violation or negligence.
5. Any disciplinary action placed in an employee's official personnel file shall remain a part of the official file for the minimum five (5) year statutory requirement established by the Records Retention Schedule of the State of Florida
6. An employee for whom formal disciplinary action (suspension or termination) is being considered should, when possible, be allowed notice prior to imposition of such action by the use of the "Notice of Pending Disciplinary Action" form at Appendix 1. The employee will have five (5) working days in which to respond in writing and explain why the action should not be taken. Failure to respond within that period will not delay administering of the disciplinary action. There may be occasions at which prior notification is not reasonable, particularly if the violation is severe enough to warrant immediate action. Use of this form is not required prior to administering informal discipline such as a Letter of Counseling or Written Reprimand.
7. Suspension (for any reason), termination, unsatisfactory performance appraisals, and Performance Improvement Plans (PIP), are permanent actions and will be retained in the official personnel file indefinitely.
8. Any disciplinary action recommending a suspension or termination will be coordinated with the Human Resources Director prior to imposing disciplinary action. Such actions will require notification of the County Administrator or designee prior to imposition.
9. An effective discipline program is characterized by the uniform application of rules and regulations. Generally, like offenses should result in similar disciplinary actions. At the same time, the supervisor administering the discipline may consider additional factors as specified in paragraphs C.10. and C.11.
10. It is recognized that similar offenses may result in different disciplinary actions, depending on work history, circumstances, and the severity of the offense. For example, an employee who is charged with "absence without approved leave" for a two week absence may receive a suspension while an employee who is charged with "absence without approved leave" for a two hour absence may only receive a written reprimand. Both employees are charged with the same offense, but receive different disciplinary actions.

11. Other factors that may influence the severity of disciplinary action include, but are not limited to, the following: the length of the employee's service, the quality of the employee's service, the cost involved and the cooperation of the employee in the investigation of the specific incident. Ensuring that disciplinary actions are administered in a fair, consistent, and non-discriminatory manner is ultimately the responsibility of the County Administrator.
12. An employee may not be punished more than once for the same offense by any other management official of the BCC. Previous offenses may, however, be taken into account when considering future discipline. Disciplinary actions by law enforcement or any other outside agency does not prohibit the BCC from also taking disciplinary action. For example, if an employee is issued a citation by law enforcement during the investigation of an "at fault" accident, this does not prohibit the BCC from imposing disciplinary action as well.
13. In determining the proper level of disciplinary action which would be suitable to a particular offense, refer to the "Recommended Guidelines for Disciplinary Actions" at Appendix 4. This table provides examples of misconduct but may not be all inclusive. The County has the right to discipline an employee for offenses not specifically listed. If an act or violation is of a very serious nature, intermediate levels of discipline may be bypassed with more severe penalties imposed.
14. In addition to a thorough narrative of the offense in question, the supervisor should cite any applicable "Violation Reference" code found on the table at Appendix 4. More than one violation may be cited in making record of the disciplinary action. The specific action or punishment taken is at the discretion of the supervisor administering the discipline.
15. Possession of unauthorized firearms, explosives, or weapons on County property, including vehicles, shall result in a minimum suspension of five (5) days on the first offense. Items are "unauthorized" if they are in violation of state or federal law, or are on County property without the written permission of the Department Director. Any subsequent offense shall result in termination. If a weapon is used or presented in a manner so as to threaten or intimidate another person, termination shall result on a first offense.

The only exception is County Code Enforcement Officers, who may carry a concealed weapon during work hours in County buildings or in County vehicles if the following conditions are met:

1. The officer has obtained, on his or her own time and with his or her own resources, a concealed weapons permit from the State of Florida, pursuant to chapter 790, Fla. Stat. and has provided a copy of the permit to the Human Resources Director. An FDLE, CJSTC certification or other similar certification shall not substitute for the concealed weapons permit. The officer must inform Human Resources immediately of any event which could affect his or her eligibility to maintain the concealed weapons permit or any change in the status of the concealed weapons permit; and

2. The officer may only carry a privately-purchased or obtained weapon as County-provided weapons may shall only be used for County provided or directed training purposes; and
 3. At all times, the officer must follow state and federal law regarding the display, use and storage of the weapon; and
 4. The weapon may shall never be displayed or discharged during the course of the officer's regular duties while performing the officer's official duties unless it is purely necessary and solely for self-defense as delineated by purposes consistent with state and federal law; and
 5. When the officer is in County buildings, the weapon shall be properly and legally stored in the officer's private or County vehicle.
16. Infractions which are considered Ethics Violations may be further explained or defined by the BCC Ethics Policy. This is not intended to prohibit traditional gift-giving at times such as birthdays, holidays, retirement, etc, so long as the dollar values are within the guidelines of the Ethics Policy. Monetary gifts are not considered appropriate.

D. PROCEDURES & APPEALS

1. If the actions necessary are not time-sensitive, the supervisor shall notify the employee ("Notice of Pending Disciplinary Action" form at Appendix 1) that formal disciplinary action, i.e. suspension, demotion, or termination, is being considered. This notification shall provide facts and a description of the alleged infraction(s) and the consequences, under consideration. The employee shall be given five (5) working days in which to provide a written response to the supervisor, showing cause as to why disciplinary action should not be taken. Infractions of a serious nature may require prompt action, not allowing for advance notification. Any written communication from the employee will permanently accompany the relevant disciplinary action.
2. In order to remain timely, the disciplinary action shall move to each next higher level for approval or disapproval within five (5) working days of signature of the previous authority.
3. The employee shall have ten (10) calendar days from notification to appeal a disciplinary action, in accordance with applicable BCC policy. The Human Resources Department will help assure administrative procedures are followed.
4. Only permanent employees in the Classified Service who have completed their initial probationary period may appeal Suspensions, Demotions, and Termination actions.
5. This section does not apply to Bargaining Unit employees unless agreed to in collective bargaining.

2011-000478 BCC
May. 05, 2011 Page 9

Revised Discipline Policy
CAT II-1
05-05-2011 BCC

Enclosures

Board of County Commissioners
Escambia County, Florida

Title: Discipline Policy, Section II, Part C.2
Date Adopted: January 26, 1981
Effective Date: May 5, 2011, as amended
Reference:
Policy Amended: April 15, 2004 (Previously known as "Reprimands,
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To establish a uniform, fair, and standardized means by which the Escambia County Board of County Commissioners (BCC) may administer a program of disciplinary procedures and guidelines.

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The only exception is County Code Enforcement Officers, who may carry a concealed weapon during work hours in County buildings or in County vehicles if the following conditions are met:

1. The officer has obtained, on his or her own time and with his or her own resources, a concealed weapons permit from the State of Florida, pursuant to chapter 790, Fla. Stat. and has provided a copy of the permit to the Human Resources Director. An FDLE certification or other similar certification shall not substitute for the concealed weapons permit. The officer must inform Human Resources immediately of any event which could affect his or her eligibility to maintain the concealed weapons permit or any change in the status of the concealed weapons permit; and
 2. The officer may only carry a privately-purchased or obtained weapon; County-provided weapons may only be used for County-provided or directed training purposes; and
 3. At all times, the officer must follow state and federal law regarding the display, use and storage of the weapon; and
 4. The weapon may never be displayed or discharged during the course of the officer's regular duties unless it is purely for self-defense as delineated by state and federal law; and
 5. When the officer is in County buildings, the weapon shall be properly and legally stored in the officer's private or County vehicle.
16. Infractions which are considered Ethics Violations may be further explained or defined by the BCC Ethics Policy. This is not intended to prohibit traditional gift-giving at times such as birthdays, holidays, retirement, etc, so long as the dollar values are within the guidelines of the Ethics Policy. Monetary gifts are not considered appropriate.

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4. Only permanent employees in the Classified Service who have completed their initial probationary period may appeal Suspensions, Demotions, and Termination actions.
5. This section does not apply to Bargaining Unit employees unless agreed to in collective bargaining.

Enclosures

Escambia County
Clerk's Original

12/13/2006 PAI-I-1

2006-001696 BCC
Dec. 07, 2006 Page 5

RESOLUTION R-2006 - 232

2011-000478
May. 05, 2011 Page 15

BCC

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, FINDING THAT ESCAMBIA COUNTY CODE ENFORCEMENT OFFICERS SHOULD HAVE THE AUTHORITY TO CARRY WEAPONS OR FIREARMS FOR THE PURPOSE OF SELF-DEFENSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Escambia County, Florida, has created the Office of Environmental Enforcement for the purpose of enforcing its codes and ordinances; and

WHEREAS, pursuant to Chapter 30 of the Escambia County Code of Ordinances, the Board of County Commissioners has designated certain employees of the Office of Environmental Enforcement as code enforcement officers with the authority to issue citations for violations of Escambia County's codes and ordinances; and

WHEREAS, the Board of County Commissioners finds that in the course of carrying out their legal duties and responsibilities, code enforcement officers have been subject to assaults and threats of violence and deadly force by members of the public; and

WHEREAS, the Board of County Commissioners further finds that such assaults and threats interfere with the code enforcement officers' abilities to enforce Escambia County's codes and ordinances; and

WHEREAS, the Board of County Commissioners has concluded that in order to advance the health, safety, and general welfare of the residents of Escambia County, the Office of Environment Enforcement's code enforcement officers should be allowed to carry weapons or firearms for the purpose of self-defense.

Date: 12/13/2006 Verified By:

2006-001696 BCC
Dec. 07, 2006 Page 6

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AS FOLLOWS:

Section 1. That the Office of Environmental Enforcement should pursue any and all legal options under Florida law that would permit its code enforcement officers to carry weapons or firearms for the purpose of self-defense.

Section 2. That the Office of Environmental Enforcement shall not construe any legal authority to carry a weapon or firearm as providing its code enforcement officers with the authority to use a weapon or firearm for any purpose other than self-defense, unless provided by law.

Section 3. That this resolution shall take effect immediately upon adoption by the Board of County Commissioners.

ADOPTED this 7th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: [Signature]
Kevin W. White, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

Date Executed

By: [Signature]

December 12, 2006



This document approved as to form
and legal sufficiency.

By [Signature]
Title Asst. County Attorney
Date Nov. 27, 2006

Addendum to Job Description
Numbers 912, 913, and 915

This addendum to job description numbers 912, 913, and 915 is being provided to you to amend your current job description, effective February 19, 2008. The following rules will govern the performance and conduct of Environmental Enforcement Officers:

A. Duties Not Within the Scope of Code Enforcement Officers

1. The Honorable Ron McNesby, Sheriff, has withdrawn all affiliation with BCC Code Enforcement and has asked that all employees return their commission cards to the Sheriff's HR Office as soon as possible. (See attachment.)
2. Since you are not a law enforcement officer, you do not have the power to make arrests.
3. Florida Statutes states, "Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of ss. 943.085-943-255."
4. Counties that follow Chapter 162 in enforcing its codes cannot delegate arrest power to Code Enforcement Officers.
5. Code Enforcement Officers are not entitled to openly display firearms.
6. Florida Statutes also limits those vehicles allowed to display "blue lights" to those of law enforcement officers.

B. Duties Within the Scope of Code Enforcement Officers

1. Independent of the Sheriff's authority, Escambia County may designate employees as Code Enforcement Officers and authorize them to enforce County codes and ordinances.
2. The Board of County Commissioners has authorized its Code Enforcement Officers to apply for and utilize valid concealed weapons permits for the purpose of self-defense. Officers have the same rights, obligations, and restrictions as an ordinary citizen.
3. The officer may not carry a firearm in a holster displayed openly on his or her belt. The firearm must be concealed, and the geographical location is significantly limited.
4. Code Enforcement Officers will be allowed to wear body armor as a component of their official uniform.

Receipt Acknowledged:

Name (Print)

Signature

Date

c: Personnel Record, Human Resources Department

HR Dept 2-19-08

Jennifer Echols

From: Bardin, Stephen [Stephen.Bardin@dms.myflorida.com]
Sent: Wednesday, February 18, 2009 1:08 PM
To: Jennifer_Echols@co.escambia.fl.us
Cc: John Weber
Subject: RE: Escambia County BCC Environmental Enforcement Positions

Based on the documentation your agency submitted, the members listed below were no longer able to arrest law violators or suspected law violators after February 2008, as such your agency correctly ceased reporting them under the Special Risk Class.

Please let me know if you have any questions.

Sincerely,

Stephen M. Bardin
Enrollment-SR UNIT
Phone: 850-488-8837/Fax: 850-410-2164
Email: Stephen.Bardin@dms.myflorida.com

"We Serve Those Who Serve Florida."

www.FloridaDiscountDrugCard.com

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From: Bardin, Stephen
Sent: Wednesday, February 18, 2009 1:58 PM
To: 'Jennifer_Echols@co.escambia.fl.us'
Subject: RE: Escambia County BCC Environmental Enforcement Positions

Thank you. I am drafting a response for you.

From: Jennifer Echols [mailto:Jennifer_Echols@co.escambia.fl.us]

2/18/2009

Sent: Wednesday, February 18, 2009 1:50 PM
To: Bardin, Stephen
Subject: RE: Escambia County BCC Environmental Enforcement Positions

Steve-

The below email contains the names you are requesting.

Thanks,
Jenny

-----Original Message-----

From: Jennifer Echols [mailto:Jennifer_Echols@co.escambia.fl.us]
Sent: Wednesday, April 16, 2008 3:45 PM
To: Bardin, Stephen
Cc: John Weber; Gardner, Janice; Ron Sorrells; [Johnson@escambiaclerk.com; Lorraine Hudson
Subject: RE: Escambia County BCC Environmental Enforcement Positions

Steve-

Yes, our agency will be reporting these members under regular class on future retirement reports.

Thanks,
Jenny

-----Original Message-----

From: Bardin, Stephen [mailto:Stephen.Bardin@dms.myflorida.com]
Sent: Wednesday, April 09, 2008 7:35 AM
To: Jennifer_Echols@co.escambia.fl.us
Cc: John Weber; Gardner, Janice
Subject: RE: Escambia County BCC Environmental Enforcement Positions

We researched all of these accounts based on the March 2008 payroll received from your agency. It appears some members were still being reported under Special Risk Class (HB/PB). Will your agency be reporting these members under regular class on future retirement reports?

Please let me know if you have any questions.

Sincerely,

Stephen M. Bardin
Enrollment-SR UNIT
Phone: 850/488-8837 or 877/FRS-ENRL (877/377-3675)
Fax: 850/410-2164

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Your e-mail messages may, therefore, be subject to public disclosure.

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2/18/2009

II-1

Committee of the Whole

8.

Meeting Date: 10/10/2013

Issue: GRS Bridge Construction by Public Works

From: Joy D. Blackmon, P.E., Department Director

Information

Recommendation:

GRS Bridge Construction by Public Works

(Wes Moreno/Kirk Kassebaum - 10 min)

A. Board Discussion

B. Board Direction

Attachments

GRS Bridge Construction Presentation

GRS Bridge Construction

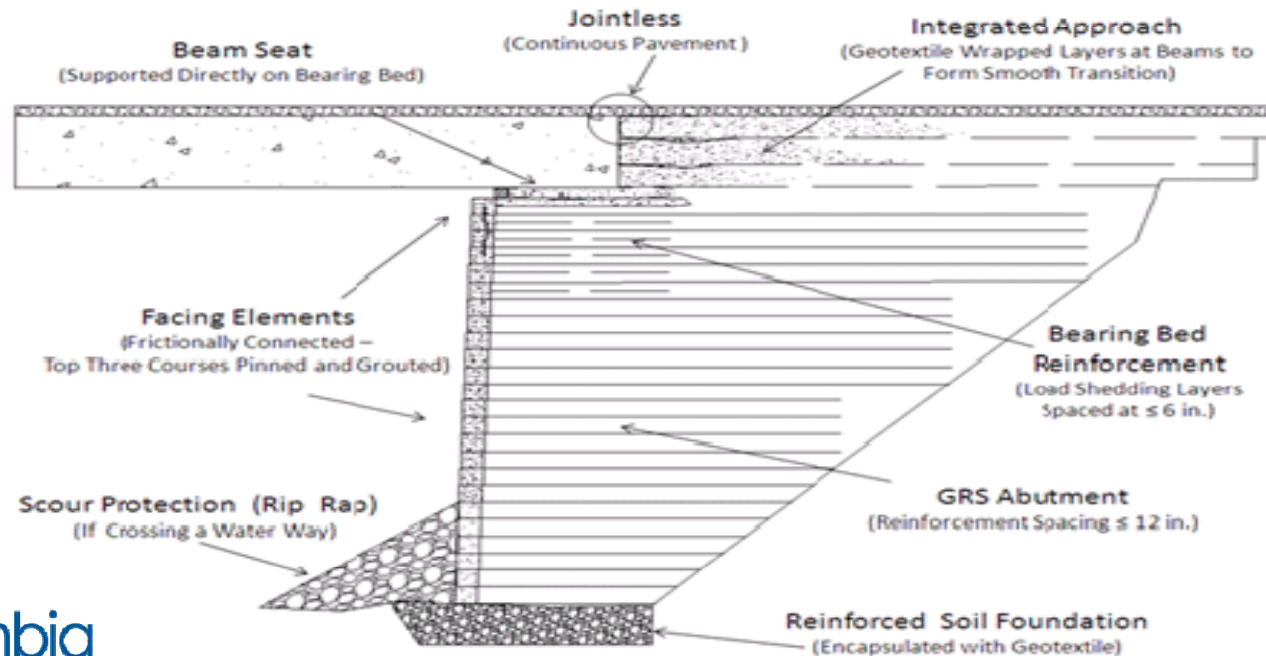
Discussion

Public Works Department

What is GRS ?

- GRS – Geosynthetic Reinforced Soil
 - An engineered, well-compacted granular fill with closely spaced (<12”) layers of geosynthetic reinforcement (synthetic fabric)

Example of GRS System



What is IBS?

- IBS – Integrated Bridge System
 - A fast, cost-effective method of bridge support which blends the roadway into the superstructure using GRS technology

Why GRS – IBS in Escambia County?

- Easy maintenance
- Smooth transition → road to deck
- Reduced construction time → <50% +/-; County can self-perform
- Flexibility in design → adaptable in the field for unforeseen conditions
- Reduced cost → FHWA and states with experience with this method report a 25-60% cost savings over other methods
- Not applicable for all situations → high water flow under the bridge, poor soils and/or long spans

Sunshine Hill Road GRS - IBS

- Cost → \$218,586
- 85% of vendors → local
- 100% of design → local
- In-house labor → Public Works staff and RCO crews
- Construction Time → 2 ½ months or less



The GRS – IBS Process

Reinforced Soil Foundation (Footer)



GRS Layers → Fabric, Block & Soil

Fabric Placement



Block Placement



#57 Stone “Soil” Fill

Soil Placement



Soil Placement



Compaction

RSF “Footer” Compaction



GRS Layer Compaction



Finished Abutment

**Completed
North & South Abutment**



Prepared for Bridge Deck



Deck Placement → Completed in 1 Day

Crowned Beam Seats



Bridge Deck Placement



Completed Project



Star Lake Road Wooden Structure

Before



Before



Star Lake Road

30 ft. Aluminum Arch

COST: \$521,633

Time to Construct: 5 months

After



After



Johnson Avenue

Wooden Substructure & Concrete Superstructure

Before



Before



Johnson Avenue 32 ft Concrete Arch

COST: \$964,018

Time to Construct: 7 months

After



After



Sunshine Hill Road

Wooden Structure

Before



Before



Sunshine Hill Road

34 ft. GRS – IBS

Cost \$218,586

Time to Construct: 2.5 months

After



After



SUMMARY

Cost Comparison – 3 Types of Bridge Construction:

- Star Lake – 30' - Aluminum Arch \$521,633
 - Contractor Constructed – 5 months
- Johnson Avenue – 32' – Concrete Arch \$964,018
 - Contractor Constructed – 7 months
- Sunshine Hill – 34' – GRS – IBS \$218,586
 - In-house labor – 2 ½ months

Acknowledgement

We extend our gratitude to Larry Jones, FDOT Assistant State Structures Design Engineer & State Geotechnical Engineer, for his technical support throughout the construction process and for his assistance with this presentation.

Committee of the Whole

9.

Meeting Date: 10/10/2013

Issue: GPS Testing by Public Works

From: Joy D. Blackmon, P.E., Department Director

Information

Recommendation:

GPS Testing by Public Works

(Wes Moreno/Terry Gray - 10 min)

A. Board Discussion

B. Board Direction

Attachments

GPS Testing Presentation

GPS Monitoring Systems



PUBLIC WORKS DEPARTMENT
ROADS DIVISION
FLEET VEHICLES AND EQUIPMENT

Escambia County

ROADS DIVISION, FLEET VEHICLES AND EQUIPMENT
RESEARCHED PRODUCTS FROM VARIOUS VENDORS:

- SYNOVIA
- SPRINT/GEOTAB
- VERIZON/NETWORKFLEET

ALL VENDORS SUPPLY COMPARABLE GPS MODELS:

WEB-BASED, REAL TIME DATA MODELS

LOCATION MONITORING DEVICES

- *VEHICLE MOUNTED (HARD WIRED OR PLUG-IN)*
- *PORTABLE, HANDHELD (PHONE-TYPE DEVICE)*

LOCATION MONITORING DEVICES WITH VEHICLE DIAGNOSTICS

- *VEHICLE MOUNTED (HARD WIRED OR PLUG-IN)*

DATA MONITORING

LOCATION DATA ONLY

- ▶ **MAPPING & ROUTING**
- ▶ **GEOFENCES**
- ▶ **GPS REPORTING SUITE**
- ▶ **DRIVER IDENTIFICATION**
- ▶ **BASIC DRIVER BEHAVIOR**

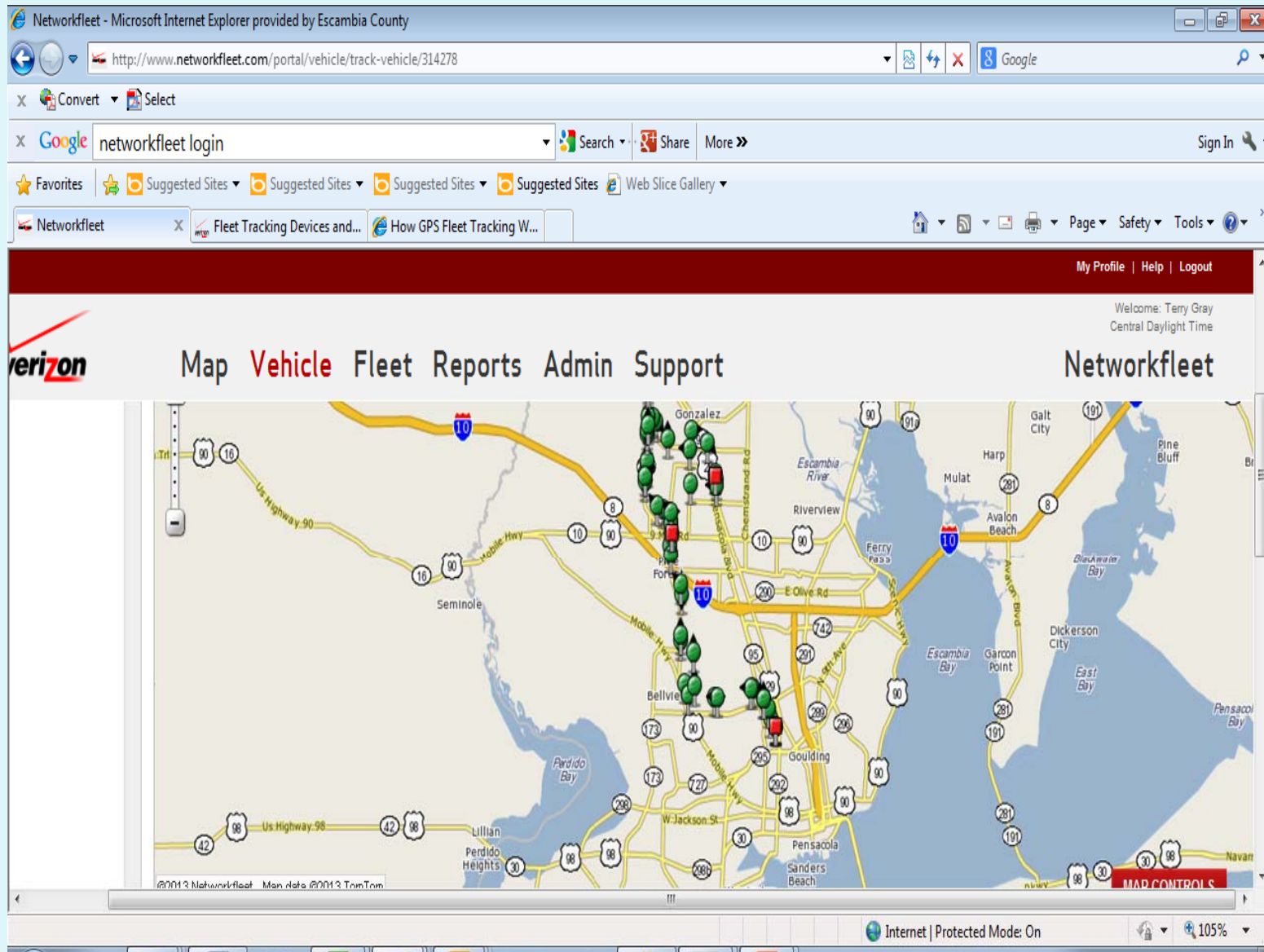
LOCATION DATA W/ DIAGNOSTICS

- ▶ **ADVERSE DRIVER BEHAVIOR**
- ▶ **VEHICLE TROUBLE CODES**
- ▶ **ENGINE DATA**
 - (SPEED, ODOMETER, ENGINE HOURS)
- ▶ **MPG REPORTING**
- ▶ **EMISSIONS**

REPORT SUITE SUMMARY

- ▶ **ACTIVITY ALERTS**
- ▶ **VEHICLE TROUBLE CODES ALERTS**
- ▶ **DRIVE TIME SUMMARY**
- ▶ **FUEL USAGE AND MPG**
- ▶ **GEOFENCE VIOLATION**
- ▶ **IDLE TIME**
- ▶ **ODD-HOURS/MOVEMENT**
- ▶ **ODOMETER**
- ▶ **SPEED VIOLATIONS**
 - **MORE...**

Sample Map of Vehicle Tracking



POTENTIAL FINANCIAL BENEFITS

- IDLE TIME /FUEL SAVINGS
- DECREASED WEAR ON ENGINE COMPONENTS
- EFFICIENT ROUTING
- EFFICIENCY IN TIME AND MAN HOURS

ESTIMATED GPS SYSTEM COSTS

LOCATION DATA ONLY

HARDWARE & SERVICE WITH
SELF INSTALLATION

PER MONTH \$29.95

(PER UNIT)

X 200 UNITS

= \$71,880 PER YEAR

LOCATION DATA W/ DIAGNOSTICS

HARDWARE & SERVICE WITH
SELF INSTALLATION

PER MONTH \$34.95

(PER UNIT)

X 200 UNITS

= \$83,880 PER YEAR

Committee of the Whole

10.

Meeting Date: 10/10/2013

Issue: County Road 95A Truck Prohibition

From: Alison Rogers, County Attorney

Information

Recommendation:

County Road 95A Truck Prohibition

(Commissioner Steven L. Barry/Alison Rogers/Larry Newsom - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Resume of October 22, 1991

Ltr. from Larry Newsom dated November 4, 2009

2013 Citizen Petition

[Document #: 1991002592

Book/Page: 0144/0108]

THE BOARD TOOK THE FOLLOWING ACTION CONCERNING ADVERTISEMENT FOR BIDS: AUTHORIZED THE COUNTY ADMINISTRATOR AND THE COUNTY COMPTROLLER TO ESTABLISH A RETURNABLE DATE AND TIME FOR RECEIPT OF BIDS FOR FISCAL YEAR 1991-1992 MISCELLANEOUS BRIDGE REPAIRS, ESTIMATED AT \$100,000; AND AUTHORIZED THE COUNTY ADMINISTRATOR AND THE COUNTY COMPTROLLER TO ESTABLISH A RETURNABLE DATE AND TIME FOR RECEIPT OF BIDS FOR THE PURCHASE OF ONE (1) TRACK MOUNTED EXCAVATOR FOR THE ROAD DEPARTMENT, ESTIMATED AT \$100,000. P. 18

=====
[Document #: 1991002593

Book/Page: 0144/0109]

THE BOARD ADOPTED A RESOLUTION PROHIBITING TRUCK TRAFFIC ON ALL ROADS IN THE CANTONMENT AREA BOUNDED BY BUT EXCLUDING THE FOLLOWING ROADS: STATE ROAD 95 (PENSACOLA BOULEVARD), COUNTY ROAD 184 (MUSCOGEE ROAD), WELL LINE ROAD, AND ZARRAGOSSA ROAD. P. 19

=====
[Document #: 1991002594

Book/Page: 0144/0109]

THE BOARD AUTHORIZED STAFF TO PREPARE A DIRT PATH FOR RECREATIONAL WALKING ON THE PERIMETER AREA OF THE COUNTY'S PROPERTY AT STEFANI ROAD, AT THE LOCATION OF THE COUNTY'S AGRICULTURAL EXTENSION SERVICE OFFICE, WITH MR. W. RAY ASCHERFELD, DIRECTOR, ROAD OPERATIONS, AND MR. LAMAR T. CHRISTENBERRY, ESCAMBIA COUNTY AGRICULTURAL EXTENSION DIRECTOR, COORDINATING THIS EFFORT. P. 20

=====
[Document #: 1991002595

Book/Page: 0144/0109]

THE BOARD HELD, UNTIL A LATER DATE, THE RECOMMENDATION* THAT THE BOARD TAKE ACTION RE CONTRACTING THE MANAGEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND SECTION 8 RENTAL ASSISTANCE PROGRAMS AND GRANT-RELATED SERVICES. (*WHICH INCLUDED NEGOTIATING WITH THE NEIGHBORHOOD ENTERPRISE FOUNDATION, INC., FOR ASSUMPTION OF THE OPERATION OF THE CDBG PROGRAM, THE SECTION 8 RENTAL ASSISTANCE PROGRAM, AND FOR PERFORMANCE OF ADDITIONAL GRANT-RELATED SERVICES AS REQUIRED) P. 19

=====
[Document #: 1991002596

Book/Page: 0144/0109]

THE BOARD RECEIVED AN INFORMATION REPORT FROM COUNTY ADMINISTRATOR PEACOCK, DATED OCTOBER 17, 1991, RELATIVE TO THE MEANING OF THE STATEMENT "ADDITIONAL GRANT-RELATED SERVICES" AS NOTED IN THE RECOMMENDATION CONCERNING THE MANAGEMENT OF CDBG AND SECTION 8 RENTAL ASSISTANCE PROGRAMS. P. 19

=====
[Document #: 1991002597

Book/Page: 0144/0109]

THE BOARD WAS ADVISED THAT THE PUBLIC SERVICE COMMITTEE SCHEDULED A PUBLIC HEARING FOR 9:30 A.M. ON NOVEMBER 5, 1991, FOR CONSIDERATION OF AN ORDINANCE PROHIBITING TRUCK PARKING ON COUNTY RIGHTS-OF-WAY IN RESIDENTIAL AREAS; ESTABLISHING PROPER PARKING PROCEDURES, ETC. P. 19

R E S O L U T I O N

WHEREAS, the Board of County Commissioners of Escambia County enacted Ordinance 81-4 which authorizes the Board, pursuant to Section 316.555, Florida Statutes, to establish by Resolution load and weight limits on certain roads when necessary due to the design and deterioration of the roads, or for the public safety and convenience; and

WHEREAS, the Board of County Commissioners of Escambia County has determined that load and weight limits are necessary for the roads in the below described areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Escambia County Florida, that the roads within boundaries of the residential areas described as follows:

All roads in the Cantonment area bounded by but excluding the following roads:

- 1) State Road 95 (Pensacola Boulevard)
- 2) County 184 (Muscogee Road)
- 3) Well Line Road
- 4) Zarragossa Road - (an unopened County right-of-way located one-half mile east of, and parallel to, Madrid Road between Muscogee Road and Well Line Road)

will have the following load and weight limits:


No trucks except for pickup trucks, light vans or any truck servicing or having business within the area previously described.

DULY ADOPTED this 22nd day of October, 1991.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST: Joe A. Flowers, Clerk


Clerk


Dave [unclear] [unclear]



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Transportation & Traffic Operations
1190 W. Leonard Street
Pensacola, FL 32501
Phone (850)595-3404
Fax (850)595-3405
www.myescambia.com

Larry Newsom
Division
Manager

November 4, 2009

Ms. Kay Campbell
2222 Highway 95A North
Cantonment, FL 32533

RE: CR 95A Truck Prohibition exemption for the following Freight or Hauling Companies located on CR 95A:

C&C Hauling and American Concrete Supply

Dear Ms. Campbell:

In discussions with you and understanding the service routes locations and to promote safe movement of your commercial vehicles Escambia County wants to ensure you and your drivers **shall be exempt** from all truck restriction established on the north portion of CR 95A between US 29 and SR 97 (Atmore Highway). The truck prohibition, as defined by resolution, **allows trucks and large vehicles servicing or having business on this section of road to use it**. Allowing trucks or oversized vehicles to continue cut-through use of this section of roadway for avoidance can add additional maintenance costs that can be used elsewhere in the county. This action is in compliance with rules and regulations established by the Department of Commerce.

If you have any questions or need additional information, please feel free to contact me at 595-3437.

Sincerely,

Larry Newsom, Division Manager
Transportation & Traffic Operations

LMN/DKM/we

c: Commissioner Kevin White, District 5

Florida respectfully request that the "NO TRUCKS" signs that are posted be enforced. That no business or company be allowed to violate the truck prohibition, as defined by resolution which, allows trucks and large vehicles servicing or having business on this section of road to use it.

NAME

Address

1. Ante L. Barikson 7351 Hwy 95A
2. Mr. Raw 7352 HWY 95A
3. James R. Rutherford 7331 Hwy 95A North, Molino, FL 32577
4. Bobby Andrews 7390 Hwy 95a N Molino, FL
5. Jordan Majerus 7350 Hwy 95a n Molino, FL
6. Kathleen Brown 200 Oreo Dr. Molino, FL
7. Gyn W. Gimpert 240 Oreo Dr., Molino, FL, 32577
8. Melissa Cain 250 Oreo Dr. Molino FL 32577
9. Wang Dang Song 7320 Hwy 95A N Molino FL 32577
10. David & Linda 7211 Hwy 95A molino 32577
11. Walter Moore 7180 Hwy 95A Molino FL
12. R.B. & Alicia Brutwell 7161 Hwy 95A N. Molino 32577
13. Nite F. Chambers 7321 Hwy 95 A
14. C. Campbell 7360 Hwy, 95A N - Molino, FL.
15. Carol D. Campbell 7360 Hwy. 95A N. - Molino, FL
16. Rebecca Hatch 7354 Hwy 95A N 32577
17. D. Kelly 220 Oreo Dr molino, FL
18. M. N. 201 Oreo Drive Molino, FL 32577
19. Jimmy & Betty 251 Oreo Drive, Molino, FL 32577

Florida respectfully request that the "NO TRUCKS" signs that are posted be enforced. That no business or company be allowed to violate the truck prohibition, as defined by resolution which, allows trucks and large vehicles servicing or having business on this section of road to use it.

1. Brenda & Mitch McCall 7201 N. Hwy. 95A, Molino, FL 32577
2. ~~Thannie Wise~~ 7130 Hwy 95A Molino, FL 32577
3. ~~Anthony D. Harrington~~ 7170 Hwy 95A Molino, FL 32577
4. Ben & Terene Veazey 7311 Hwy 95A Molino, FL 32577
5. Christopher Forzelle 7480 Hwy 95A Molino, FL 32577
6. Trey & Anita Webb 7120 Hwy 95A Molino, FL 32577
7. ~~Betty Davidson~~ 7351 Hwy 95A N. Molino, FL 32577
8. Carlie Bright 7349 Hwy 95A N Molino FL 32577
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____

Committee of the Whole

11.

Meeting Date: 10/10/2013

Issue: Recycling Update

From: Pat Johnson, Department Director

Information

Recommendation:

Recycling Update (REFERRED FROM THE OCTOBER 3, 2013, AGENDA REVIEW – NO
BACKUP PROVIDED - INFORMATION REPORT ONLY)

(Pat Johnson - 15 min)

A. Board Discussion

B. Board Direction
