

## AGENDA

### COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

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

August 12, 2014  
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. RESTORE Act Advisory Committee Update and Resolution Review Request - (REFERRED FROM THE APRIL 29, 2014, BCC MEETING)  
(Ryan Ross/Keith Wilkins/Bentina Terry - 20 min)
  - A. Board Discussion
  - B. Board Direction
4. Rural Work Program  
(Mary Beth Washnock, West Florida Regional Planning Council - 10 min)
  - A. Board Discussion
  - B. Board Direction
5. Proposed Maintenance MSBU (Municipal Services Benefit Unit) Policy  
(David Forte/Joy Blackmon - 30 min)
  - A. Board Discussion
  - B. Board Direction
6. Community Cat Management Ordinance (REFERRED FROM THE JULY 24, 2014, BCC MEETING)  
(John Robinson/Marilyn Wesley - 30 min)
  - A. Board Discussion
  - B. Board Direction

7. Central Booking and Detention Facility Replacement Considerations  
(David W. Wheeler - 15 min)
  - A. Board Discussion
  - B. Board Direction
  
8. Status Update on Borrow (Mining) Pits, C&DD (Construction & Demolition Debris), and LCD (Land Clearing Debris) Pits - (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)  
(Horace Jones/Pat Johnson/Keith Wilkins - 30 min)
  - A. Board Discussion
  - B. Board Direction
  
9. Parking for the Flora Bama Jama/Use of Baars Field  
(Alison Rogers - 5 min)
  - A. Board Discussion
  - B. Board Direction
  
10. Thunder on the Gulf Event (NO BACKUP PROVIDED)  
(Commissioner Gene Valentino - 15 min)
  - A. Board Discussion
  - B. Board Direction
  
11. SMG Contract Extension (NO BACKUP PROVIDED)  
(Cyndee Pennington - 30 min)
  - A. Board Discussion
  - B. Board Direction
  
12. Adjourn

**Committee of the Whole**

**3.**

**Meeting Date:** 08/12/2014

**Issue:** RESTORE Act Advisory Committee Update and Resolution

**From:** Keith Wilkins, Department Director

---

**Information**

**Recommendation:**

RESTORE Act Advisory Committee Update and Resolution Review Request - (REFERRED FROM THE APRIL 29, 2014, BCC MEETING)

(Ryan Ross/Keith Wilkins/Bentina Terry - 20 min)

A. Board Discussion

B. Board Direction

---

**Attachments**

Resume Page - 4-29-2014 BCC

04292014-Rec and Backup for RESTORE Resolution R2012-150

Aug12-2014 COW-IssuePaper-RESTORE Resolution Amd

Aug12-2014 COW-RESTORE Resolution PPT

---

**RESUME OF THE REGULAR BCC MEETING – Continued**

**COUNTY ATTORNEY'S REPORT – Continued**

**II. FOR DISCUSSION – Continued**

2. **Recommendation:** That the Board take the following action concerning amending RESTORE Act Advisory Committee Resolution R2012-150:
  - A. Approve the Resolution that amends Resolution R2012-150, as recommended by the RESTORE Act Advisory Committee, by clarifying the RESTORE Act Advisory Committee's role in recommending goals and criteria for the use of RESTORE Act funds, aligning project categories with the federal RESTORE Act, and eliminating the \$500,000.00 minimum dollar limit for project eligibility; and
  - B. Provide clarification and direction to the RESTORE Act Advisory Committee and Escambia County staff regarding a Committee member's ability to serve in an organization that requests funding from, or makes recommendations to, the Committee.

**Approved 5-0 to table until the Board "has a chance to review this"**

3. **Recommendation:** That the Board consider any additional direction in Escambia County vs. Sean's Outpost, Inc., Case No.: CE# 13-12-00500; the Special Magistrate's Order dated April 22, 2014, is provided.

**Approved 5-0 to authorize the County Attorney's Office to appeal the ruling of the Special Magistrate and to direct planning staff to review the Temporary Structures Ordinance for any tweaking that should be necessary**

**Speaker(s):**

Richard Grimes  
Lucinda Martin



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

AI-6082

County Attorney's Report 12. 2.

BCC Regular Meeting

Discussion

Meeting Date: 04/29/2014

Issue: Amending RESTORE Act Advisory Committee Resolution R2012-150

From: Ryan Ross, Assistant County Attorney

Organization: County Attorney's Office

CAO Approval:

---

**RECOMMENDATION:**

Recommendation Concerning Amending RESTORE Act Advisory Committee Resolution R2012-150

That the Board take the following action:

- A. Approve the attached Resolution that amends Resolution R2012-150 as recommended by the RESTORE Act Advisory Committee, by clarifying the RESTORE Act Advisory Committee's role in recommending goals and criteria for the use of RESTORE Act funds, aligning project categories with the federal RESTORE Act, and eliminating the \$500,000.00 minimum dollar limit for project eligibility; and
- B. Provide clarification and direction to the RESTORE Act Advisory Committee and Escambia County staff regarding a Committee member's ability to serve in an organization that requests funding from, or makes recommendations to, the Committee.

**BACKGROUND:**

On October 18, 2012, the Escambia County Board of County Commissioners adopted Resolution R2012-150, which established a RESTORE Act Advisory Committee to assist the Board in allocating its share of certain fine and settlement amounts pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012. The Committee has met continuously since its formation. Based on its discussions and public input, the Committee is recommending several revisions to Resolution R2012-150. The Committee is also requesting that the Board provide clarification and direction regarding the ability of a Committee member to serve in an organization that requests funding from, or makes recommendations to, the Committee.

**BUDGETARY IMPACT:**

N/A

**LEGAL CONSIDERATIONS/SIGN-OFF:**

Assistant County Attorney Ryan E. Ross has drafted the attached Resolution.

**PERSONNEL:**

N/A

**POLICY/REQUIREMENT FOR BOARD ACTION:**

N/A

**IMPLEMENTATION/COORDINATION:**

N/A

---

**Attachments**

Resolution

Resolution R2012-150

---

**RESOLUTION R2014 - \_\_\_\_\_**

**A RESOLUTION OF THE COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING SECTION 3 OF RESOLUTION R2012-150, AS AMENDED, BY AMENDING THE DUTIES OF THE ESCAMBIA COUNTY RESTORE ACT ADVISORY COMMITTEE; DELETING A TIME RESTRICTION FOR THE COMMITTEE TO DEVELOP A PLAN FOR THE USE OF RESTORE FUNDS; AUTHORIZING THE COMMITTEE TO DEVELOP GOALS AND RANKING CRITERIA SUBJECT TO REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS; ALIGNING PROJECT CATEGORIES WITH THE FEDERAL RESTORE ACT; ELIMINATING THE \$500,000.00 MINIMUM LIMIT FOR PROJECTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, on October 18, 2012, the Escambia County Board of County Commissioners adopted Resolution R2012-150, which established a RESTORE Act Advisory Committee to assist the Board in allocating its share of certain fine and settlement amounts pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and**

**WHEREAS, on January 3, 2012, the Board amended Resolution 2012-150 by adopting Resolution R2013-5, which increased the membership of the Committee; and**

**WHEREAS, the Board has selected the membership of the Committee and the Committee has subsequently held several meetings and heard from several interested groups regarding appropriate ranking criteria for the evaluation and selection of projects; and**

**WHEREAS, the Committee is seeking to clarify its role in developing ranking criteria for its use in the evaluation and selection of projects; and**

**WHEREAS**, the Committee had further determined that it needs more than the allotted six months to develop a plan that sets forth the final goals for the use of RESTORE funds; and

**WHEREAS**, based on its discussions and the receipt of public input, the Committee proposes additional amendments to Resolution R2012-150 to align its project categories with those established by the RESTORE Act and its implementing regulations, and to increase the number and types of projects eligible for RESTORE Act funding; and

**WHEREAS**, the Board concurs with these requests from the Committee and seeks to consequently amend Resolution R2012-150.

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

**SECTION 1. RECITALS.**

The aforementioned recitals are hereby incorporated into this Resolution.

**SECTION 2. AMENDMENT TO RESTORE ACT ADVISORY COMMITTEE DUTIES.**

Section 3 of Resolution R2012-150 is hereby amended as follows:

The RESTORE Act Advisory Committee shall have the following duties and responsibilities:

- A. ~~That within the first six months of formation,~~ The committee shall develop recommend a plan adhering to the RESTORE Act and its implementing regulations, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.



**B. The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one of the three ~~nine~~ categories identified for eligibility by the RESTORE Act: economic development and job creation, environmental, and infrastructure**

**(I) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.**

**(II) Mitigation of damage to fish, wildlife, and natural resources.**

**(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.**

**(IV) Workforce development and job creation.**

**(V) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.**

**(VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.**

**(VII) Coastal flood protection and related infrastructure.**

**(VIII) Planning assistance.**

**(IX) Administrative costs of complying with the RESTORE Act.**

**A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. ~~Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.~~**

C. ~~The Board of County Commissioners~~ Committee shall establish recommend ranking criteria for the Committee to use its review of project proposals. ~~The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners~~ The Board of County Commissions shall review and approve the ranking criteria developed by the Committee prior to the ranking of project proposals.

D. The Committee shall rank each project and compile aggregate ranked lists of the projects submitted in each category. The Committee shall then submit the lists to the Board of County Commissioners for review and approval. The Board of County Commissioners may adopt a timeline for the ranking and approval process and any other deadlines it deems necessary. This timeline and other deadlines shall be binding on the Committee.

**SECTION 3. EFFECTIVE DATE.**

This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Lumon J. May, Chairman

ATTEST: PAM CHILDERS  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

This document approved as to form  
and legal sufficiency

By: \_\_\_\_\_

Title: Asst. County Attorney

Date: April 17, 2014

Escambia County  
Clerk's Original  
10/18/2012/CAT 1-1

**RESOLUTION NUMBER R2012 - 150**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, ESTABLISHING THE RESTORE ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in response to the Deepwater Horizon oil spill during the summer of 2010, the United States Congress has enacted the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, also known as the "RESTORE Act;" and

**WHEREAS**, one purpose of the RESTORE Act is to ensure that the federal government distributes a substantial portion of fines or settlement amounts collected as a result of the oil spill to communities affected by the oil spill; and

**WHEREAS**, the RESTORE Act empowers the Escambia County Board of County Commissioners with the authority to distribute certain amounts for various purposes and projects as designated by the Act; and

**WHEREAS**, the Board of County Commissioners finds that an advisory committee would assist the Board in determining which projects qualify for funding under the Act, and therefore would serve the public interest.

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

**SECTION 1. RECITALS.**

The aforementioned recital clauses are hereby incorporated into this Resolution.

**SECTION 2. ESTABLISHMENT.**

The Escambia County Board of County Commissioners hereby establishes the RESTORE Act Advisory Committee.

Date: 10/19/2012 Verified By: B. Schwagerl

**SECTION 3. DUTIES OF THE RESTORE ACT ADVISORY COMMITTEE.**

The RESTORE Act Advisory Committee shall have the following duties and responsibilities:

A. That within the first six months of formation, the committee shall develop a plan, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.

B. The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one of three categories: economic development and job creation, environmental, and infrastructure. A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.

C. The Board of County Commissioners shall establish ranking criteria for the Committee to use. The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners.

D. The Committee shall rank each project and compile aggregate ranked lists of the projects submitted in each category. The Committee shall then submit the lists to the Board of County Commissioners for review and approval. The Board of County Commissioners may adopt a timeline for the ranking and approval process and any other deadlines it deems necessary. This timeline and other deadlines shall be binding on the Committee.

**SECTION 4. COMPOSITION OF THE COMMITTEE.**

The Committee shall consist of seven (7) members who are residents of Escambia County and appointed by the Board of County Commissioners as follows:

1. A representative of the financial industry (economist, banker, accountant, or financial planner with five (5) or more years experience in the financial industry).
2. A business leader with five (5) or more years of economic development experience.
3. An individual with five (5) or more years of experience in the area of transportation.
4. An individual with five (5) or more years of complex governmental experience.
5. An at-large citizen representative.
6. An individual appointed by the City of Pensacola. This Committee member cannot be an elected official or a regular or contract employee of the City of Pensacola unless the City of Pensacola is not going to request funding for a project under consideration by the Committee.
7. An individual representing local environmental advocacy groups.

A committee member may not be employed by or be a member of any organization that requests funding from, or that will be making recommendations to, the committee.

**SECTION 5. TERMS OF COMMITTEE MEMBERS.**

Committee members shall serve on the Committee until it has made all recommendations and completed its assignments as designated by the Board of County Commissioners. Should any Committee member cease to be an elector of the County, he or she shall cease to be a Committee member and shall be replaced by the Board of

County Commissioners. Except for the Committee member representing the City of Pensacola, Committee members may also be removed by the Board of County Commissioners. Additionally, the Committee shall recommend to the Board of County Commissioners the removal of a Committee member who accrues three unexcused absences from regularly-scheduled meetings of the Committee during the calendar year. Absences may be excused by a vote of the members present at any meeting.

**SECTION 6. OFFICERS.**

A. **Chairperson.** The Committee shall elect a Chairperson to preside at all meetings. The Chairperson shall be elected at the first meeting in January of each year and shall serve until the first meeting in January of the following year. There shall be no term limits for a member to serve as Chairperson.

B. **Vice-Chairperson.** The Committee shall elect a Vice-Chairperson to preside and act on behalf of the Chairperson during his or her absence. The term of office and method of election for the Vice-Chairperson shall be the same as the Chairperson.

**SECTION 7. REGULAR MEETINGS.**

The Committee shall establish a schedule of regular meetings, which shall be held at least every other month. A schedule of each year's regular meetings shall be distributed to all Committee members in December of the preceding calendar year.

**SECTION 8. QUORUM AND VOTING.**

Four (4) Committee members shall constitute a quorum for the purpose of conducting business. Each member shall exercise one vote on all matters subject to a vote of the Committee. All matters shall be decided by a majority vote of the members

present. No member shall abstain from voting unless the member has a conflict of interest.

**SECTION 9. SPECIAL MEETINGS.**

The Chairperson may call a special meeting of the Committee on his or her initiative and shall call a special meeting at the request of any four members.

**SECTION 10. LOCATION OF MEETING.**

Committee meetings shall be held in a public facility of sufficient size to accommodate those present and at such locations as the Committee may determine from time to time.

**SECTION 11. RULES OF PROCEDURE.**

The Committee shall conduct its meeting in accordance with the current edition of Robert's Rules of Order, except to the extent that the provision thereof is inconsistent with this Resolution.

**SECTION 12. SUNSHINE LAW.**

The Committee shall be subject to and each member shall be responsible for compliance with the Florida Sunshine Law and the Florida Public Records Act.

**SECTION 13. AGENDA.**

The Chairperson shall prepare an agenda for all meetings. Any Committee member may request that a matter be placed on the agenda. The agenda and related materials shall be distributed at least one day prior to the meeting date.

**SECTION 14. MINUTES.**

Minutes shall be kept at each Committee meeting. The written summary of each meeting shall be submitted for approval of the members at the next regular meeting. Each written summary shall reflect the persons in attendance, items discussed, each action taken at the meeting, and the vote of the members on each item presented at the meeting.

**SECTION 15. NOTICE OF PUBLIC MEETING.**

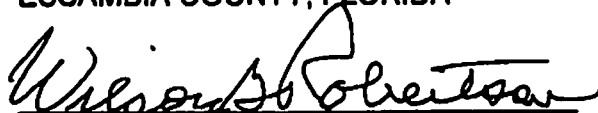
Notice of regular or special meetings of the Committee and the time and location of each meeting shall be published to the public.

**SECTION 16. EFFECTIVE DATE.**

That this Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

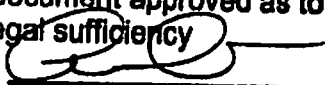
ADOPTED this 18th day of October 2012

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

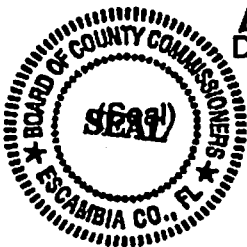
  
Wilson B. Robertson, Chairman

ATTEST: Ernie Lee Magaha  
Clerk of the Circuit Court

  
Deputy Clerk

This document approved as to form  
and legal sufficiency  
By   
Title County Attorney  
Date 10/18/12

Date Executed  
October 18, 2012







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

**August 12, 2014 Committee of the Whole**

**TO:** Board of County Commissioners

**FROM:** Bentina Terry, Chairperson, RESTORE Act Advisory Committee

**DATE:** August 12, 2014

**RE:** RESTORE Act Advisory Committee Resolution R2012-150

**ISSUE:** (A) Recommendation Concerning Amendments to RESTORE Act Advisory Committee Resolution R2012-150

(B) Clarification of SECTION 4. 7. of RESTORE Advisory Committee Resolution R2012-150

**Executive Summary:**

On October 18, 2012, the Escambia Board of County Commissioners adopted Resolution R2012-12, which established a RESTORE Act Advisory Committee to assist the Board in allocating its share of certain fine and settlement amounts pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The purpose of the Committee is to develop a plan, take public input and set the final goals for Escambia County's use of RESTORE funds. The Committee has met continuously since its formation gathering public input from a variety of community stakeholders.

**Background:**

The RESTORE Act Advisory Committee is recommending several revisions to Resolution R2012-150, based on its discussions and input from community stakeholders. The Committee is also requesting that the Board provide clarification and direction regarding the ability of a Committee member to serve in an organization that requests funding from, or makes recommendations to, the Committee.

**Action Desired:**

**Issue A:** Recommendation Concerning Amendments to RESTORE Act Advisory Committee Resolution R2012-150

The Committee recommends that the Board make the following amendments to Resolution R2012-150:

**SECTION 3. A.** ~~That within the first six months of formation,~~ The committee shall develop recommend a plan adhering to the RESTORE Act and its implementing

regulations, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.

**SECTION 3. B.** The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one or more of the ~~three~~ nine categories identified for eligibility by the RESTORE Act: economic development and job creation, environmental, and infrastructure

- (I) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region
- (II) Mitigation of damage to fish, wildlife, and natural resources
- (III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring
- (IV) Workforce development and job creation
- (V) Improvements to or on State parks located in coastal area affected by the Deepwater Horizon oil spill
- (VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure
- (VII) Coastal flood protection and related infrastructure
- (VIII) Planning assistance
- (IX) Administrative costs of complying with the RESTORE Act

~~A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.~~

**SECTION 3. C.** ~~The Board of County Commissioners Committee shall establish ranking criteria for the Committee to use its review of project proposals. The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners. The Board of County Commissioners shall review and approve the ranking criteria developed by the Committee prior to the ranking of project proposals.~~

**Issue B:** Clarification of Resolution R2012-150 SECTION 4. 7.

**SECTION 4. 7.** An individual representing local environmental advocacy groups. A committee member may not be employed by or be a member of any organization that requests funding from or that will be making recommendations to, the committee.

RESOLUTION R2014 - \_\_\_\_\_

**A RESOLUTION OF THE COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING SECTION 3 OF RESOLUTION R2012-150, AS AMENDED, BY AMENDING THE DUTIES OF THE ESCAMBIA COUNTY RESTORE ACT ADVISORY COMMITTEE; DELETING A TIME RESTRICTION FOR THE COMMITTEE TO DEVELOP A PLAN FOR THE USE OF RESTORE FUNDS; AUTHORIZING THE COMMITTEE TO DEVELOP GOALS AND RANKING CRITERIA SUBJECT TO REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS; ALIGNING PROJECT CATEGORIES WITH THE FEDERAL RESTORE ACT; ELIMINATING THE \$500,000.00 MINIMUM LIMIT FOR PROJECTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 18, 2012, the Escambia County Board of County Commissioners adopted Resolution R2012-150, which established a RESTORE Act Advisory Committee to assist the Board in allocating its share of certain fine and settlement amounts pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

**WHEREAS**, on January 3, 2012, the Board amended Resolution 2012-150 by adopting Resolution R2013-5, which increased the membership of the Committee; and

**WHEREAS**, the Board has selected the membership of the Committee and the Committee has subsequently held several meetings and heard from several interested groups regarding appropriate ranking criteria for the evaluation and selection of projects; and

**WHEREAS**, the Committee is seeking to clarify its role in developing ranking criteria for its use in the evaluation and selection of projects; and

**WHEREAS**, the Committee had further determined that it needs more than the allotted six months to develop a plan that sets forth the final goals for the use of RESTORE funds; and

**WHEREAS**, based on its discussions and the receipt of public input, the Committee proposes additional amendments to Resolution R2012-150 to align its project categories with those established by the RESTORE Act and its implementing regulations, and to increase the number and types of projects eligible for RESTORE Act funding; and

**WHEREAS**, the Board concurs with these requests from the Committee and seeks to consequently amend Resolution R2012-150.

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

**SECTION 1. RECITALS.**

The aforementioned recitals are hereby incorporated into this Resolution.

**SECTION 2. AMENDMENT TO RESTORE ACT ADVISORY COMMITTEE DUTIES.**

Section 3 of Resolution R2012-150 is hereby amended as follows:

The RESTORE Act Advisory Committee shall have the following duties and responsibilities:

A. ~~That within the first six months of formation,~~ The committee shall develop recommend a plan adhering to the RESTORE Act and its implementing regulations, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.

B. The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one or more of the three nine categories identified for eligibility by the RESTORE Act: economic development and job creation, environmental, and infrastructure

(I) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

(II) Mitigation of damage to fish, wildlife, and natural resources.

(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

(IV) Workforce development and job creation.

(V) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.

(VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

(VII) Coastal flood protection and related infrastructure.

(VIII) Planning assistance.

(IX) Administrative costs of complying with the RESTORE Act.

~~A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.~~

C. ~~The Board of County Commissioners~~ Committee shall establish recommend ranking criteria for the Committee to use its review of project proposals.  
~~The Committee shall rely solely on the ranking criteria established by the Board of~~  
~~County Commissioners~~ The Board of County Commissions shall review and approve  
the ranking criteria developed by the Committee prior to the ranking of project  
proposals.

D. The Committee shall rank each project and compile aggregate ranked lists of the projects submitted in each category. The Committee shall then submit the lists to the Board of County Commissioners for review and approval. The Board of County Commissioners may adopt a timeline for the ranking and approval process and any other deadlines it deems necessary. This timeline and other deadlines shall be binding on the Committee.

**SECTION 3. EFFECTIVE DATE.**

This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Lumon J. May, Chairman

ATTEST: PAM CHILDERS  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

This document approved as to form and legal sufficiency.

By: [Signature]  
Title: ASST. COUNTY ATTORNEY  
Date: 5 AUG. 6 2014

# Proposed Amendments to RESTORE Advisory Committee Resolution 2012-150



## SECTION 3. A.

~~That within the first six months of formation,~~  
‡The committee shall ~~develop~~ recommend a plan adhering to the RESTORE Act and its implementing regulations, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.



# SECTION 3. B.

The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one or more of the ~~three~~ nine categories identified for eligibility by the RESTORE Act: economic development and job creation, environmental, and infrastructure

- I. Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region
- II. Mitigation of damage to fish, wildlife, and natural resources
- III. Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring
- IV. Workforce development and job creation
- V. Improvements to or on State parks located in coastal area affected by the Deepwater Horizon oil spill
- VI. Infrastructure projects benefitting the economy or ecological resources, including port infrastructure
- VII. Coastal flood protection and related infrastructure
- VIII. Planning assistance
- IX. Administrative costs of complying with the RESTORE Act

~~A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.~~

## SECTION 3. C.

~~The Board of County Commissioners~~ Committee shall establish ranking criteria for ~~the Committee~~ to use its review of project proposals. ~~The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners.~~ The Board of County Commissioners shall review and approve the ranking criteria developed by the Committee prior to the ranking of project proposals.

# Clarification of Resolution R2012-150

## SECTION 4. 7.

## SECTION 4. 7.

7. An individual representing local environmental advocacy groups.

A committee member may not be employed by or be a member of any organization that requests funding from or that will be making recommendations to, the committee.

**Committee of the Whole**

4.

**Meeting Date:** 08/12/2014

**Issue:** Rural Work Program

**From:** Jack Brown, County Administrator

---

**Information**

**Recommendation:**

Rural Work Program

(Mary Beth Washnock, West Florida Regional Planning Council - 10 min)

A. Board Discussion

B. Board Direction

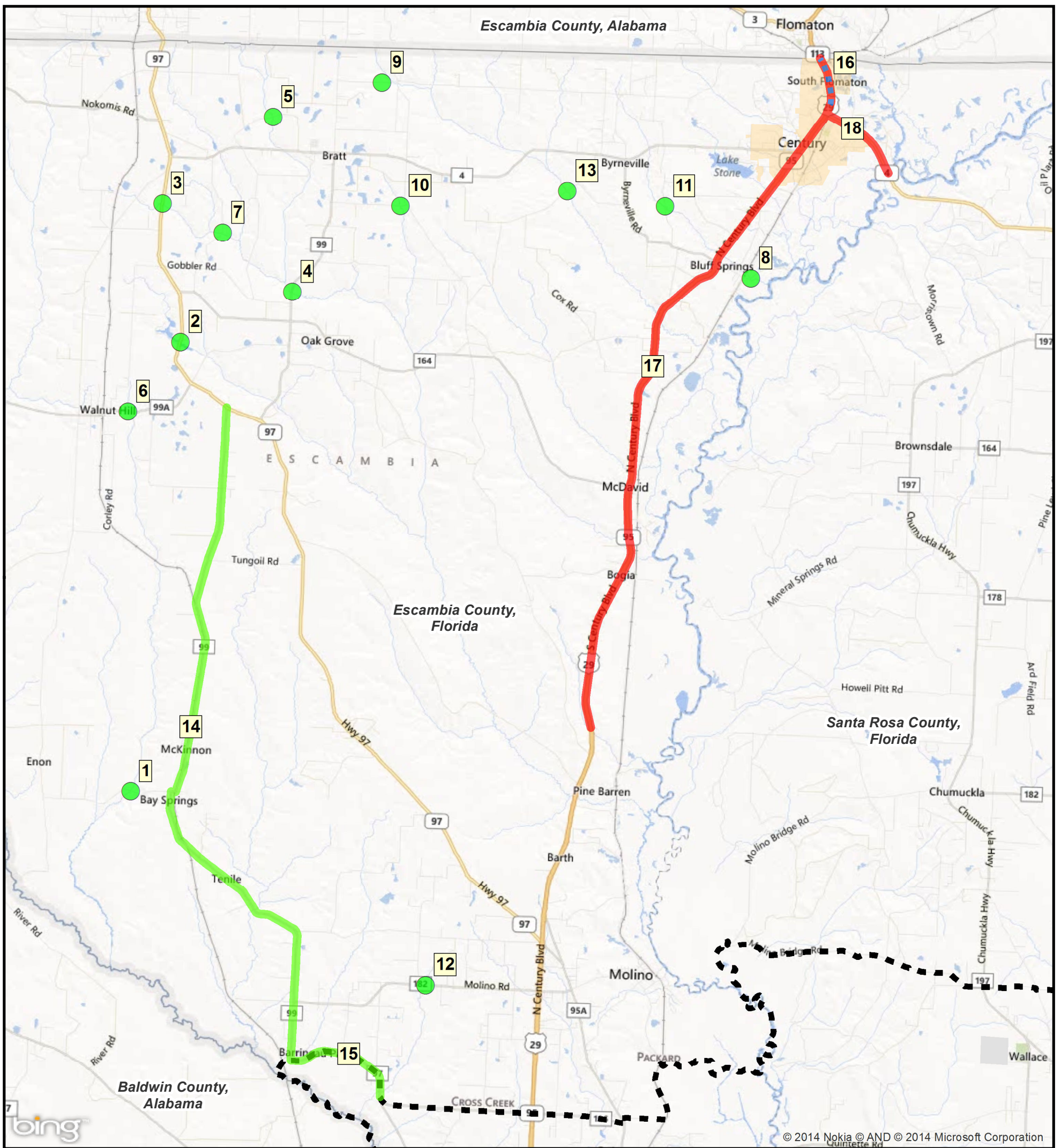
---

**Attachments**

FDOT Work Program

RWP Requests

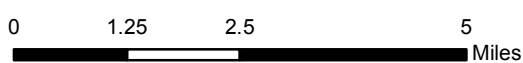
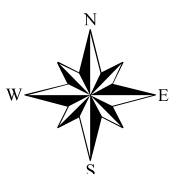
---



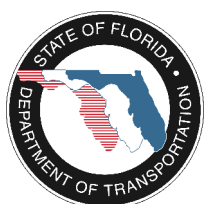
## FDOT Five Year Work Program FY 2015 - 2019 Rural Escambia County

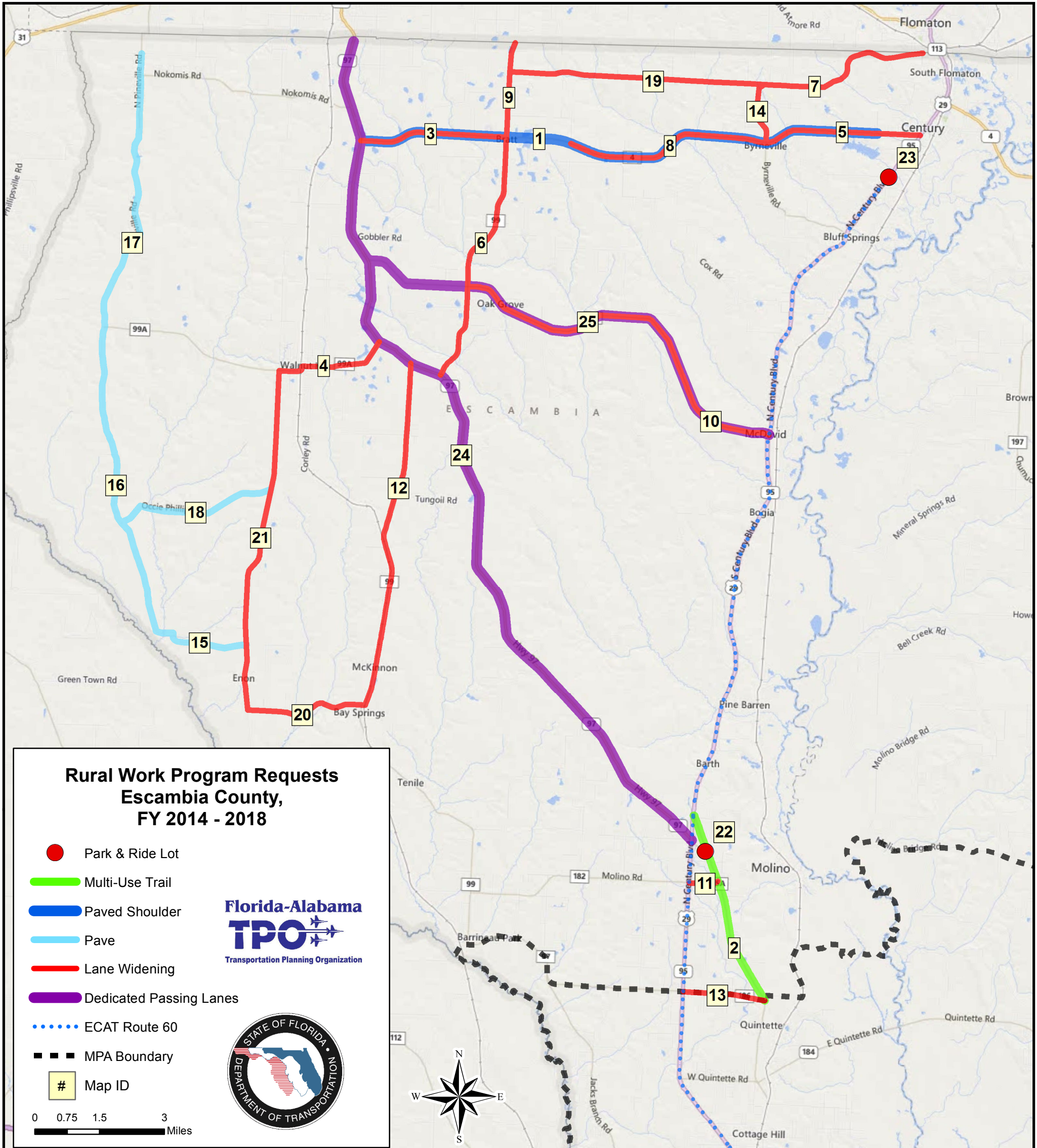
- Bridge
- ■ ■ Landscaping
- Resurfacing
- Pave Shoulders
- MPA Boundary
- # Map ID

Map ID	FM#	Project Name	From	To	Work Type
1	4134791	CR 97A	Over Boggy Creek	Bridge #480105	Bridge Replacement
2	4255191	SR 97	Little Pine Barren Creek	Bridge #480017	Bridge Replacement
3	4255192	SR 97	Over Sandy Hollow Creek	Bridge #480018	Bridge Replacement
4	4304661	CR 99	Over Pine Barren Creek	Bridge #480098	Bridge Replacement
5	4304671	Dortch Rd	Over Beaver Dam Creek	Bridge #484017	Bridge Replacement
6	4304691	CR 99A	Over Boggy Creek	Bridge #484030	Bridge Replacement
7	4304701	Sandy Hollow Rd	Over Sandy Hollow Creek	Bridge #484051	Bridge Replacement
8	4304711	Bluff Springs Rd	Over Pritchett Mill	Bridge #484052	Bridge Replacement
9	4322851	CR 168	Over Unnamed Branch	Bridge #480099	Bridge Replacement
10	4322861	Hanks Rd	Over Breastworks Creek	Bridge #484020	Bridge Replacement
11	4322881	Crary Rd	Over Pritchett Mill Creek	Bridge #484048	Bridge Replacement
12	4339041	CR 182	Over Penasula Creek	Bridge #480115	Bridge Replacement
13	4339051	Bratt Rd	Over Canoe Creek	Bridge #484050	Bridge Replacement
14	4296702	CR 99/S Hwy 99	CR 196/Barrineau Rd	CR 97A	Pave Shoulders
15	4296704	CR 196/Barrineau Rd	CR 97	CR 99/S Hwy 99	Pave Shoulders
16	4351801	SR 95 (US 29)	Stateline Gateway Landscaping		Landscaping
17	4269291	SR 95 (US 29)	North of Champion Drive	Alabama State Line	Resurfacing
18	4325551	SR 4	SR 95 (US 29)	Escambia River Bridge	Resurfacing



June 17, 2014 FDOT\_WorkProgram\_Esc2014.mxd





### Rural Work Program Requests Escambia County, FY 2014 - 2018

- Park & Ride Lot
- Multi-Use Trail
- Paved Shoulder
- Pave
- Lane Widening
- Dedicated Passing Lanes
- ⋯ ECAT Route 60
- MPA Boundary
- # Map ID

**Florida-Alabama TPO**  
Transportation Planning Organization

0 0.75 1.5 3 Miles

Map ID	Project Name	From	To	Work Type
1	CR 4	SR 97	Century Limits	Paved Shoulder
2	CR 95A	MPA Planning Area	SR 95	12' Multi-Use Trail
3	Highway 4	SR 97 / Highway 97 / Atmore Hwy	CR 99 / Highway 99	Lane Widening
4	Highway 99A / Arthur Brown Rd	CR 97 A / Highway 97A	SR 97 / Highway 97 / Atmore Hwy	Lane Widening
5	Highway 4	CR 4A / Highway 4A	US 29 / SR 95 / Century Blvd	Lane Widening
6	Highway 99	SR 97 / Highway 97 / Atmore Hwy	CR 4 / Highway 4	Lane Widening
7	Highway 4A	CR 4A / Highway 4A / State Line Rd	CR 168 / Highway 168	Lane Widening
8	Highway 4	Pine Barren Rd	CR 4A / Highway 4A	Lane Widening
9	Highway 99	CR 4 / Highway 4	Alabama State Line	Lane Widening
10	Highway 164	CR 99 / Highway 99	US 29 / SR 95 / Century Blvd	Lane Widening
11	Molino Rd	US 29 / SR 95 / Highway 29	CR 95A / Highway 95A	Lane Widening
12	Highway 99	CR 97A / Highway 97A	SR 97 / Highway 97 / Atmore Hwy	Lane Widening
13	CR 196 / Barrineau Park Rd	US 29 / SR 95 / Highway 29	CR 95A / Highway 95A	Lane Widening
14	Highway 4A	CR 168 / Highway 168	CR 4 / Highway 4	Lane Widening
15	Pineville Rd	CR 97A	Brushy Creek	Paving
16	Pineville Rd	Brushy Creek	CR 99A	Paving
17	Pineville Rd	CR 99A	1.22 mi S of Nokomis	Paving
18	Ocie Phillips Rd	CR 97A	Pineville Rd	Paving
19	CR 168	CR 99	CR 4A	Lane Widening
20	CR 97A	CR 99	CR 97A	Lane Widening
21	CR 97A	CR 97A	CR 99A	Lane Widening
22	SR 97 @ Farm Bureau Parcel	-	-	Park & Ride Lot
23	US 29 @ Tedder Rd	-	-	Park & Ride Lot
24	SR 97	US 29	Alabama State Line	Dedicated Passing Lanes
25	CR 164	SR 97	US 29	Dedicated Passing Lanes

**Committee of the Whole**

**5.**

**Meeting Date:** 08/12/2014

**Issue:** Proposed Maintenance MSBU Policy

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

---

**Information**

**Recommendation:**

Proposed Maintenance MSBU (Municipal Services Benefit Unit) Policy

(David Forte/Joy Blackmon - 30 min)

A. Board Discussion

B. Board Direction

---

**Attachments**

MSBU PowerPoint

MSBU Manual

F.S. 125.01

MSBU Flowchart

---



# Maintenance MSBU District



**Board of County Commissioners**

Committee of the Whole

Tuesday, August 12, 2014

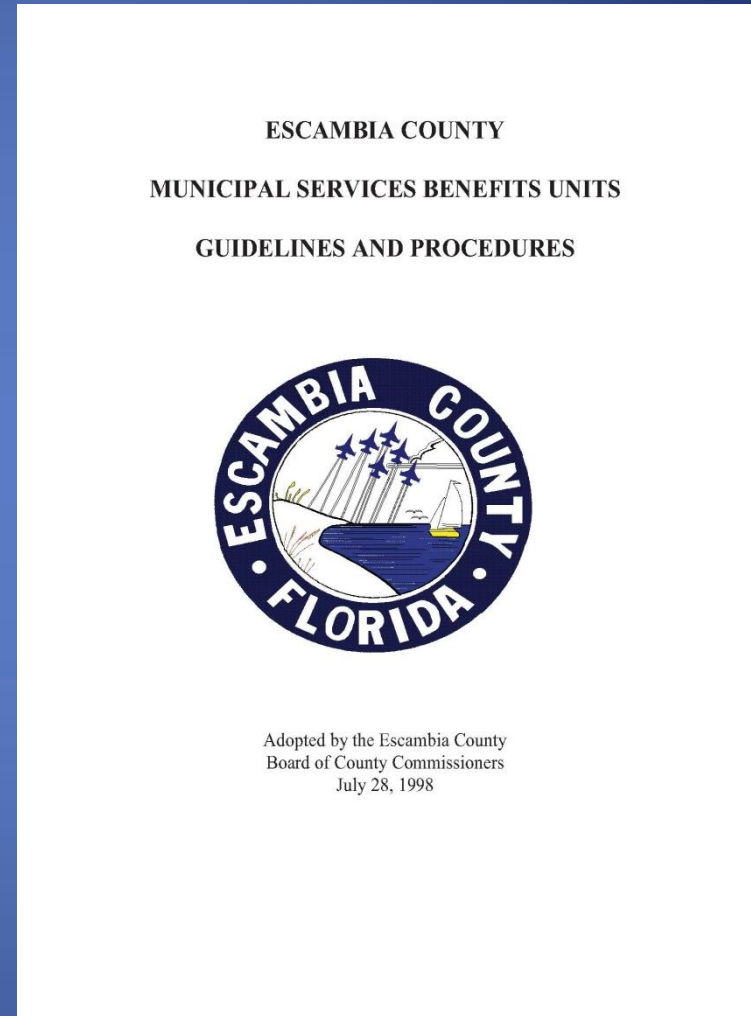
# What is an MSBU?

F.S. 125.01(q) "Establish (services such as) fire protection; law enforcement; ...; drainage; transportation; ...; and other essential facilities and municipal services from ...special assessments, or taxes within such unit only.

Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, ...

# Escambia County MSBU Manual

- Adopted : July 28, 1998.
- The Manual outlines and details the County's MSBU Program. Introduction excerpt:
- “The Escambia County Board of County Commissioner's Municipal Services Benefit Unit (MSBU) Program is a community self-help program. It provides a process by which communities may enhance their efforts to secure quality construction of essential improvements...”



# MSBU Manual

- Page 4
  - “Under F.S. 125.01, the Board has the authority to create special districts to provide a variety of services including fire protection, street lighting, transportation, drainage, etc. The services or improvements within the MSBU ***must specially benefit the property owners to be assessed for the improvements or services.*** MSBU Special Assessments are collected through the "Uniform Method of Collection" as authorized in Florida Statute 197.3632 and are billed along with other Property Taxes each November.”

# Current County MSBU Districts

- **Fire Protection District** (Unincorporated Escambia County and the Town of Century)
- **Sheriff's Protection and Mosquito Control** (Santa Rosa Island)
- **Construction Districts**
- **Street Lighting Districts**

(ECMSBU manual pg. 7)

# Construction Districts

- Construction/reconstruction shall be in accordance with current County, State, and Federal standards.
- Areas to be improved shall be dedicated to the public.
- Areas to be improved that are currently private require proof of ability to transfer the area to public ownership and must be submitted as part of the application for establishment of an MSBU.

# Proposed Maintenance Districts

- Staff is occasionally contacted by HOA's of a privately owned subdivision requesting that the County conduct some type of work to failing or deficient infrastructure. The concern of the HOA is the usually exorbitant cost for repair, and the HOA simply doesn't have the financing measures or funds to front those costs.
- However, the primary concern from County staff is when the area to be repaired *does not* meet County standards.

# Proposed Maintenance Districts

- Escambia County Public Works Staff would like to propose a 5<sup>th</sup> MSBU District titled “One-Time Maintenance Districts.”
- The district would almost mirror the Construction Districts procedure; however, the County would inspect, repair and/or offer the needed one-time maintenance to the impacted area(s) ***that are private paved roadways that do not meet current County standards for subdivisions controlled by an HOA.***



# Proposed Maintenance Districts

- The BCC would find that it was in the public interest to accept the MSBU request by instituting a right-of-way easement over the impacted area, enact an MSBU, and then, following completion of the improvements, the BCC shall retain the easement in perpetuity.

# Board Direction Request

Seeking Board direction to approve the inclusion of a One-Time Maintenance MSBU District to the Escambia County MSBU Manual. This would allow the County Engineer to review and make recommendations to the Board for one-time maintenance of private (paved) infrastructure.

David Forte, Program Manager  
Transportation and Traffic Operations  
Public Works Department

**ESCAMBIA COUNTY**  
**MUNICIPAL SERVICES BENEFITS UNITS**  
**GUIDELINES AND PROCEDURES**



Adopted by the Escambia County  
Board of County Commissioners  
July 28, 1998

## **INTRODUCTION**

The Escambia County Board of County Commissioner's Municipal Services Benefit Unit (MSBU) Program is a community self-help program. It provides a process by which communities may enhance their efforts to secure quality construction of essential improvements. The success of the program is directly related to the cooperative effort of each resident, the community and the County.

The MSBU program is also utilized to fund much needed services, such as fire protection, street lighting, drainage improvements, dirt road paving, etc. that specially benefit the unincorporated areas of Escambia County.

# TABLE OF CONTENTS

	<u>Page No.</u>
Introduction	1
MSBU Background Highlights	3
General Guidelines	7
Establishment Procedures	10
Dissolution Procedures	14
Exceptions to the Guidelines	15
Detailed Procedures:	
Construction Districts	16
Street Lighting Districts	22
Application	26

## **Municipal Services Benefits Units (MSBU)**

### **Background Highlights**

## **Municipal Services Benefits Units (MSBU)**

Municipal Services Benefits Units (MSBU) are special assessment districts created by the Board of County Commissioners under the authority of Florida Statutes 125.01. Under this Statute the Board has the authority to create special districts to provide a variety of services including fire protection, street lighting, transportation and drainage, etc. The services or improvements within the MSBU must specially benefit the property owners to be assessed for the improvements or services. MSBU Special Assessments are collected through the "Uniform Method of Collection" as authorized in Florida Statute 197.3632 and are billed along with other Property Taxes each November.

### **Role of the Board of County Commissioners and Staff**

The Board of County Commissioners acts as the governing body of the districts. The Board must adopt the MSBU budget, establish the level of services to be provided, and levy the special assessment to pay for the services. County staff is responsible for preparation of resolutions, ordinances, scheduling required public hearings required under the uniform method and publishing the required legal and display notices in the newspaper. County staff mails a first class notice to each property owner in the first year a special assessment is levied under the uniform method.

### **Role of the Property Appraiser**

The Property Appraiser provides to the Board of County Commissioners information from the data base maintained by his office such as Owner's Name, Address, Value of the Property, front footage, size and type of structures, as well as section maps detailing the proposed district etc. The Property Appraiser has no further role in the levy or collection of non-ad valorem assessments.

### **Role of the Tax Collector**

The Tax Collector's Office is responsible for the annual billing for collection of non ad valorem assessments based on the information transmitted to his office by electronic medium. The information transmitted to the Tax Collector is prepared by the County Staff. The transfer of this information to the Tax Collector must be completed no later than September 15 of each year to be included in the Uniform Tax bills mailed in November. The Board of County Commissioners is responsible for the payment of actual cost incurred by the Tax Collector in billing the Non-Ad valorem Assessments. The Tax Collector is responsible for the collection of delinquent Non-Ad valorem assessments. The Tax Collector is responsible for the sale of tax deeds on ad valorem and non ad valorem special assessments.

## **Role of the Santa Rosa Island Authority**

The Santa Rosa Island Authority is responsible for maintenance of the Non-Ad valorem assessment data base for the Santa Rosa Island and MSBU. This office has the official responsibility for public records and can make corrections to the assessment roll, update the data base for changes to the property such as new structures, etc. prior to Fiscal Year 2012/13. Escambia County is now using the Uniform Method of Collection for all Santa Rosa Island properties and maintains the associated data base.

## **Role of the Clerk of the Circuit Court**

The Clerk of the Circuit Court is responsible for recording and administering liens on unpaid assessments on Santa Rosa Island.

## **Policy Highlights**

The funds raised are public funds and must be collected, accounted for and spent in accordance with applicable laws regarding public funds. Only public property can be maintained and improved by an MSBU; access must be open to all members of the public equally. In addition, adequate easements or property dedications must be provided if needed. Escambia County may establish MSBUs within municipalities upon approval of the respective city government in accordance with Florida Statutes 125.01(1)(p).

- A petition process is used in establishing MSBU's to ensure community awareness and involvement in the decision-making process. This also increases recognition of the public nature of the improvements and the responsibility of property owners for payment of the assessments.
  - The minimum percentage required for the petition is as follows:
    1. 66% of the property owners representing 66% of the property for a capital improvement MSBU.
    2. 55% of the property owners representing 55% of the property for a service or street lighting MSBU.
- Cost estimates are available at the time of obtaining petition signatures.
  - Appropriate preliminary engineering or surveying fees are necessary to obtain valid preliminary cost estimates for construction projects.
- Design and construction work will be completed by independent consultants and contractors – not County staff. All work shall be in accordance with County, State, and Federal guidelines, standards, and specifications.



- Separate accounts are maintained for each district.
- An additional petition and public hearing is required prior to the award of construction bids if the total project cost estimates increase 20% or more above the estimate included in the initial petition required to establish the district.
- Property owners are responsible, in advance, for all costs associated with construction plans and construction documents whether or not the improvements are constructed.
- Designation of a liaison by each district is important for maximum neighborhood input and on-going coordination between the community and the County.
  - For the same reason, a central County staff contact is designated for each project from the budget department and the associated department for the specific district type.
- The district liaison is authorized to request minor changes that may be needed over time. Minor changes, are defined as those which represent an estimated increase in total annual cost / assessments of no more than 10%.
- A financing option is provided to expedite implementation of the maintenance or construction districts.

## **Municipal Services Benefits Units (MSBU)**

### **General Guidelines for Establishing New Districts**

#### **STATUTORY AUTHORITY**

Chapter 125.01(q)1 of the Florida Statutes authorizes the Board of County Commissioners to provide for the establishment, merging, or abolishment of municipal services taxing (MSTUs) or benefit units (MSBUs) on any part or all of the unincorporated area of the county. It also provides for a County MSTU or MSBU to include all or part of a municipality subject to consent by ordinance of the governing body of the municipality. The law permits such districts to be created for the purpose of providing and maintaining facilities or services which specifically benefit property owners in a particular area. The facilities or services must provide a public purpose. Typical improvements include road paving and drainage, water service and street lighting.

Chapter 197.3632 of the Florida Statutes provides for the levy, collection and enforcement of non-ad valorem assessments through the uniform method. Non-ad valorem assessments are not based on millage but on the cost to provide the improvement(s) and the corresponding benefit to the assessed property. They are collected through the tax bill method and can become a lien against a homestead.

#### **TYPES OF MSBU DISTRICTS AND SERVICES**

Currently there are four (4) types of MSBU Districts in Escambia County. These are described below.

##### **Fire Protection**

Fire Protection Service is provided to the Unincorporated Area and the Town of Century through an MSBU.

##### **Sheriff's Protection and Mosquito Control**

Sheriff's Protection and Mosquito Control services are provided to the Leaseholders/Property owners on Santa Rosa Island through an MSBU.

##### **Construction Districts**

- Construction/reconstruction shall be in accordance with current County, State, and Federal standards.
- Areas to be improved shall be dedicated to the public.

- Areas to be improved that are currently private require proof of ability to transfer the area to public ownership and must be submitted as part of the application for establishment of an MSBU.

### **Street Lighting Districts**

- Construction/reconstruction and maintenance
- Lights need to be installed and subsequently maintained.

### **COSTS INVOLVED IN THE MSBU PROCESS**

Costs involved with **every** district:

- \$100 application fee. . The application fee will not be returned if the MSBU is not established. In order to be refunded, the cost of the application fee must be included as a part of the cost of the MSBU.
- 10% Administrative fee (may be addressed on a case-by-case basis for construction MSBU's.)
- 1/2% Tax Collector commission
- Reserves for contingencies/cash balance forward

Additional **Construction** District costs:

- Annual repayment of financing
- Cost of the preliminary engineering report and/or cost estimate
- All fees associated with engineering services
- Right-of-Way and property acquisition costs including appraisals, title search, recording fees, etc.

All construction costs Interest on funds borrowed through the construction period. Additional **Street Lighting** District costs:

- Installation costs and facilities costs, if necessary. These costs may be paid entirely in the first year.
- Separate accounts will be maintained for each district.

## **MSBU BOUNDARIES**

Municipal Services Benefits Units (special assessment districts) may be created for the following types of areas in Escambia County:

- Platted and unplatted (acreage) residential areas (subdivisions, streets, etc.) where area to be improved is public.

Areas not included:

- Any and all privately owned property without a County easement or right-of-way.

## ESTABLISHMENT PROCEDURES FOR MSBUs

### Steps

### Responsibility

- |  |                               |
|--|-------------------------------|
| 1. Initial request for procedures  | Property Owners               |
| 2. Application and fee submission  | Property Owners               |
| 3. Application review/ Scope of Work*/Preliminary engineering*/ lighting report  | Budget/Engineering/Consultant |
| 4. Petition preparation  | Budget                        |
| 5. Petition submission   | Property Owners               |
| 6. Petition acceptance and Public Hearing scheduling   | BCC/Budget                    |
| 7. First Public Hearing  | BCC/Budget                    |
| 8. Implementation:<br>Obtain final engineering plans*  | Engineering/Consultant        |
| Bid the construction*  | Purchasing/Engineering        |
| Coordinate/Construct the improvements*   | Engineering/Contractor        |
| 9. Final Public Hearing to establish final assessments adoption of final tax roll at the First Public Hearing to adopt the Annual County Budget) | BCC/Budget                    |

\*The Public Works Department **Engineering Division** shall be involved in all Construction District steps.

Each of these steps is further explained below.

#### 1. Initial Request for MSBU Procedures

Interested homeowners should call, or send a letter or email requesting Guidelines and Procedures for the establishment of a special assessment district to:

**Office of Management and Budget  
Escambia County Courthouse  
221 Palafox Place, Suite 440  
P. O. Box 1591  
Pensacola, FL 32597-1591  
(850) 595-4960  
e-mail: [budget@myescambia.com](mailto:budget@myescambia.com)**

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (e.g., paving and drainage or street lighting)
- the type of district requested (i.e., construction or street lighting)

## 2. Application and Fee Submission

The Office of Management and Budget will provide the “Guidelines and Procedures” booklet to use in requesting establishment of a district. The necessary information and completed forms are returned to the Office of Management and Budget as the formal application for a district, along with a \$100.00 application fee.

An informative letter may be mailed to all of the property owners in the proposed area to be improved or a meeting may be scheduled to advise the property owners of the submitted application for an MSBU.

For Construction Districts, the application and fee submission may be submitted after the preliminary engineering report is completed.

## 3. Application Review/Scope of Work /Preliminary Engineering /Lighting Report

The formal application is reviewed by Budget Staff to confirm that the information is sufficient.

For Construction Districts:

A Preliminary Engineering Report is required. The property owners must pay for the cost of this report. The property owners must coordinate the Scope of Work with the Engineering Division, prior to the owners contracting with a firm from the approved list of qualified engineers. Budget shall provide the approved list. Non-qualified engineering firms must be pre-approved through the Purchasing Division.

The Preliminary Engineering Report shall include, but not be limited to, engineering design services, geotechnical services, environmental services, other professional services as necessary, permit fees, estimated construction cost, conceptual plans, etc. A 10% contingency fee shall be applied to the construction estimate and a 10% reserve fee shall be applied to all other MSBU costs. For other districts including Fire Protection, Sheriff Protection and Mosquito Control and Street Lighting a preliminary Engineering Report is typically not necessary.

A 10% contingency fee shall be applied to any construction estimate and a 10% reserve fee shall be applied to all other MSBU costs.

#### 4. Petition Preparation

The Board of County Commissioners has determined that a petition may serve as an indicator of the amount of community interest for a proposed project.

For Construction Districts: the petition, prepared by Budget Staff, will reflect the total costs estimated in the preliminary engineering report... The petition will also reflect the appropriate reserves, contingencies, administrative fees and interest expense during the construction period. County Engineering Staff will review and approve the consultant's submittals and cost estimates prior to submission to Budget Staff and the BOCC.

For other districts: The petition, prepared by Budget Staff, will reflect all estimated costs including the appropriate reserves, contingencies, administrative fees.

The petition will be provided to the District Liaison.

#### 5. Petition Submission

The District Liaison will obtain the required property owner signatures on the petition and return it to Budget Staff for review and acceptance.

#### 6. Petition Acceptance and Public Hearing Scheduling

The Board of County Commissioners may consider petitions signed by at least 66% (55% for Street Lighting Districts) of the current property owners (number of owners) representing at least 66% (55% for Street Lighting Districts) of the property (number of lots or number of front feet, measured consistent with the method of assessment) within the district boundaries.

If the petition meets the above requirements and is accepted by the Board of County Commissioners, a public hearing shall be authorized for the consideration of an ordinance to establish the district.

Please note that once the petition is accepted and a public hearing is authorized, the petition is no longer relevant to the final determination by the Board of County Commissioners to proceed with the project. The final determination of the scope and feasibility of a project will be determined by Escambia County.

If final plans have not been completed after petition acceptance the homeowners will be notified that an additional petition and BOCC shall be required.

## 7. First Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published in the newspaper. In addition, notification will be mailed to all property owners listed on the tax roll within the proposed district. At the public hearing, the Board of County Commissioners may consider comments, objections, and information relevant to the creation of the district. The County Commissioners may enact or deny the ordinance. If the ordinance is enacted, it will be recorded in the Recording Department, Escambia County Clerk's Office, reflecting the preliminary assessment amount for each property.

## 8. Implementation

For Construction Districts:

The engineering plans are prepared by the engineering consultant and reviewed by the County Engineering Division of Public Works, utility providers, state/federal regulatory agencies, etc, as necessary to obtain approval/permits.

Upon approval of the plans, the appropriate process will begin to award a construction contract.

For All Districts:

Upon review of the final engineering plans or receipt of the construction bids, if the total project cost is 20% or more over the preliminary cost estimates, an additional petition process will be conducted and an additional public hearing will be held by the Board of County Commissioners to determine if the project should continue prior to the bid process or bid award. Notices for this public meeting will be published in the newspaper and notification will also be mailed to all property owners listed on the tax roll within the proposed district.

Coordinate/construct improvements as appropriate. Construction improvements shall be completed in accordance with approved construction documents.

Property owners are responsible for the full cost of all engineering services and will be charged for the cost of the plans whether or not the improvements are constructed.

## 9. Final Public Hearing

After construction is complete, all costs relating to the project are compiled by OMB. The Board of County Commissioners is requested to authorize a Final Public Hearing to adopt the Final Assessment Resolution or enact an Amended Ordinance. All property owners listed on the roll within the district will be notified of the Public Hearing and the results. The final adjusted assessments will be recorded in the Recording Department, Escambia County Clerk's Office. Property owners may prepay their assessments or choose to have them collected through the Tax Collector on their tax bills.



Notification and action concerning subsequent annual increases or decreases in the yearly assessments will be governed by:

- requirements of Florida Statutes;
- County policy; and
- on-going coordination mechanisms between the District and County identified in the Detailed Procedures.

## **DISSOLUTION PROCEDURES FOR MSBUs**

Upon written request, the County will provide guidelines for dissolving a district. The district can only be dissolved after having first been created by ordinance at a public hearing. The steps to take in requesting dissolution of a district are:

Submission of an application to dissolve the district and \$100 application fee.

- Submission of a petition including the outstanding financial obligations and credits of the district.
- The petition, to be considered, must be signed by at least 66% (55% for Street Lighting Districts) of the current property owners (number of owners) representing at least 66% (55% for Street Lighting Districts) of the property (measured consistent with the method of assessment ) within the district boundaries.
- Public Hearing by the Board of County Commissioners to establish final assessments

## **EXCEPTIONS TO THE GUIDELINES**

The Board of County Commissioners may address exceptions to any of the guidelines on a case-by-case basis.

## **QUESTIONS?**

Contact the Office of Management and Budget, (850) 595-4960.

**NOTE:** Detailed Procedures for each type of District should be consulted for more specific information concerning requirements and procedures.

**DETAILED PROCEDURES  
CONSTRUCTION DISTRICTS**

## **CONSTRUCTION DISTRICTS DETAILED PROCEDURES**

### Initial Request for MSBU Procedures

Upon request of the procedures to establish an MSBU, the Office of Management and Budget will forward a copy of the "Guidelines and Procedures" booklet to the requestor. The request should be made to:

Office of Management and Budget

Escambia County, Florida  
221 Palafox Place, Suite 440  
P. O. Box 1591  
Pensacola, FL 32597-1591  
595-4960

(850)

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (e.g., paving, drainage, water service, etc)

### Application for Construction District

In order to proceed with establishing a district, interested homeowners must submit the following as the official request for consideration:

- Scope of Services for the proposed improvement.
- The County encourages community participation in the development of the scope of services.
- Thoroughness in describing the desired scope of services is important as it is the key to the development of sound preliminary cost estimates.
- Boundaries must be continuous and not split parcels or lots. Enclaves are not allowed if the reason is to remove a lot or lots because the property owner is not in favor of the establishment of the district.
- The district to be assessed does not necessarily include an entire subdivision if the entire subdivision does not materially benefit from the proposed action.
- Districts may be established in unplatted residential areas where the proposed

action benefits property owners in a definable geographic area.

- Districts must contain a minimum of two distinct taxable (or platted) pieces of property.

Copies of section maps may be obtained from the Office of the Property Appraiser, 221 Palafox Place, (850) 434-2735.

- Contact individual and proposed liaison names, addresses and phone numbers.
- \$100.00 application fee made payable to the Board of County Commissioners, Escambia County.

#### Application Review/Preliminary Engineering Report

Upon receipt of the application for an MSBU, a letter may be mailed to each property owner advising of the application submittal and the imminent petition process. The District Commissioner might request an informative meeting with the property owners to discuss the MSBU process. Upon request by the district Liaison and with sufficient notice, OMB is available to attend any community meetings concerning the establishment of the district. Notification to property owners of any County-sponsored meeting will be coordinated through OMB. OMB would appreciate the opportunity to review any correspondence relating to the establishment of the district prior to circulation.

OMB will review the items submitted as part of the application to confirm that the information is complete. The application will then be copied to appropriate departments for review of the scope of work and plat information. The Office of the County Engineer will confirm the adequacy of the scope of work description.

Preliminary Engineering is required for all construction district improvements.

- The property owners must provide for the cost of the preliminary engineering report as well as contract with the engineering firm from the OMB provided list for this work.
- If the improvements are not constructed, contributions toward the cost of preliminary engineering will not be refunded.

OMB staff will present any requests for County participation in construction projects to the Board of County Commissioners for consideration.

## Petition Submission

The Board of County Commissioners has determined that a petition may serve as an indicator of the amount of community interest for a proposed project.

The petition will reflect the total cost of engineering services and construction, as provided by the preliminary engineering report. The petition will also reflect the appropriate reserves, contingencies, administrative fees and interest expense during the construction period. The petition will be provided to the District Liaison.

OMB staff will identify a date for petition return of 30-60 calendar days, based upon target time frame, for public hearing and upon length of time cost estimates will be valid. All cost estimates more than 12 months old will require updating.

## Petition Acceptance.

The petition, to be considered, must be signed by at least 66% of the current property owners (number of owners) that represent at least 66% of the property (number of lots or front footage, measured consistent with the method of assessment) within the district boundaries.

- A property owner is the individual or group of individuals that own a parcel of land.
- In determining eligible signatures of owners, all of the non-related current owners of a parcel or the designated trustee must sign the petition for the ownership and parcel to count towards the 66% requirements.
- Once submitted, names may not be withdrawn from the petition.

Upon return, County staff will review the petition for acceptability, consulting other departments as appropriate.

**A petition will not be accepted without the signatures of all property owners who would be required to dedicate right-of-ways or easements to the County.**

If the petition is accepted, OMB will request the Board of County Commissioners authorize a public hearing for consideration of the ordinance to establish the district. Please note that once the petition is accepted and a public hearing is authorized, the petition is no longer relevant to the final determination by the Board of County Commissioners to proceed (or not) with the project. The final determination of the scope and feasibility of a project will be determined by Escambia County.

## Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published. In addition, notification will be mailed to all property owners listed on the tax roll within the proposed district.

This public hearing will not be scheduled unless all affected property owners have agreed to dedicate the necessary right-of-way to the County.

At the public hearing, the Board of County Commissioners may consider comments, objections, and information relevant to the creation of the district. The County Commissioners may enact or deny the ordinance. If the ordinance is enacted, Board authorization will be requested to obtain final engineering and construction bids, and to record the Ordinance and Preliminary Assessment Liens.

## Implementation

Engineering plans are required for all construction district improvements. The engineering plans are prepared by the engineering consultant and reviewed by the County Engineering Division of Public Works. Property owners are responsible for the cost of engineering services and will be charged for the cost of the plans whether or not the improvements are constructed.

Construction estimates equal to or less than \$350,000 may be constructed utilizing the current General Paving and Drainage Pricing Agreement Contract.

Construction estimates greater than \$350,000 will be solicited by the Office of Purchasing.

- District Liaison will be provided a qualified contractor list
- District Liaison will be provided a copy of the bid tabulation
- If the lowest responsive bid amount represents an increase of 20% or more than the preliminary estimate, an additional petition process will be conducted and an additional public hearing will be held. Notice of this public hearing will be published and notification will be mailed to all property owners.  
In subsequent years, increases may apply due to economic conditions (i.e. interest rate changes associated with commercial financing, asphalt escalation, etc).
- District Liaison is notified of award recommendation
  - Award must be in conformance with the Escambia County Code.

Bid is awarded by the Board of County Commissioners.

- District Liaison is notified by County Staff.

After awarding the bid, a work order and/or Notice to Proceed will be issued to the contractor and construction will begin.

Be advised that outside financing may be required in order to implement the engineering and construction of the improvements. The interest rate shall be quoted by the commercial source(s). Interest expense on funds borrowed during the engineering and construction of the project will be included in the assessments.

All engineering and construction shall proceed in accordance with the Policies and Procedures of the Engineering Division of Public Works.

### Final Public Hearing

After construction is complete, all costs (including change orders) relating to the project will be complied by OMB. The Board will be requested to schedule a Final Public Hearing to adopt the final assessment through a resolution or amending ordinance. The Public Hearing will be advertised and notification mailed to all property owners listed on the taxroll within the district.

If adopted, the Resolution or Amending Ordinance, including Final Assessment Liens, will be recorded in the Escambia County public records.

Final Assessments may be prepaid at no additional charge for long-term interest within thirty (30) days of the Final Public Hearing to establish final assessments. Repayment after that date will be calculated to include payment and accrued interest.

Term of the loans may be determined as follows:

<u>Assessment</u> Term	<u>_____</u>
\$3,000 and up	10 years
\$2,500 to \$2,999	8 years
\$2,000 to \$2,499	6 years
\$1,500 to \$1,999	4 years
\$1,000 to \$1,499	3 years
\$ 500 to \$ 999	2 years
\$ -0- to \$ 499	1 year

Final determination as to the terms of repayment will be made by the Board of County Commissioners in conjunction with the District Liaison.

Annual Assessments are collected through the Tax Collector of Escambia County, in the same manner as all other County taxes are collected.



**Municipal Services Benefits Units (MSBU)**

**Street Lighting Districts**

## STREET LIGHTING DISTRICTS DETAILED PROCEDURES

### Initial Request for MSBU Procedures

Upon request of the procedures to establish an MSBU, the Office of Management and Budget will forward a copy of the "Guidelines and Procedures" booklet to the requestor. The request should be made to:

Office of Management and Budget  
Escambia County, Florida  
221 Palafox Place, Suite 440  
P. O. Box 1591  
Pensacola, FL 32597-1591  
595-4960

(850)

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (i.e., street lighting)
- the type of district contemplated (i.e., street lighting)

### Application for District

Application can be made by interested homeowners or developers for establishment of a new street lighting district or changes or additions to an existing one. See last page of these guidelines for application form.

Contact OMB when requesting changes or additions to an existing street lighting district for determination of justification of the request. If the request is relatively minor and the cost impact minimal, an application fee and petition may not be necessary. Requests for more extensive changes must follow the same requirements as new districts.

In order to proceed with establishing a new district or changing the lighting equipment in an existing district, interested homeowners or developers must submit the following as the official request for consideration:

- \$100.00 application fee (per street lighting district) made payable to the Board of County Commissioners, Escambia County.

- Contact individual (or developer) and proposed liaison names, addresses and phone numbers. (Form is on last page of guidelines)
- Copy of the Property Appraiser's section map with:
  - Proposed boundaries for the district outlined.
  - Boundaries must be continuous and not split parcels or lots. Enclaves are not allowed if the reason is to remove a lot or lots because the property owner is not in favor of establishment of the district.
  - Tracts for drainage, buffer zones, etc. are usually included in the district but not assessed for street lighting.
  - The district to be assessed does not necessarily include an entire subdivision if the entire subdivision does not materially benefit from the proposed action.
  - Districts must contain a minimum of two distinct taxable (or platted) pieces of property.
  - Copies of section maps may be obtained from the Office of the Property Appraiser, 221 Palafox Place, (850) 434-2735.

### Petition Submission

The Board of County Commissioners has determined that a petition may serve as an indicator of the amount of community interest for a proposed project.

OMB will prepare a petition for distribution by the District Liaison or Developer. Only petitions prepared by OMB will be accepted.

The petition will reflect the various charges included in calculating the assessments. The street lighting assessment will include: utility costs, rental or purchase of lights and poles, 1/2% Tax Collector commission, 10% administrative fees and a 10% reserve (for the first year of assessment)

**Note:** If a developer owns 100% of the property to be included in a street lighting district, the petition process is not necessary. Request for establishment of the street lighting district can be in the form of a letter.

**Submission of complete developer requests and homeowner petitions including requests for changes, additions or deletions and petitions for new districts are accepted through June 1 to be effective after October 1 of the following fiscal year. Extensions may be granted through July 31 on a case by case basis.**

### Petition Acceptance

The petition, to be accepted, must be signed by at least 55% of the current property owners (number of owners) representing at least 55% of property (number of lots or number of front feet, measured consistent with the method of assessment) within the district boundaries.

- A property owner is the individual or group of individuals that own a parcel of land.
- In determining eligible signatures of owners, all of the non-related current owners of a parcel or the designated trustee must sign the petition for the ownership and parcel to count towards the 55% requirements.
- Once submitted, names may not be withdrawn from the petition.

Upon return, OMB will review the petition for acceptability, consulting other departments as appropriate.

If the petition is acceptable, OMB will request that the Board of County Commissioners schedule a public hearing for consideration of the ordinance to establish the district or revisions to the ordinance for the existing district to incorporate the changes. Please note that once the petition is accepted and a public hearing is authorized, the petition is no longer relevant to the final determination by the Board of County Commissioners to proceed (or not) with the project. The final determination of the scope and feasibility of a project will be determined by Escambia County.

### Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published. In addition, notification will be mailed to all property owners listed on the tax roll within the proposed district.

At the public hearing, the Board of County Commissioners may consider comments, objections, and information relevant to the creation of the district. The County Commissioners will enact or deny the ordinance. If the ordinance is enacted, appropriate Board authorization to record the Ordinance in the Recording Department, Escambia County Clerk's Office, will be requested.

### Implementation

Upon execution of the Ordinance by the Board, the power company can begin installation of the lights and poles to be put in service October 1st of the following year or as soon thereafter as possible.

**APPLICATION FOR SPECIAL DISTRICT CREATION**

Primary Liaison for project implementation:

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/Zip Code \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Numbers – Day \_\_\_\_\_

After Hours \_\_\_\_\_

Back-up Liaison:

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/Zip Code \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Numbers – Day \_\_\_\_\_

After Hours \_\_\_\_\_

Community/Subdivision/Street Name of Project:

\_\_\_\_\_

Type of Improvement (streetlighting, road paving, etc.):

\_\_\_\_\_

## Title XI County Organization and Intergovernmental Relations

### Chapter 125 County Government

#### 125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.

(b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.

(c) Provide and maintain county buildings.

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.206 and 633.208, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.202.

(e) Provide hospitals, ambulance service, and health and welfare programs.

(f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.

(g) Prepare and enforce comprehensive plans for the development of the county.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.

(j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.

(k)1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.

2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.

(l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.

(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.

## Title XI County Organization and Intergovernmental Relations

### Chapter 125 County Government

(p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

(s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.

(t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.

(u) Create civil service systems and boards.

(v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.

(w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

(x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

(z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.

Title XI County Organization and Intergovernmental Relations  
Chapter 125 County Government

(aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.

(bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).

(cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. 125.0104(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. 125.0104.

(2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).

(3)(a) The enumeration of powers herein may not be deemed exclusive or restrictive, but is deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes, but is not limited to, the authority to determine benefits available to different types of personnel. Such benefits may include, but are not limited to, insurance coverage and paid leave. The provisions of chapter 121 govern the participation of county employees in the Florida Retirement System.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5)(a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas of a county and that such special district may not be used to provide services in the unincorporated area only.

(6)(a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.



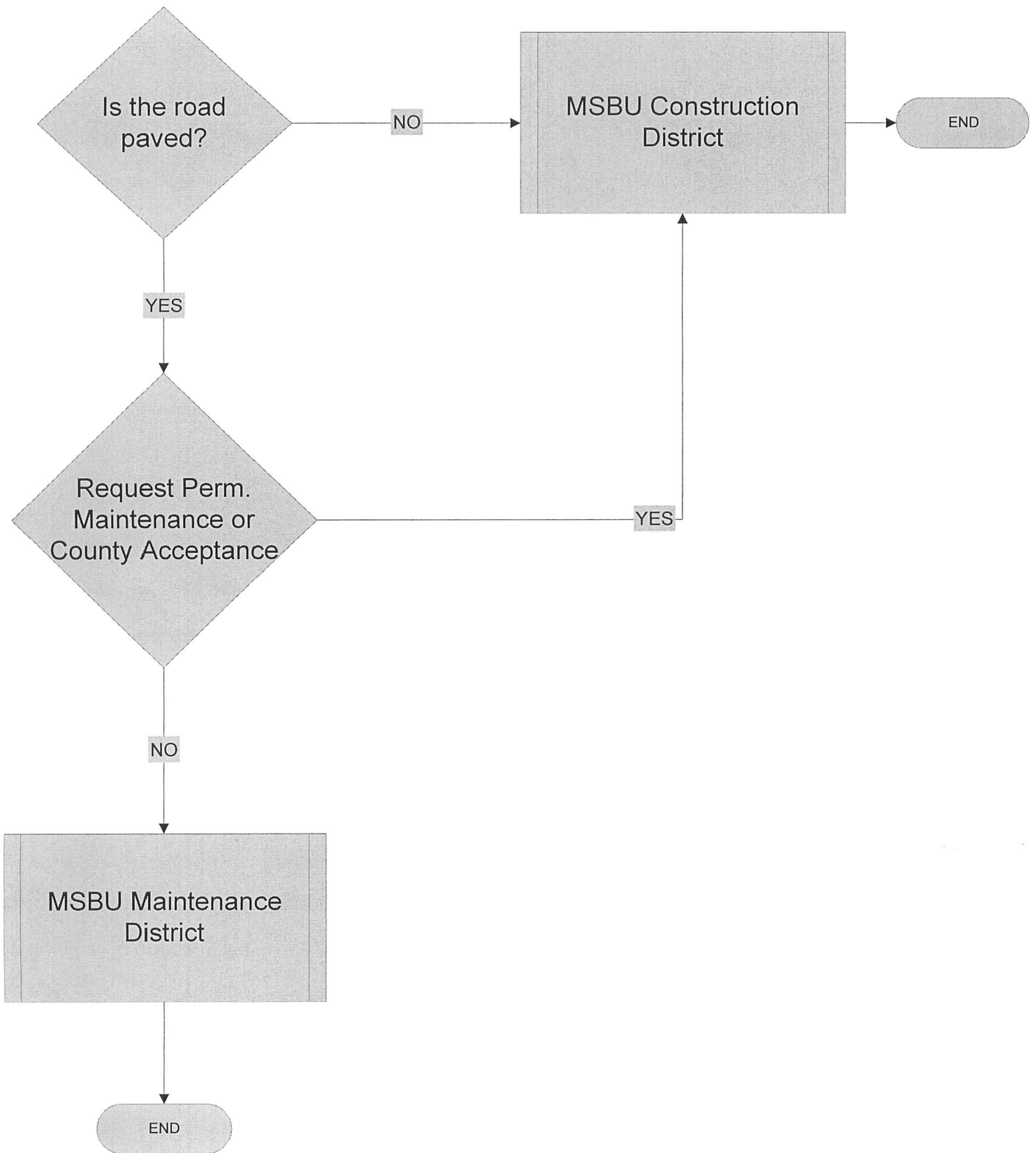
Title XI County Organization and Intergovernmental Relations  
Chapter 125 County Government

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

**History.**—s. 1, ch. 1882, 1872; s. 1, ch. 3039, 1877; RS 578; GS 769; s. 1, ch. 6842, 1915; RGS 1475; CGL 2153; s. 1, ch. 59-436; s. 1, ch. 69-265; ss. 1, 2, 6, ch. 71-14; s. 2, ch. 73-208; s. 1, ch. 73-272; s. 1, ch. 74-150; ss. 1, 2, 4, ch. 74-191; s. 1, ch. 75-63; s. 1, ch. 77-33; s. 1, ch. 79-87; s. 1, ch. 80-407; s. 1, ch. 83-1; s. 17, ch. 83-271; s. 12, ch. 84-330; s. 2, ch. 87-92; s. 1, ch. 87-263; s. 9, ch. 87-363; s. 2, ch. 88-163; s. 18, ch. 88-286; s. 2, ch. 89-273; s. 1, ch. 90-175; s. 1, ch. 90-332; s. 1, ch. 91-238; s. 1, ch. 92-90; s. 1, ch. 93-207; s. 41, ch. 94-224; s. 31, ch. 94-237; s. 1, ch. 94-332; s. 1433, ch. 95-147; s. 1, ch. 95-323; s. 41, ch. 96-397; s. 42, ch. 97-13; s. 2, ch. 2000-141; s. 34, ch. 2001-186; s. 36, ch. 2001-266; s. 3, ch. 2001-372; s. 20, ch. 2002-281; s. 1, ch. 2003-78; ss. 27, 28, ch. 2003-415; s. 184, ch. 2008-247; s. 2, ch. 2011-143; s. 122, ch. 2013-183; s. 1, ch. 2014-7.

# Roadway MSBU



**Committee of the Whole**

**6.**

**Meeting Date:** 08/12/2014

**Issue:** Community Cat Management Ordinance

**From:** Marilyn D. Wesley, Department Director

---

**Information**

**Recommendation:**

Community Cat Management Ordinance (REFERRED FROM THE JULY 24, 2014, BCC MEETING)

(John Robinson/Marilyn Wesley - 30 min)

A. Board Discussion

B. Board Direction

---

**Attachments**

Community Cat Management Ordinance - revised draft

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

ORDINANCE 2014-\_\_\_\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING VOLUME I, CHAPTER 10, ARTICLE I, SECTION 10-3 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES RELATING TO DEFINITIONS; CREATING SECTION 10-27 RELATING TO FEEDING CATS AND DOGS OUTDOORS; CREATING SECTION 10-28 AUTHORIZING A COMMUNITY CAT MANAGEMENT INITIATIVE; ESTABLISHING COMMUNITY CAT MANAGEMENT REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 125, Florida Statutes, the County is authorized to establish regulations in the interest of the public health, safety and welfare by providing protection, regulation, and control of animals in the County; and

WHEREAS, the Board of County Commissioners recognizes the need for innovation in addressing the issues presented by feral, free-roaming and other community cats; and,

WHEREAS, the Board of County Commissioners finds that amending the County's ordinances relating to animal control to establish requirements for feeding cats and dogs outdoors and authorize a community management initiative better ensures the health, safety, and welfare of the public; and

WHEREAS, the Board of County Commissioners further finds that the proposed amendments serve an important public purpose;

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

**Section 1.** That Volume I, Chapter 10, Article I, Section 10-3 of the Escambia County Code of Ordinances is hereby amended to read as follows:

**Sec. 10-3. Definitions.**

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

*Abandon* means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

*Animal* means every living dumb creature.

*Animal control authority* means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city,

1 county, or state. In those areas not served by an animal control authority, the sheriff shall carry  
2 out the duties of the animal control authority under this chapter.

3 *Animal control officer* means any person duly employed or appointed who is authorized  
4 to investigate, on public or private property, and to issue citations as provided in this chapter. An  
5 animal control officer is not authorized to bear arms or make arrests.

6 *Animal enclosure* means any pet store, pet shop, animal shelter, kennel, animal rescue  
7 organization facility, sty, barnyard, impoundment area or other area where animals are housed  
8 and kept, whether for retail, breeding purposes or as household pets.

9 *Animal rescue organization* means a humane society or other nonprofit organization that  
10 is: dedicated to the protection of animals; duly registered with the Florida Department of State  
11 and the Florida Department of Agriculture and Consumer Services; and properly organized as a  
12 charitable organization under § 501(c)(3) of the Internal Revenue Code.

13 *Animal shelter* means the offices of the animal control officer where an impoundment  
14 area for animals is provided.

15 *Barnyard animals* means all animals of the equine, bovine or swine class and includes  
16 goats, sheep, mules, horses, hogs or cattle and domesticated poultry.

17 Community cat means any free-roaming cat that does not have an owner but may be  
18 cared for by one or more residents of the immediate area who is/are known or unknown; a  
19 community cat may or may not be feral. Community cats shall be distinguished from other cats  
20 by being sterilized, vaccinated against the threat of rabies, and ear tipped (preferably on the left  
21 ear). Qualified community cats are exempt from pickup and impounding as strays under  
22 section 10-5, tag requirements of section 10-8(b), licensing requirements of section 10-9, and  
23 roaming at large provisions of section 10-11(a), but may be subject to the animal nuisance  
24 provisions of section 10-11(e).

25 *County commissioners* means the board of county commissioners of the county.

26 *Cruelty* means any omission, or act of neglect, torture or torment that causes  
27 unjustifiable pain or suffering of an animal.

28 *Dangerous or vicious animal* means any animal that according to the records of the  
29 appropriate authority:

- 30 (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a  
31 human being on public or private property;
- 32 (2) Has, more than once, severely injured or killed a domestic animal while off the  
33 owner's property; or
- 34 (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks,  
35 or any public grounds in a menacing fashion or apparent attitude of attack, provided

1 that such actions are attested to in a sworn statement by one or more persons and  
2 dutifully investigated by the appropriate authority.

3 *Direct control* means immediate, continuous physical control of an animal at all times  
4 such as by means of a fence, leash, cord, or chain of such strength to restrain the same. In the  
5 case of specifically trained or hunting animals which immediately respond to such commands,  
6 direct control shall also include aural and/or oral control, if the controlling person is at all times  
7 clearly and fully within unobstructed sight and hearing of the animal.

8 *Harbor(ing)* means any person or entity that provides care, shelter, protection, refuge,  
9 and/or nourishment to an animal.

10 *Hobby breeder* means any person who owns or breeds purebred dogs or pedigreed cats  
11 primarily for personal recreational use. Personal recreational use may include participation in  
12 recognized conformation shows, hunting, field or obedience trials, racing, specialized hunting,  
13 working or water trials, and may include improving the physical soundness, temperament, and  
14 conformation of a given breed to standard or for the purpose of guarding or protecting the  
15 owner's property.

16 *Impounding officer* means the county administrator or his designee.

17 *Livestock* means all domestic animals kept for use on a farm or raised for sale and profit.

18 *Livestock officer* means the sheriff or his designee.

19 *Owner* means any person, firm, corporation or organization possessing, harboring,  
20 keeping, or having control or custody of an animal, whether temporary or permanent, or if the  
21 animal is owned by a person under the age of 18, that person's parent or guardian.

22 *Pet shop* means any place or premises at which the primary purpose is the keeping of  
23 pet animals, exclusive of those animals regulated and controlled by the state freshwater fish and  
24 game commission, for retail or wholesale purchase.

25 *Proper enclosure of a dangerous dog* means, while on the owner's property, a  
26 dangerous dog is securely confined indoors or in a securely enclosed and locked pen or  
27 structure, suitable to prevent the entry of young children and designed to prevent the animal  
28 from escaping together with visible signage warning persons of the presence of a "bad dog."  
29 Such pen or structure shall have secure sides and a secure top to prevent the dog from  
30 escaping over, under, or through the structure, and shall also provide protection from the  
31 elements.

32 *Public road* means any street, sidewalk, alley, highway, or other way open to travel by  
33 the public including rights-of-way, bridges and tunnels.

1            *Residential area* means any area in the county where two or more dwellings or houses  
2 are within 50 feet or less of each other.

3            *Severe injury* means any physical injury that results in broken bones, multiple bites, or  
4 disfiguring lacerations requiring sutures or reconstructive surgery.

5            *Shelter* means provision of, and unlimited access to, a three-dimensional structure  
6 having a roof, walls and a floor, which is dry, sanitary, clean and weatherproof and made of  
7 durable material. At a minimum the structure must be:

- 8            (1) Sufficient in size to allow the animal to stand up, turn around, lie down and stretch  
9            comfortably;
- 10           (2) Designed to protect the animal from the adverse effects of the elements and provide  
11           access to shade from direct sunlight and regress from exposure to inclement weather  
12           conditions;
- 13           (3) Free of standing water, accumulated waste and debris;
- 14           (4) Provide adequate ventilation; and
- 15           (5) Provide a solid surface flooring area, resting platform, pad, mat, or similar provision of  
16           adequate size for the animal to lie upon in a comfortable manner.

17           *Stable* means those premises at which horses or equines are kept commercially for  
18 boarding, riding, breeding, training, or resale purposes.

19           *Sterilization* means dogs and cats rendered permanently incapable of reproduction by  
20 surgical alteration, implantation of a device, or other physical means, or permanently incapable  
21 of reproduction because of physiological sterility, but only where the neutered or spayed  
22 condition has been certified by a veterinarian licensed in any state.

23           *Tether* means to restrain an animal by tying the animal to any stationary object or  
24 structure, including, but not limited to, a house, tree, fence, post, garage or shed, by any means,  
25 including, but not limited to, a chain, rope, cord, leash or pulley/running line, but shall not include  
26 the use of a leash when walking an animal.

27           *Unaltered animal* means a dog or cat which has not been neutered, spayed or is  
28 otherwise not sterilized.

29           *Unprovoked* means that the victim who has been conducting himself or herself  
30 peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

31           *Wild animal* means any living member of the kingdom Animalia, including those born or  
32 raised in captivity, except the following:

- 33           (1) The species *Homo sapiens* (human beings).

- 1 (2) The species *Canis familiaris* (domestic dogs, including hybrids with wolves, coyotes,  
2 or jackals).
- 3 (3) The species *Felis catus* (domestic cats, excluding hybrids with ocelots or margays).
- 4 (4) The species *Equus caballus* (domestic horses).
- 5 (5) The species *Equus asinus* (asses/donkeys).
- 6 (6) The species *Bos taurus* (cattle).
- 7 (7) The subspecies *Ovis ammon aries* (sheep).
- 8 (8) The species *Capra hircus* (goats).
- 9 (9) The subspecies *Sus scrofa domestica* (swine).
- 10 (10) Domesticated races of the species *Gallus gallus* or *Meleagris gallopavo* (poultry).
- 11 (11) Domesticated races of the species *Mesocricetus auratus* (golden hamsters).
- 12 (12) Domesticated races of the subspecies *Cavia aperea procellus* (guinea pigs).
- 13 (13) Domesticated races of rats or mice (white or albino, trained, laboratory-reared).
- 14 (14) Domesticated races of the species *Oryctolagus cuniculus* (rabbits).
- 15 (15) All captive-bred members of the species of the families *Psittacidae* (parrots,  
16 parakeets), *Anatidae* (ducks), *Fringillidae* (finches), and *Columbidae* (doves and  
17 pigeons).
- 18 (16) All captive-bred members of the species *Serinius canaria* of the class *Aves*  
19 (canaries).
- 20 (17) Domesticated races of the species *Carassius auratus* (goldfish).
- 21 (18) Captive-bred members of the superorder *Teleostei* of the class *Osteichthyes*  
22 (common aquarium fish).
- 23

24 **Section 2.** That Volume I, Chapter 10, Article I, Section 10-27 of the Escambia County Code  
25 of Ordinances is hereby created to read as follows:

26 **Sec. 10-27. Feeding of Cats and Dogs Outdoors.**

27  
28 Dogs and cats, excluding managed community cats covered in section 10-28, may be  
29 fed outdoors only if the following conditions are met:

- 30  
31 (1) Feeding shall take place primarily during daylight hours to minimize the risk of domestic-  
32 wildlife interactions that have increased potential of rabies exposure for the cats or dogs.  
33 Any food provided after daylight hours shall only be provided for such time as required  
34 for feeding, which time shall not exceed 30 minutes, after which all food shall be  
35 removed.
- 36  
37 (2) All food must be placed in a sanitary container of sufficient size for the cat and/or dog  
38 being fed. Only an amount of food that is appropriate for daily consumption may be  
39 provided.
- 40  
41 (3) Excess quantities of food may not be dumped on the ground or placed outdoors in  
42 bowls or other contains. Leaving open food packages outdoors is also prohibited.
- 43



1 (4) Feeding outdoors must take place on the property owned by the person placing the food  
2 or be done with the consent of the property owner. Feeding on public property, road  
3 right-of-ways, parks, common land of a multifamily housing unit or any property without  
4 the consent of the owner is prohibited.  
5

6 A Violation of this section is a civil infraction punishable as provided for in section 10-23.  
7

8 **Section 3.** That Volume I, Chapter 10, Article I, Section 10-28 of the Escambia County Code  
9 of Ordinances is hereby created to read as follows:

10 **Sec. 10-28. Community Cat Management Initiative.**

11 (a) *Short title.* This section shall be known as the “Escambia County Community Cat  
12 Management Ordinance”.

13 (b) *Legislative intent.* Escambia County hereby recognizes the need for innovation in  
14 addressing the issues presented by feral, free-roaming and other community cats. It is  
15 further recognized that there are community care givers of cats, and that properly  
16 managed community cats may be part of the solution to the continuing euthanasia of  
17 cats. The intent of this section is to address these issues by authorizing a community cat  
18 management initiative.  
19

20 (c) *Community Cat Management Requirements.* Community cats shall be managed as  
21 follows:  
22

23 (1) All managed community cats must be maintained on private property of the  
24 caregiver(s), or with permission on the private property of another landowner  
25 (including city, state, and federal public property).  
26

27 (2) All cats that are part of community cat management programs must be sterilized,  
28 vaccinated against the threat of rabies, and ear-tipped (preferably on the left ear) for  
29 easy identification. Female cats may also be tattooed on the stomach or right ear as  
30 evidence of sterilization.

31 (d) If the requirements of subsection (c) above are met, the community cat is exempt from  
32 pickup and impounding as a stray pursuant to section 10-5, tag and licensing  
33 requirements of sections 10-8(b) and 10-9, and roaming at large provisions of section  
34 10-11(a), except as provided in subsection (f) below. Community cats may be subject to  
35 the animal nuisance provisions of section 10-11(e).

36 (e) If a person is providing care for a community cat or community cat colony/group, the  
37 following conditions must be satisfied:

38 (1) Food must be provided in the proper quantity for the number of cats being managed,  
39 and must be maintained in proper feeding containers.

40 (2) Water, if supplied, must be clean, potable and free from debris and algae.

41 (3) If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the  
42 cat(s).

1 (4) If veterinary care is needed, but is unavailable or too expensive, the caregiver must  
2 not allow a community cat to suffer.

3 ~~(f) Community Cats and/or Community Cat colonies/groups are prohibited on public bathing  
4 beaches or recreational areas on that portion of Santa Rosa Island owned by and under  
5 the jurisdiction of the county or the Santa Rosa Island Authority, and on public bathing  
6 beaches or recreational areas on any portion of any beach, public or private, on the  
7 portion of the county known as Perdido Key and more particularly described in section  
8 10-11(b)(2). The provisions of this section shall not apply to any portion of Santa Rosa  
9 Island or Perdido Key under the jurisdiction of Escambia County.~~

10 (g) A Violation of this section is a civil infraction punishable as provided for in section 10-23.

11  
12 **Section 4. Severability.**

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

16 **Section 5. Inclusion in the Code.**

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

22 **Section 6. Effective Date.**

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

24 **DONE AND ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

25 BOARD OF COUNTY COMMISSIONERS  
26 ESCAMBIA COUNTY, FLORIDA  
27  
28  
29

30 ATTEST: PAM CHILDERS  
31 Clerk to the Circuit Court  
32

\_\_\_\_\_  
Lumon J. May, Chairman

33 BY: \_\_\_\_\_  
34 Deputy Clerk  
35 (Seal)

36  
37 Enacted:  
38 Filed with Department of State:  
39 Effective:

**Committee of the Whole**

7.

**Meeting Date:** 08/12/2014

**Issue:** Central Booking and Detention Facility Replacement Considerations

**From:** David Wheeler, Department Director

---

**Information**

**Recommendation:**

Central Booking and Detention Facility Replacement Considerations

(David W. Wheeler - 15 min)

A. Board Discussion

B. Board Direction

---

**Attachments**

Presentation

---

Central Booking and Detention Facility

# **Replacement Considerations**

*Capacity and Construction Delivery Method*

Committee of the Whole

12 Aug 2014

- **CAPACITY OPTIONS**

- **697-Bed CBD Replacement**

- Anticipated total project cost is \$76.9 MM not including out-of-county inmate housing or site acquisition.
- Project duration is anticipated to be approximately 36 months.
  - Upon site acquisition/rezoning through completion
- Core functions (such as kitchen, laundry, infirmary, admin, security) would be designed to accommodate future expansions.

- **1476-Bed CBD and Main Jail Replacement**

- Anticipated total project cost is \$161.0 MM not including out-of-county inmate housing or site acquisition.
- Project duration anticipated to be approximately 39 months.
  - Upon site acquisition/rezoning through completion
- Core functions (such as kitchen, laundry, infirmary, admin, security) would be designed to accommodate future expansions.

- **CONSTRUCTION DELIVERY METHOD OPTIONS**

- Design – Bid – Build

- Construction Manager at Risk

- Design – Build

- **Staff's Recommendation for Construction Method**

- **Design-Build**

- Greatest probability of maintaining budget and schedule

- Upon award, the Design-Builder (DB) would be committed by contract to maintaining the project cost and schedule.

- » The DB team (Contractor and Architect) selected based on both qualifications and also competitive cost proposals

- » The Guaranteed Maximum Price (GMP) and schedule established during the DB selection/negotiation/award process

- The Contractor and the Designers would be on-board as one team from the onset.

- » DB team would be responsible for the construction costs and the project schedule from the beginning of design through completion.

- Questions
- Directions
  - Capacity for the Replacement Facility
  - Construction Method



- End of Presentation

**Committee of the Whole**

**8.**

**Meeting Date:** 08/12/2014

**Issue:** Status Update on Borrow (Mining) Pits, C&DD, and LCD Pits

**From:** Horace Jones, Interim Department Director

---

**Information**

**Recommendation:**

Status Update on Borrow (Mining) Pits, C&DD (Construction & Demolition Debris), and LCD (Land Clearing Debris) Pits - (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)  
(Horace Jones/Pat Johnson/Keith Wilkins - 30 min)

A. Board Discussion

B. Board Direction

---

**Committee of the Whole**

**9.**

**Meeting Date:** 08/12/2014

**Issue:** Parking for the Flora Bama Jama/Use of Baars Field

**From:** Alison Rogers, County Attorney

---

**Information**

**Recommendation:**

Parking for the Flora Bama Jama/Use of Baars Field

(Alison Rogers - 5 min)

A. Board Discussion

B. Board Direction

---

**Attachments**

License Agreement

---

## SHORT-TERM LICENSE AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between MGF Properties, Inc., a Florida for-profit corporation, whose address is 17401 Perdido Key Drive, Pensacola, Florida 32507 (Licensee), and Escambia County, a political subdivision of the state of Florida acting by and through its duly authorized Board of County Commissioners, whose mailing address is 221 Palafox Place, Pensacola, Florida 32502 (Licensor).

WITNESSETH:

WHEREAS, Licensee is hosting at its Flora-Bama Lounge and Oyster Bar a public concert featuring Kenny Chesney, more commonly known as the Flora-Bama-Jama; and

WHEREAS, Licensee has requested and Licensor has agreed to allow Licensee to use its property at 12950 Gulf Beach Highway, Escambia County, Florida, more commonly known as Baars Field, for free public parking for persons who wish to attend the Flora-Bama-Jama;

NOW, THEREFORE, for the reasons set forth herein and other and good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Property. Licensor licenses to Licensee the use of that certain property, located at 12950 Gulf Beach Highway, commonly known as Baars Field, as shown in the attached Exhibit A (Property).
2. Term. The term of this Agreement shall be for two (2) days, August 16 and 17, 2014, unless terminated for cause or convenience at the will of the Licensor.
3. Use of the Property. Licensee shall use the Property on August 16, 2014 only for the purpose of public parking in conjunction with Licensee's Flora-Bama-Jama concert. Licensee shall use the Property on August 17, 2014 only for the purpose of removing trash and debris and restoring the Property to its original condition.
4. License and Parking Fees. No license or parking fees are contemplated in this Agreement. Licensor agrees to make the Property available for public parking without charge to the Licensee, and Licensee agrees not to charge or collect from members of the public any fee for parking on the Property.
5. Condition, Control, and Restoration of the Property. Licensee shall maintain the Property in a neat, safe, and orderly condition, and promptly correct any situation that would reasonably be perceived to represent a danger or hazard to persons or the Property. Licensee accepts this Property "as is" and Licensor makes no warranties regarding suitability of the Property for Licensee's use. Licensee shall provide, at its

expense, at least six (6) parking attendants to direct and control traffic and parking and at least two (2) off-duty deputy sheriffs to provide security services. The parking attendants and deputy sheriffs shall be present on the Property before any member of the public is allowed to enter and park, and they shall remain as long as vehicles are parked on the Property. Licensee shall not permit any vehicle to remain parked on the Property after August 16, 2014. At the conclusion of the Flora-Bama-Jama, Licensee shall remove all trash and debris from the Property and promptly restore the Property to its original condition.

6. Indemnification. Licensee agrees to hold harmless, indemnify, and defend the Licensor, including its subsidiaries and affiliates, its consultants, agents, volunteers, elected and appointed officers, and employees, from any and all claims, suits, actions, damages, expenses in connection with the loss thereof, and costs of suit, including attorneys' fees and paralegals' fees, for any expenses, damages, or liability incurred by any of them, whether for bodily or personal injury, death, property damage, direct or consequential damages, or economic loss or use thereof, including environmental impairment, arising out of the Licensee's use of the Property or otherwise arising out of this Agreement. Licensee's obligation shall not be limited by, or in any way to, any insurance coverage or by any provision in or exclusion or omission from any policy of insurance. Licensee agrees to pay on behalf of Licensor, as well as provide a legal defense for Licensor, both of which shall be done only if and when requested by Licensor, for all claims made. Such payment on behalf of Licensor shall be in addition to any and all other legal remedies available to Licensor and shall not be considered to be Licensor's exclusive remedy.

7. Insurance. Licensee shall procure and maintain the following described insurance, except for coverages specifically waived by the Licensor. Such policies shall be from insurers with a minimum financial size category of VII according to the latest edition of the AM Best Rating Guide. An A or better Best Rating is "preferred"; however, other ratings if "Secure Best Ratings" may be considered. Such policies shall provide coverages for any or all claims that may arise out of, or result from, the services, work and operations carried out pursuant to and under the requirements of this Agreement, whether such services, work and operations be by the Licensee, its employees, or contractor(s), or anyone employed by or under the supervision of any of them, or for whose acts any of them may be legally liable, or any other member of the public who accesses the Property during the term of this Agreement.

These insurance requirements shall not limit the liability of the Licensee. The Licensor does not represent these types or amounts of insurance to be sufficient or adequate to protect the Licensee's interests or liabilities, but are merely minimums.

Except for workers compensation and professional liability, the Licensee's insurance policies shall be endorsed to name Escambia County as an additional insured for bodily injury, property damage and personal and advertising injury caused, in whole or in part, by the Licensee's acts or omissions; or the acts or omissions of those acting on the Licensee's behalf in the performance of the Licensee's ongoing operations. Additional Insured Endorsement ISO Form CG 20 10 is required for the Commercial General Liability coverage.

Except for workers' compensation, the Licensee waives its right of recovery against the Licensor, to the extent permitted by its insurance policies.

Insurance required of the Licensee or any other insurance of the Licensee shall be considered primary, as may be applicable to claims that arise out of the Indemnity and Hold Harmless, Insurance, Certificates of Insurance and any Additional Insurance provisions of this Agreement.

- **Commercial General Liability Coverage - Occurrence Form Required.** Commercial General Liability insurance with One Million Dollars (\$1,000,000) per occurrence and aggregate limits, including coverage parts of bodily injury, property damage, personal injury, product and completed operations, and contractual liability. Excess or umbrella insurance may be purchased to make up the difference, if any, between the policy limits of the underlying policies (including employers liability required in the Workers' Compensation Coverage section) and the total amount of coverage required.
- **Automobile Coverage.** Automobile Liability insurance with One Million Dollars (\$1,000,000) per occurrence and aggregate limits, to include bodily injury liability and property damage liability, arising out of the ownership and maintenance or use of any auto, which includes owned, non-owned and hired automobiles and employee non-ownership use.
- **Workers' Compensation Coverage.** Workers' compensation insurance for all workers' compensation obligations imposed by state law and employer's liability limits of at least \$100,000 each accident/\$100,000 each employee/\$500,000 policy limit for disease. The Licensee shall also purchase any other coverage's required by law for the benefit of the employees.
- **EVIDENCE/CERTIFICATES OF INSURANCE.** Required insurance shall be documented in Certificates of Insurance which reflect Escambia County as certificate holder, and provided to Michael Watts, Risk Manager, P.O. Box 1591, Pensacola, Florida 32597-1591, on or before August 14, 2014. The certificate shall also include that the policy/policies is/are endorsed to provide Escambia County at least 30 days in advance notice of cancellation, nonrenewal or adverse change.

New Certificates of Insurance are to be provided to Escambia County as least 15 days prior to coverage renewals.

If requested by the Licensor, the Licensee shall furnish complete copies of the Licensee's insurance policies, forms and endorsements.

Receipt of certificates or other documentation of insurance or policies or copies of policies by the Licensor, or by any of its representatives, that indicate less coverage than required does not constitute a waiver of the Licensee's obligation to fulfill the insurance requirements herein.

8. Notices. Notices to Licensor and Licensee under this Agreement will be addressed, mailed, or delivered to the following:

TO LICENSOR:

County Administrator or designee  
Escambia County, Florida  
221 Palafox Place  
Pensacola, Florida 32502

TO LICENSEE:

MGFB Properties, Inc.  
Cameron S. Price, Registered Agent  
17401 Perdido Key Drive  
Pensacola, Florida 32507

With a copy to:

Escambia County Attorney's Office  
221 Palafox Place, Suite 430  
Pensacola, Florida 32502

9. Right of Entry. Licensor, its officers, agents, employees, representatives and contractors shall have the right, at all reasonable times, to enter upon the Property as long as such entry does not interfere with the Licensee's use of the Property.

10. Compliance with Laws. Licensee agrees to comply with all federal, state and local laws, ordinances, policies, and other governmental regulations applicable to the Property and its proposed use.

11. Entire Agreement. This Agreement contains the entire understanding between the parties and supersedes all prior oral and written agreements between them regarding the license of the Property. This Agreement may be modified only by an amendment in writing, dated and signed by Licensor and Licensee after the date of this Agreement. Licensee acknowledges that it has not relied upon any statement, representation, prior or contemporaneous written or oral promises, agreements, or warranties, except such as are expressed herein. This Agreement shall not be assigned by either party.

12. Miscellaneous. The captions, headings, and paragraph titles in this Agreement are for convenience or reference only, and are not intended in any way to restrict, affect or interpret the provisions of any paragraph of this Agreement.

If any term, provision, covenant, or condition of this Agreement or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement or the application of such term, provision, covenant, or condition to be affected, and each term, provision, covenant, or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

This Agreement shall be construed in accordance with the laws of the State of Florida and shall not be more strictly construed against either party by reason of the fact that one party may have drafted or prepared any or all of the terms and conditions.

This Agreement shall have no effect unless first approved by the Escambia County Board of County Commissioners at a duly noticed public meeting.

IN WITNESS WHEREOF, Licensor and Licensee have caused this Agreement to be executed by their duly authorized representatives as of the day and year first written above.

LICENSOR:

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

By: \_\_\_\_\_  
Lumon J. May, Chairman

ATTEST: PAM CHILDERS  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)

LICENSEE:

**MGFB PROPERTIES, INC.**

By: \_\_\_\_\_  
John M. McInnis, III, President

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014 by John M. McInnis, III, as President of MGFB Properties, Inc. He is ( ) personally known to me, or ( ) has produced current \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

(Notary Seal)





**Baars Field**

12950 Gulf Beach Hwy

**Exhibit A**

Baars Field Athletic Park is comprised of five fields that are not currently being used by any Youth Athletic Association. The facility can provide room for parking as requested. In the future, it can be used for youth athletic practices and/or public recreation

**Committee of the Whole**

**10.**

**Meeting Date:** 08/12/2014

**Issue:** Thunder on the Gulf Event

**From:** Gene Valentino, District 2 Commissioner

---

**Information**

**Recommendation:**

Thunder on the Gulf Event (NO BACKUP PROVIDED)

(Commissioner Gene Valentino - 15 min)

A. Board Discussion

B. Board Direction

---

**Committee of the Whole**

**11.**

**Meeting Date:** 08/12/2014

**Issue:** SMG Contract Extension

**From:** Amy Lovoy, Department Director

---

**Information**

**Recommendation:**

SMG Contract Extension (NO BACKUP PROVIDED)

(Cyndee Pennington - 30 min)

A. Board Discussion

B. Board Direction

---