



# CONSENT AGENDA

August 14, 2012

1. Minutes – July 10, 2012 – Regular Meeting . . . . . 1-20
  - July 24, 2012 – Special Budget Meeting . . . . . 21-22
  - July 24, 2012 – Regular Meeting . . . . . 23-31
  
2. Approval of Checks and warrants for July, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
  
3. Agreement – Florida Department of Agriculture and Consumer Services (Gulf County Mosquito Control) . . . . . 32-44
  
4. Invoices – Jordan & Associates – C.D.B.G. Grant Administration Services (Invoice #12-K15-A13 \* \$4,779.00 \* to be paid from Account #113538-31000 \* \$1,302.00 \* to be paid from Account #113535-31000 \* \$669.00 \* to be paid from Account #113554-31000) . . . . . 45
  - Jordan & Associates – C.D.B.G. Grant Activity Delivery Services (Invoice #11-K15-D08 \* \$1,333.38 \* to be paid from Account #113535-31000 \* \$6,858.00 \* to be paid from Account #113554-31000) . . . . . 46
  - Ken Murphy – Taping of County Commission Meetings (July, 2012 \* \$1,350.00 \* to be paid from Account #27452-34000) . . . . . 47
  - Legal Services of North Florida – Legal Aid Services (April 1 – June 30, 2012 \* \$963.44 \* to be paid from Account #71015-82000) . . . . . 48
  - Northwest Regional Library System – Annual Allocation (July-September, 2012 \* \$27,515.00 \* to be paid from Account #62271-34100) . . . . . 49
  - The Ferguson Group, LLC – Federal Lobbying Services (Invoice #0912173 \* \$6,500.00 \* to be paid from Account #21111-31200) . . . . . 50
  
5. S.H.I.P. – Rehabilitation Assistance (\$40,000.00 \* Ruby Brown, Evelyn Harcus, Gillie McNair, Carl Reichert, Anita Tiller) . . . . . 51-55

**JULY 10, 2012**

**PORT ST. JOE, FLORIDA**

**REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman William C. Williams, III, Vice Chairman Tan Smiley, and Commissioners Carmen L. McLemore, Ward McDaniel, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, E.D.C. Director Barry Sellers, Fire Coordinator Brad Price, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Gulf County Extension Agent Roy Lee Carter, Mosquito Control Director Mark Cothran, Gulf County Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, Public Works Director Joe Danford, Sheriff's Office Major Bobby Plair, Sheriff's Office Deputy Chris Dixon, and T.D.C. Director Jennifer Jenkins.

Sheriff's Office Major Plair called the meeting to order at 6:00 p.m., E.T.

Assistant Administrator Hammond opened the meeting in prayer, and Chairman Williams led the pledge of allegiance.

**CONSENT AGENDA**

Upon motion by Commissioner McDaniel, second by Commissioner McLemore and unanimous vote, the Board approved the Consent Agenda as follows, after removal of Item #9 (page 28):

1. Approval of Checks and warrants for June, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
2. Agreement – FL Department of Revenue (Communications Services Tax)  
Agreement – MRD Associates, Inc. (St. Joseph Peninsula Post-Construction Physical Monitoring)
3. Culvert Placement - Bass Street
4. Grant Agreement – FL Department of State (State Aid to Libraries Grant)
5. Invoices – Coastal Parasail – Beach Raking (Invoice #12003 \* \$2,500.00 \* to be paid from Account #27452-46100)

- Environmental Products of Florida – Tub Grinder (Invoice #V027646  
\* \$6,202.76 \* to be paid from Account #28151912-46200)
  - Ken Murphy - Videotaping & Airing of Board Meetings (June, 2012  
\* \$1,350.00 \* to be paid from Account #27452-34000)
  - Life Management Center of Northwest Florida, Inc. – Mental  
Health Services (\$6,932.00 \* to be paid from Account  
#51363-82001)
6. Letter of Support – Department of Health and Human Services (Community Transformation Grants – Small Communities)
  7. Memorandum of Understanding and Pledge Arrangements (Sacred Heart Health System)
  8. Pledge Arrangements – St. Joe Community Foundation (Sacred Heart Health System)
  9. **\*\*DELETE\*\*** Road Closure - (Temporary) – U.S. Highway 98 in the vicinity of Veterans' Memorial Park for the Beach Blast Sprint and Olympic Distance Triathlon and Duathlon (September 8, 2012)
  10. Tax Roll Recapitulation for 2011
  11. Training – Emergency Management (Public Information Officer \* Starke, FL)

(End)

**PUBLIC HEARING – ORDINANCE #2012-05 – NUISANCE**

County Attorney Novak read the proposed ordinance by title which amends the nuisance ordinance #99-06 providing additional language and further definition of nuisance. Susan Watson, Northwest Regional Director of the American Civil Liberties Union appeared before the Board to discuss the nuisance ordinance, stating these ordinances can have devastating effects on those individuals in most need of police services, stating they oppose the amendment to ordinance #99-06 and further recommend the amendment to the definition of the nuisance. Commissioner McDaniel motioned to allow Ms. Watson additional time to speak. Commissioner Yeager seconded the motion, and it passed unanimously. Ms. Watson recommended the Board amend the definition of the word nuisance. Chairman Williams called for public comment. There was no other public comment. County Attorney Novak requested that Ms. Watson submit her letter for the record, stating in conjunction with the other ordinance, the amendment for the definition of nuisance is expanding upon that, and recommended adoption of the proposed ordinance. Commissioner Yeager motioned to

adopt the proposed ordinance. Commissioner Smiley seconded the motion, and it passed unanimously as follows:

**ORDINANCE NO. #2012- 05**

**AN ORDINANCE OF THE COUNTY OF GULF, IN THE STATE OF FLORIDA AMENDING "NUISANCE" ORDINANCE 99-06, PROVIDING ADDITIONAL LANGUAGE AND FURTHER DEFINITION OF NUISANCE AS ANY ACTIVITY CONDUCTED ON A PROPERTY WITHIN THE COUNTY REQUIRING THE PRESENCE OF LAW ENFORCEMENT OFFICERS ON FIVE OR MORE OCCASIONS OF ANY THIRTY DAY PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (hereinafter "Commissioners"), find and determine that the Gulf County (hereinafter "County") Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the County; and

**WHEREAS**, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of Gulf County, and

**WHEREAS**, the Commissioners desire to amend, delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing ordinance with regard to the definition of "nuisance", and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (hereinafter "Commissioners"), find and determine that the Gulf County (hereinafter "County") Land Development Regulations and Ordinance 99-06 and their definition of "Nuisance" is appropriately expanded to include additional clarification and detail to insure and maintain the quality of life for all citizens of the County; and

BE IT ENACTED by the Commission of the County of Gulf, in the State of Florida:

**Section 1. Amended Definition of "Nuisance"** Section 2(G) of "Definitions" for Gulf County Ordinance 99-06 is hereby amended to add sub-paragraphs (a) and (b) as additions to the definition of Nuisance which will read as follows:

- a. Property or activity conducted on property within the County, whether owned, leased or used by a person or organization whether for profit or not for profit that requires the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

- b. Owners of property or lessees, users, or occupants of property that permit the existence of any illegal activities on such property that are prohibited by the laws of the State of Florida or the ordinances of the County requiring the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

**Section 2. Repealer**

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

**Section 3. Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, even if such severability would result in additional restriction and or oversight of said homeless shelter, whether by subjecting the proposed facility to additional regulation under this ordinance’s permitting requirements, or otherwise.

**Section 4. Effective Date**

This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion was seconded by Commissioner Smiley and, being put to vote, the vote as follows:

Commissioner Williams    Yes

Commissioner Yeager      Yes

Commissioner McLemore   Yes

Commissioner Smiley      Yes

Commissioner McDaniel    Yes

**DULY PASSED AND ADOPTED THIS 10<sup>th</sup> day of July, 2012.**

(End)

**PUBLIC HEARING – ORDINANCE #2012-06 – HOMELESS SHELTER**

County Attorney Novak read the proposed ordinance by title which regulates and controls the application, review, and permitting processes, as well as the regulation and annual evaluation of any and all homeless shelters. Christy McElroy appeared before the Board and thanked all those involved in the process of the research and development of the proposed homeless shelter ordinance. Chairman Williams called for public comment. There was no other public comment. Chairman Williams thanked County staff for their hard work in obtaining the proposed homeless shelter ordinance. Commissioner Smiley recommended adoption of the proposed homeless shelter ordinance. Commissioner Yeager seconded the motion, and it passed unanimously as follows:

**ORDINANCE #2012-06**

**AN ORDINANCE OF THE COUNTY OF GULF, IN THE STATE OF FLORIDA TO REGULATE AND CONTROL THE APPLICATION, REVIEW, PERMITTING PROCESSES AS WELL AS THE REGULATION AND ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS; PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR ENFORCEMENT; ADOPTING A HEARING PROCEDURE, PROVIDING FINES AND PENALTIES FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (hereinafter "Commissioners"), find and determine that the Gulf County (hereinafter "County") Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the County; and

**WHEREAS**, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of Gulf County, and

**WHEREAS**, the Commissioners desire to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

**WHEREAS**, the Commissioners find and determine that the County has adopted Land Development Regulations in order to implement its Comprehensive Plan (last reviewed and revised 11/2010), and to comply with the requirements of the laws of State of Florida, including the regulation of land use within Gulf County for the purpose of establishing homeless shelters in conjunction with the development of land; and

**WHEREAS**, in order to carry out the purposes of the Florida Statutes and the purposes of the County's Land Development Regulations, the Commissioners find and determine that the County's Land Development Regulations should regulate homeless

shelters, including by designating restricted or prohibited uses, as well as the proper procedures for application, review, permitting, location and financial support for such homeless shelters; and

**WHEREAS**, the Commissioners find and determine that the Gulf County Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

**WHEREAS**, the Commissioners have determined following public hearings, careful evaluation of both the research and experience of neighboring communities and their approach and process for enabling those in need of such homeless shelter, that such services should be provided with the conditions for suitability and the facility is not contrary nor inconsistent with one or more of the purposes of the Land Development Regulations, and by prescribing the proper process, application, review, evaluation, permitting, location and funding of such facility; and

**WHEREAS**, the Commissioners have determined the need to address the County's Land Development Regulations relative to homeless shelters, and wishes to ensure that the County's Land Development Regulations as they relate to a homeless shelter are in compliance with all constitutional and other legal requirements; and

**WHEREAS**, the Commissioners find and determine that the Land Use Element of the Gulf County Comprehensive Plan notes the County goals to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of Gulf County is ensured; and

**WHEREAS**, the predominant concern in establishing homeless shelter regulations for the development and use of land is with any adverse secondary effects, and not with the intent nor mission of such a homeless shelter; and

**WHEREAS**, the Commissioners wish to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such facilities in a Florida community can create atypical and extraordinary obligations and additional burdens on the demand for county services and support; and

**WHEREAS**, the Commissioners recent findings and public hearings in conjunction with the examination of the community issue by staff of both established regional and national studies as well as the review of expert testimony regarding the issue of homelessness in surrounding communities that the operation of a homeless shelter has consistently resulted in significant increased police activities, increased activity of emergency management personnel, staff and resources and ultimately a demand on the social services and structure of those municipalities and communities directly providing and supporting the users of a homeless shelter; and

**WHEREAS**, the purpose of this ordinance is to authorize the operation of shelters for homeless persons within Gulf County under circumstances which assure the public protection while also securing and enhancing the health, safety and welfare of all county residents and facility participants consistent with the Land Development Regulations; and

**WHEREAS**, the Commissioners strive to balance the Land Development Regulations mandate to maintain and improve the quality of life for all citizens while also providing an outlet and ability to offer adequate support services for shelter occupants with proper regulation and oversight; and

**WHEREAS**, the Commissioners find and determine that the various steps proposed are a major deterrent to a decline in public safety and health, and further note the importance of an interest in maintaining a strong position on public safety and health and strong internal community support and therefore seek to provide the ability to provide homeless individuals shelter in an orderly, structured and responsible community based approach that recognizes the need for both the homeless assistance while maintaining Gulf County's public safety and health standards; and

**WHEREAS**, the Commissioners find and determine that the Gulf County Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid any blight and deterioration that cause depreciation of property values and to that end the Commissioners have sought to ensure adequate protection for residents within the County in which a shelter is specifically located; and

**WHEREAS**, the Commissioners find and determine that tourism is a significant and important economic activity within the community and that a homeless shelter land use is incompatible with the tourist related land use and economic activities, and

**WHEREAS**, the Commissioners find and determine that the following ordinance is consistent with all applicable policies of the County, including its Comprehensive Plan and Land Development Regulations, and is not in conflict with the public interest, and will not result in incompatible land uses; and

**NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Gulf County Florida, as follows:

**Section 1. Definitions**

- A. "Homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes (please note Section 9 "Exception" for disaster response and relief below).
- B. "Person" means an individual (eighteen (18) years or older), a business entity or organization, or a governmental entity.

- C. "Participant" means an individual that has qualified for admission into the shelter for temporary relief and assistance with basic necessities of life such as food and clothing. A participant under the definition and terms of this ordinance however does not provide residency nor "intent to reside" status to an individual participating. Participant is an individual that receives the benefit of the shelter services however, may not claim residency of the shelter as a home, domicile, residence or "intent to reside".
- D. "Tourist Corridor" means those corridors defined as the portions of highways, roadways and public right of ways known, mapped and designated in Gulf County and the areas defined below surrounding these portions of US 98 and SR 30A and CR 30A and SR 30E and SR 386 and SR 71 within a one mile radius of these Tourist Corridors.
- "Northwest Tourist Corridor" US Hwy 98 for land areas within a one mile radius, bounded from CR 386 (border between Gulf and Bay Counties) heading South to terminus at the intersection of US 98 and Westview Boulevard, and any and all unincorporated areas between these two above segments along US Hwy 98 adjacent to Phase I of Windmark Subdivision and through Highland View; and
  - "Southern Tourist Corridor" recommencing for all land areas within a one mile radius of SR 30A and CR 30A; heading South along SR 30A from the intersection with US 98 to the terminus of SR 30A at the Gulf and Franklin County border; and also continuing from the intersection of SR 30A with SR 30E, and continuing West/Northwest along SR 30E to the SR 30E terminus at T.S. Stone State Park.
  - "Central Tourist Corridors" any and all land areas within a one mile radius of CR 71 commencing at the intersection with US Hwy 98 in the City of Port St. Joe and heading North to the Gulf County boundary line as well as CR 386 commencing at the intersection with US Hwy 98 at the Gulf and Bay County boundary line and to its terminus at its intersection with CR 71 in the City of Wewahitchka.

## **Section 2. Permit required**

No person may establish or operate a homeless shelter in Gulf County without a permit.

## **Section 3. Application**

A person who wishes to establish and operate a homeless shelter shall file an application for a permit with the Gulf County Building and Planning Departments and a copy simultaneously submitted to the Gulf County Administrator's office. The application shall specify the shelter's proposed location and the number of anticipated participants, and any other information considered necessary by the County to process the application. The application should include a statement by the applicant addressing each element of the burden of proof required for the issuance of a permit as described in Section 4 below. When filing the application, the applicant shall pay the processing fee established by the County Commission through this ordinance of Two Thousand Five Hundred Dollars (\$2,500.00) to offset the extraordinary county staff time for review and preparation of this unique and specific permit approval process.

**Section 4. Burden of proof**

An applicant for a permit under this chapter has the burden of demonstrating each of the following elements:

- A. The proposed facility is appropriate for the shelter under consideration;
- B. The proposed location for the shelter is appropriate, given proximity, for example, to schools, churches etc.;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing; inclusive with this provision shall be the facilities required compliance with any and all State and local regulations for food preparation, distribution and delivery to its participants (analogous to state public school requirements and/or state correctional facilities food requirements);
- D. The shelter's participants will receive any necessary medical treatment as provided by the facility's trained and licensed staff, and have adequate access to social services and other support services such as counseling for employment and permanent housing opportunities;
- E. The shelter will provide transportation for shelter participants as may be needed to implement the shelter's program, particularly to any off-site location where services are provided;
- F. The shelter will provide adequate on-site supervision and security; inclusive with this supervision shall be all participants provided a temporary participant card qualifying and identifying their participation in the facility's services during their stay;
- G. The shelter's operating rules provide for immediate termination of participant's services and provide an immediate plan for transportation out of the County of any participant who engages in criminal activity;
- H. The shelter will provide adequate coordination with the law enforcement department for the provision of screening and security functions;
- I. The shelter will provide a community liaison to ensure sufficient avenues of communication with the neighborhood and effective response to complaints from citizens;
- J. Adequate law enforcement services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the County's building and zoning ordinances; inclusive with this compliance shall be the County's ability for random unscheduled inspections for continued compliance and safety precautions;
- L. The applicant and its staff possess the requisite experience to properly manage the shelter; inclusive of the necessary and required medical staff to handle needs of participants
- M. The facility and its professionals submit sufficient plans demonstrating structured discharge planning (reference to "*Local Implementation of 10 year plans to end homelessness*", See 7/11/05 NAEH Conference Report) including the rehabilitation; training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;

- N. The facility and its professionals submit self sufficient plans demonstrating structured emergency evacuation (inclement weather, natural disaster, emergency) planning and including Section 8 "Revocation" below providing for a documented plans for relocation in lieu of permit revocation
- O. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance.
- P. The permittee must identify the agent of record for purposes of contact, communication and individual enforcement.
- Q. The permit shall comply with all State and Federal guidelines in addition the foregoing permitting review and conditions; and subject to Gulf County revocation power under Section 8 below for any and all violations issued by State and or Federal guidelines and agencies.

### **Section 5. Public hearing – Decision – Term**

Upon receipt of a complete application, the Gulf County Planning Department shall set the matter for a public hearings, evaluation and consideration before the Gulf County Planning and Development Review Board. The County Clerk shall give notice of the hearing by (1) publishing a notice of time and place of hearing once in a newspaper of general circulation at least 10 days before the hearing, and (2) posting the notice of public hearing on the County Courthouse. The County Clerk may give notice in such other manner considered appropriate under the circumstances (i.e. posted on Gulf County website, [www.gulfcounty-fl.gov](http://www.gulfcounty-fl.gov) ). The Gulf County Commission thereafter shall conduct the public hearings and may approve the application if the applicant demonstrates that each element of the burden of proof described in Section 4 is met. If it approves the application, the Commission may specify the term of the permit. The term of the permit may not exceed 12 months.

### **Section 6. Permit fee**

If the Gulf County Commission approves the application, it shall as a part of the approval process fix the amount of the permit fee. The permit fee is in addition to the processing fee referred to in Section 3 as well as the standard building, planning and county administrative permitting fees.

Once an application is approved by the Gulf County Commission, the applicant shall pay the permit fee fixed by the Commission. The permit fee shall be based upon the County's anticipated increased costs in providing police, emergency medical, administrative fees for County, additional code enforcement and oversight, additional health department inspections and oversight and all other related support services for a projected annual term as a result of the shelter's operation. The annual renewable permit fee shall be established by vote of the Gulf County Commission following the research, review and final recommendation of County staff.

Upon the County establishing the permit fee for the operation of the facility, the Administration shall place a fifteen (15%) percent "risk factor valuation" deposit which shall be held in escrow by the county on an annual basis. If revocation clause is triggered under Section 8 and the permittee fails to secure reinstatement of the permit

for the facility within twenty (20) days thereafter the risk factor deposit is immediately forfeited to the County for the administrative costs and expenses incurred with the proper oversight of the shut down and transition of the facility closing.

**Section 7. Location**

No homeless shelter may be located within any Tourist Corridor within Gulf County as defined by Section 1(D) above.

**Section 8. Revocation**

The Gulf County Commission may revoke a permit at any time issued under this Section if it determines that the shelter is not operating in accordance with the terms of the permit. Before it considers revocation of the permit, the Gulf County Commission shall first conduct a noticed public hearing giving the permittee an opportunity to respond to grounds in support of revocation.

Notice of the revocation hearing shall be mailed postage prepaid by certified (return receipt requested) mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing.

If necessary and upon revocation of permit, the shelter administration shall be responsible for the immediate transportation within twenty four (24) hours for the relocation of any and all participants to another qualified facility identified by the shelter administration at the time of its permit application process.

**Section 9. Exception**

This Ordinance does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the Gulf County Commission. A temporary emergency homeless shelter may operate for a maximum of 45 days. The County Administrator may extend that period for additional periods of 45 days, upon approval of the Gulf County Commission.

**Section 10. Violation – Penalty**

Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials and Gulf County Sheriff's department and in accordance with Florida Statute 125.69:

- A. Violation of any provision of this ordinance shall be subject to the following penalties:
- (i) First violation: \$500.00 fine; \$100.00 per day thereafter
  - (ii) Second violation: \$1,000.00; \$500.00 per day thereafter
  - (iii) Third violation: Fine not to exceed \$5,000.00 and/or imprisonment in the County jail not to exceed sixty (60) days.

- B. Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance, code enforcement officials may provide violators with no more than one (1) written warning.
- C. The County shall also have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance in addition to the violations set forth above, including but not limited to injunctive relief to rejoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of the specific corrective actions.

**Section 11. Repealer**

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

**Section 12. Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, even if such severability would result in additional restriction and or oversight of said homeless shelter, whether by subjecting the proposed facility to additional regulation under this ordinance's permitting requirements, or otherwise.

**Section 13. Effective Date**

This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Smiley, who moved its adoption. The motion was seconded by Commissioner Yeager and, being put to vote, the vote as follows:

Commissioner Williams    Yes

Commissioner Yeager    Yes

Commissioner McLemore    Yes

Commissioner Smiley    Yes

Commissioner McDaniel    Yes

**DULY PASSED AND ADOPTED THIS 10<sup>th</sup> day of July, 2012.**

(End)

**E.M.S. APPRECIATION DINNER**

Gulf County E.M.S. Director Whitfield appeared and discussed the E.M.S. appreciation dinner held in May during E.M.S. week and recommended approval of an invoice to Rich's IGA, in the amount of \$15.02, and J.R.'s Rib Shack, in the amount of \$624.25. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously.

**E.M.S. – MEXICO BEACH AMBULANCE SERVICES**

Gulf County E.M.S. Director Whitfield gave an update on the ambulance services provided to Mexico Beach, stating Bay Medical Center will give the final word within the next week, and it looks like they will negotiate with the County.

**MOSQUITO CONTROL**

Mosquito Control Director Cothran appeared before the Board and noted the mosquito population increase throughout the County. Mr. Cothran informed the Board that he is over and above what he budgeted, noting it may level out in months to come if he is able to cut back. He stated the Federal Government has approved public assistance for twenty Counties in Florida, and Gulf is one of the Counties. He stated that if they do aerial spraying, it will be in the densely populated areas.

**APALACHEE REGIONAL PLANNING COUNCIL – 5 YEAR F.D.O.T. WORK PROGRAM**

Upon request by Planner Richardson, Keith McCarron of Apalachee Regional Planning Council appeared before the Board and gave an update on the F.D.O.T. five (5) year work program. Upon inquiry by Assistant Administrator Hammond concerning the widening of the bridge on Highway 22, Mr. McCarron stated they are aware of the issues with the bridge and he will continue to bring updates to the staff.

**COUNTY ROAD 386**

Grant Writer Kopinsky appeared before the Board and discussed the issues with County Road 386, stating the cost of the thermoplastics is extremely high, and reported that she spoke with Mr. McCarron concerning painting C.R. 386. She reported she applied for a S.C.R.A.P. grant to widen and resurface the road, stating if they could get paint striping now that would be better than what they are looking at.

**C.D.B.G. DISASTER RECOVERY FUNDS – STUMPHOLE PHASE IV & V - CHANGE ORDERS**

Grant Writer Kopinsky recommended approval of change order #1 with North Florida Construction for the C.D.B.G.-D.R.I. Stumphole Phase IV project; a decrease in the amount of \$50,100.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously. Grant Writer Kopinsky recommended approval of change order #1 with North Florida Construction for the C.D.B.G.-D.R.E.F. Stumphole Phase V, for an increase in the amount of \$50,100.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **LANDS LANDING GRANT**

Grant Writer Kopinsky reported we should have the contract for the Lands Landing Boat Ramp any day, stating we are in the new application phase at this time and can apply for another grant; noting the deadline is July 20, 2012. Commissioner Yeager discussed the need to apply for another grant. Commissioner McLemore discussed the Willis Landing Boat Ramp, but noted the County has not received a 25 year lease, and requested for Chief Administrator Butler to pursue with obtaining the 25 year lease with the St. Joe Company. Commissioner McLemore motioned to Chief Administrator Butler to pursue with the 25 year lease for the Willis Land Boat Ramp with St. Joe Company. Commissioner Smiley seconded the motion, and it passed unanimously. Chief Administrator Butler reported that it is their plan to incorporate in with the Odena Land Boat Ramp. Commissioner McLemore motioned to apply for a grant for repairs to the Sauls Creek Boat Ramp. Commissioner Smiley seconded the motion, and it passed unanimously. County Attorney Novak stated he will contact St. Joe Company concerning a contract on the Willis Landing Boat Ramp. Commissioner McLemore motioned to apply for a grant for the Willis Landing Boat Ramp if the contract is received from St. Joe Company before the grant deadline. Commissioner Smiley seconded the motion, and it passed unanimously.

### **INVOICE – KERIGAN MARKETING ASSOCIATES**

Interim T.D.C. Director Kopinsky requested approval of invoice #5952 from Kerigan Marketing Associates, in the amount of \$892.00 (advertising expenses for the band for the Forgotten Coast Wounded Warriors Week-End last year), stating there is backup documentation that they have not be able to regenerate from a year ago for this invoice. County Attorney Novak discussed and recommended to pay what they have documentation for and not pay for what there is no documentation for. Commissioner Yeager motioned to pay what they have documentation for. Commissioner McDaniel seconded the motion for discussion. Discussion ensued concerning ongoing and pending invoices with KMA. Chairman Williams stated KMA does not represent the County, or the T.D.C. Chairman Williams stated it is Kerigan Marketing's responsibility to produce the information needed, if they can't then we are not to pay it. Chairman Williams stated that we are done with Kerigan Marketing Associates and there is not to be any more new projects without going through the bid process. The motion then passed unanimously.

### **TOURIST DEVELOPMENT COUNCIL**

T.D.C. Director Jenkins appeared before the Board and reported that May 2012 bed tax collections had close to a 21% increase. She stated that they had their first partner workshop at the Welcome Center in regards to the Sponsorship and Special Funding Program. Ms. Jenkins noted the T.D.C. and Chamber of Commerce worked together and filmed five (5) segments for WEAR T.V. promoting Gulf County Tourism, stating this is one of the programs purchased through Kerigan Marketing Associates. Ms. Jenkins informed the Board that they did a three (3) minute segment on Beach T.V., purchased through Kerigan Marketing Associates. Finally T.D.C. Director Jenkins reported that an Associates Press Reporter will be here on Thursday to do a feature article on Gulf

County and the Scallop season. Chairman Williams recommended appointing T.D.C. Director Jenkins, E.D.C. Director Sellers, Chairman Williams, and Chief Administrator Butler to work on the framing of the Restore Act funding. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **UNEMPLOYMENT COMPENSATION – JAIL**

Jail Administrator Hammond reported that Deputy Administrator Lowry and County Attorney Novak won the unemployment compensation appeal against a previous jail employee.

#### **JAIL – COMPUTER SYSTEM**

Jail Administrator Hammond reported on July 3<sup>rd</sup> they had problems with their computers at the Jail, stating that Dennis Barfield, Jr. and Dennis Barfield, Sr. came out on the night of July 3<sup>rd</sup> and the weekend to fix the problems.

#### **WINDMARK BEACH**

County Attorney Novak discussed the signs at Windmark Beach Phase I signage issue, stating he contacted the St. Joe Company representative Mr. Caldwell, and they have come up with a proposed resolution for an additional twenty four (24) 20' parking spaces. County Attorney Novak noted they have 120 of the 300 pledged parking spaces. Chairman Williams stated he has a few legalities he would like for the Attorney review dealing with the roads and parks relative to St. Joe Shores. County Attorney Novak stated for the record that these pledged parking spaces are not permanent spots but would be transitioned into the future 180. Chairman Williams noted he is not comfortable with that and discussed further. County Attorney Novak discussed further.

#### **ANIMAL CONTROL ORDINANCE**

County Attorney Novak reported that the Sub-Committee is working on the animal control ordinance, stating they will be scheduling another meeting for the end of the month and will bring a proposed ordinance before the Board next month.

#### **COUNTYWIDE VOTING AND RE-DISTRICTING ISSUES**

County Attorney Novak reported the Board previously instructed Michael Spellman of Sniffen & Spellman Law Firm to work on the countywide and re-districting issues, and requested a Special Meeting be scheduled for Monday, July 30<sup>th</sup> at 9:00 a.m., E.T. for Mr. Spellman to make his presentation. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **FIVE POINT LANDFILL**

County Attorney Novak discussed delinquencies on invoices from the landfill provided to him by Public Works Director Danford, stating there needs to be a collection process in place for these delinquent accounts and requested permission to institute a collection practice and, if necessary, file a complaint and seeking a judgment. Mr. Novak noted they have all been noticed verbally but he would need Board authorization to proceed

with a collection practice and issue a Collection Notice (Fair Debt Collection Practice). Commissioner McDaniel motioned to approve, as recommended by County Attorney Novak. Commissioner Yeager seconded the motion, and it passed unanimously.

**RESOLUTION #2012-08 – EROSION CONTROL PROJECT**

County Attorney Novak read a proposed resolution by title and recommended adoption as follows:

**A resolution of the Board of County Commissioners, Gulf County, Florida, authorizing the County to proceed with this submittal of an application for State funds under provisions of Chapter 161.091, Florida Statutes, to the Florida Department of Environmental Protection, Beach and Coastal Ecosystem Management, for the Florida beach erosion program budget for fiscal year 2012-2013, for the restored and subsequent renourishment of the St. Joseph Peninsula beaches.**

Upon inquiry by County Attorney Novak, Deputy Administrator Lanier confirmed this to be a renewal for re-nourishment program for MRD Associates, Inc. for the coming year; noting the agreement is on page 12 (St. Joseph Peninsula Post-Construction Physical Monitoring) of the consent agenda that was approved tonight. Commissioner Yeager motioned to adopt the proposed resolution. Commissioner McDaniel seconded for discussion. Following discussion, the motion passed unanimously. Commissioner Yeager motioned for Chief Administrator Butler to contact MRD Associates, Inc. (Coastal Engineers) to look into the feasibility of using an inland sand source for the re-nourishment program. Commissioner Smiley seconded the motion, and it passed unanimously.

**RESOLUTION NO. 2012-08**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, GULF COUNTY, FLORIDA, AUTHORIZING THE COUNTY TO PROCEED WITH THIS SUBMITTAL OF AN APPLICATION FOR STATE FUNDS UNDER PROVISIONS OF CHAPTER 161.091, FLORIDA STATUTES, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BEACH AND COASTAL ECOSYSTEM MANAGEMENT, FOR THE FLORIDA BEACH EROSION CONTROL PROGRAM BUDGET FOR FISCAL YEAR 2012-2013, FOR THE RESTORED AND SUBSEQUENT RENOURISHMENT OF THE ST. JOSEPH PENINSULA BEACHES.**

**WHEREAS**, the St. Joseph Peninsula beaches experience one of the highest eroding shorelines in the State of Florida, provided diminished storm protection to upland property and structures, and reduced recreation area and critical sea turtle habitat, impacting the tourism based economy; and

**WHEREAS**, St. Joseph Peninsula is recognized by the Department of Environmental Protection as having a critically eroding shoreline (s); and

**WHEREAS**, the 7.5 mile St. Joseph Peninsula Beach Restoration Project was completed in January 2009 at a construction cost of approximately \$21.8 million; and

**WHEREAS**, the Gulf County Board of County Commissioners has identified beach preservation and beach re-nourishment as a priority to the County to maintain the St. Joseph Peninsula beaches which is critical to the economic and environmental health of the area; and

**WHEREAS**, the Gulf County Board of County Commissioners has developed a Long Range Beach Management and Erosion Control Plan for the St. Joseph Peninsula beaches to address the issues of beach preservation and beach re-nourishment, and will serve as the Local Sponsor; and

**WHEREAS**, the Gulf County Board of County Commissioners is aware that there is a local funding share to implement a shore protection for projects authorized by Section 161.101, Florida Statutes; and

**WHEREAS**, the Gulf County Board of County Commissioners supports the Department's beach and coastal management program.

**NOW, THEREFORE, BE IT RESOLVED** by Gulf County Board of County Commissioners that the Board hereby supports the restored and subsequent re-nourishment of the St. Joseph Peninsula beaches. Where these funds will be used for the implementation of the Beach Management Program including; Physical and Environmental Post-Construction Monitoring; the Feasibility to reduce the erosion rate along the southern portion of the St. Joseph Peninsula beaches; the design of the FEMA Recovery Project; and, reimbursement of previous State shortfalls to Gulf County. The Board is willing to serve as Local Sponsor and has the ability to provide the necessary local funding to implement the shore protection project.

This resolution adopted by the Gulf County Board of County Commissioners this 10<sup>th</sup> day of July, 2012.

(End)

**CATHEY CONSTRUCTION & DEVELOPMENT – PUBLIC WORKS BUILDING – CHANGE ORDERS**

County Attorney Novak discussed that he, Chief Administrator Butler, Building Official Collinsworth, Public Works Director Danford, Clerk Norris, and Clerk Finance Officer Hand met with the contractor Cathey Construction & Development concerning the completion change order for the Howard Creek Phase of the project under the contract, the relocation of the materials for the current Public Works Building site, and the new proposed project location in Port St. Joe, stating that they reviewed the change orders submitted by Cathey Construction & Development, and recommended approval of a change order for the water proofing for the Howard Creek site, in the amount of

\$845.00. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously. County Attorney Novak discussed they requested a breakdown for the Howard Creek phase so the books could be closed out, and recommended to release the final retainage (10%) on this project on Phase I. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously. County Attorney Novak reported the last thing requested of the contractor was to determine with regards to relocation, the materials that were brought down to the site, and the final contract price, through an amendment and change order, to complete the project in Port St. Joe, stating they have a change order from Cathey Construction & Development but recommended this be tabled for two weeks until all the final figures have been worked out.

#### **HABITAT CONSERVATION PLAN (H.C.P.)**

Chief Administrator Butler discussed the Habitat Conservation Plan proposed contract, stating that he, County Attorney Novak, and Commissioner Yeager met with Florida Fish & Wildlife, and they have agreed the County does not have to pay a local match on this project. Chief Administrator Butler recommended approval for the Chairman to sign and execute the contract between the Board and Florida Fish & Wildlife Conservation Commission, contingent upon County Attorney review. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously.

#### **INSURANCE COMMITTEE**

Chief Administrator Butler reported that the health insurance will increase by 29% over the current year, noting they are looking at several options; the feasibility impact of breaking off the Constitutional Officers into small groups, self-insurance plans, H.S.A. versus traditional plans, low cost 50/50 plans, county contribution strategies, and pricing concessions from the two (2) bidders. He reported the Committee will have a recommendation at the next Board meeting.

#### **T.D.C. ASSISTANT DIRECTOR**

Chief Administrator Butler reported T.D.C. Director Jenkins has established a job description for the Assistant T.D.C. Director position, stating it has been presented to Kim Bodine of Gulf Coast Workforce Board Center to search for an Assistant T.D.C. Director, hopefully being posted tomorrow. He noted they will continue to take applications until a good applicant is found (open ended).

#### **BID AWARD #1112-22 – MINITOR V PAGERS**

Fire Coordinator Price recommended awarding Bid #1112-22 for the Minitor V Pagers to Precision Communications (sole source), for 80 pagers, in the amount of \$30,000.00, to be paid from Impact Fees (\$11,000.00), grant funds (\$11,000.00), and the remaining \$6,000.00 from the Fire Departments; noting they have it in their budgets. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

**ROAD CLOSURE – BEACH BLAST TRIATHLON**

Commissioner McDaniel discussed Item #9 (page 28) which was pulled from the Consent Agenda, and inquired to Sheriff's Office Major Plair concerning the conflict from the Beach Blast Triathlon held in April. Sheriff's Office Major Plair reported that the issues have not been settled, and recommended to wait for the Sheriff to handle this issue. Chairman Williams suggested to keep this pulled from the Consent Agenda and refer to T.D.C. Director Jenkins to work with the Sheriff's Department and bring recommendation to the next Board meeting.

**RESTORE ACT**

Chairman Williams gave an update on the Restore Act, stating that it has been passed into law. He noted this is an enormous piece of legislation that is great for the State of Florida.

**WINDMARK BEACH – WALK OVERS**

Chairman Williams requested Building Official Collinsworth and T.D.C. to look at the walk overs at Windmark Beach and report back to the Board.

**DEPARTMENT OF HEALTH REVIEW COMMITTEE**

Chairman Williams reported the Board asked him to serve as Chairman of the Department of Health Review Committee, stating that Dr. Tom Curry and Roger Hall will serve on the committee, and he will confirm with Willie Ramsey concerning his service. Upon inquiry by Commissioner McDaniel concerning Healthcare Reform, Chairman Williams reported that Healthcare Reform was passed.

**BOARD MEETINGS**

Deputy Administrator Lanier reported that the Board meetings are now being live streamed from the County website [www.gulfcountry.gov](http://www.gulfcountry.gov), under latest news, for anyone that cannot attend and participate.

**PUBLIC COMMENT**

Chairman Williams called for public comment.

**BEACH CLEANING**

John Comer appeared before the Board and stated that the beaches are not being cleaned or groomed and it will drive the tourist away from the beaches. Commissioner McLemore discussed that it was just reported that the bed tax collections was up 22% so it has not affected the beaches.

**RESTORE ACT**

John Comer discussed that it is highly unlikely that anybody will ever see a dime from the Restore Act, stating that there are things in the way for the Restore Act and suggested the Board read the Constitution.

**BEACH CLEANING**

Commissioner Yeager reported that the contractor (Coastal Parasail) has been called many times and they have responded, stating the County is doing everything they can for the tourist to enjoy themselves while at our beaches. Chairman Williams reported there is a problem and he will get with T.D.C. Director Jenkins. County Attorney Novak reported on a staff meeting tomorrow; noting this is a topic of discussion.

**GULF COUNTY EXTENSION AGENT**

Gulf County Extension Agent Carter appeared before the Board and gave an update on the Extension Program, stating they had twelve (12) children involved in the horse program and took eighty (80) children from Gulf County to Camp Timpooshee in Niceville, and they have one of the strongest 4-H camps in North Florida. He reported they are sending seven (7) children to the State horse show this week that qualified in April at the district horse show. Mr. Carter commended Melanie Taylor and Louise Jones for their work with these programs. Mr. Carter updated the Board on the Garden program and thanked them for their support. Commissioner McDaniel thanked Mr. Carter for all he does for the youth in Gulf County.

**GULF COUNTY EXTENSION AGENT OFFICE**

Gulf County Extension Agent Carter reported the roof in his office is leaking and creating mold in the building, stating they are running humidifiers to pull out the moisture. Chief Administrator Butler reported that water is pouring in the building around all the windows, stating that they are taking the windows and fixing the leaks.

**MARTIN LUTHER KING BOULEVARD**

Commissioner Smiley thanked Gail Alsobrook of the Downtown Redevelopment Agency for the improvements to be made on Martin Luther King Boulevard through a grant she applied for.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:52 p.m., E.T.

**WILLIAM C. WILLIAMS, III  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**

**JULY 24, 2012**

**PORT ST. JOE, FLORIDA**

**SPECIAL BUDGET MEETING**

The Gulf County Board of County Commissioners met this date in a special budget meeting with the following members present: Chairman William C. Williams, III, Vice Chairman Tan Smiley, and Commissioners Carmen L. McLemore, Ward McDaniel, and Warren Yeager.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, E9-1-1 Coordinator Ben Guthrie, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Joe Danford, T.D.C. Director Jennifer Jenkins, and Veterans' Service Officer James Kennedy.

Chairman Williams called the meeting to order at 8:45 a.m., E.T.

**2012-2013 FISCAL YEAR BUDGET**

Chief Administrator Butler stated there had been a lot of work involved in the Clerk's Office preparing Budget Proposal #1 and getting it out to the Staff. Mr. Butler highlighted that \$50,000.00 had been taken out of the budget for courthouse renovations, and noted there was no action taken by the Board on landfill tipping fees, or an additional gas tax. Chief Administrator Butler reported that the Board did impose a 2% freeze on each departmental budget in this current year to roll forward in hopes of giving the employees a pay raise in the upcoming year. He reported the current millage rate today (FY2011-12) is 5.7419, noting if the Board stays with what is proposed it will reduce the millage to 5.6845. Chief Administrator Butler stated if the Board goes with the proposed millage rate it cannot be increased, but can only be reduced. Clerk Norris reported that the Board must have a date for the first public hearing to the Property Appraiser by August 4<sup>th</sup>, and recommended September 10<sup>th</sup> for the first Public Hearing on the budget. Commissioner Yeager motioned to set the first Budget Public Hearing for September 10, 2012 at 5:01 p.m., E.T. Commissioner McLemore seconded the motion and it passed unanimously. Clerk Norris stated the Board needs to set the County-wide Millage rate, noting Chief Administrator Butler presented earlier the current millage rate and the proposed millage rate for the Board's consideration. She reported the St.

Joseph Fire Control District is at .4000 mills, and the other fire districts are at .5000 mills. Clerk Norris reported a decrease in both the proposed Gulf Front and Gulf Interior millage rates for the M.S.T.U. voted debt service; stating the Gulf Front is 6.6995 mills (a decrease of 3.3005), and the Gulf Interior is 3.5014 mills (a decrease of 1.3435). Upon inquiry by Commissioner Yeager, Clerk Norris reported the M.S.T.U. voted debt service will be paid off next year. Commissioner McLemore motioned to keep the same millage rate as the 2011-2012 fiscal year, (5.7419 mills). Commissioner Yeager seconded the motion, and it passed unanimously. Chief Administrator Butler discussed the need at some time for the Board to address the landfill, stating we are losing \$35.00 per ton and we are losing revenue. Commissioner McLemore stated the County needs to look at a purchase order system. Commissioner Yeager discussed that we need someone to help with procurement and contracts, noting Administration is understaffed. Clerk Norris stated that additional ambulance revenue of \$30,000 has been added to the budget based on projections discussed in previous meetings and will need to be removed should that not come through. Gulf County E.M.S. Director Whitfield reported Bay Medical Center agreed to fund \$36,000 for this service. Clerk Norris reported the Board needs to adopt the fire districts and M.S.T.U. millage rates. Commissioner Yeager motioned to keep the fire districts at their current rates (St. Joseph Fire Control District, .4000, Tupelo Fire Control District, .5000, Howard Creek Fire Control District, .5000, and Overstreet Fire Control District, .5000). Commissioner McDaniel seconded the motion, and it passed unanimously. Commissioner Yeager motioned to set the voted debt service millage rate for the Gulf Front at 6.6995 and the Gulf Interior at 3.5014, as proposed. Commissioner McDaniel seconded the motion, and it passed unanimously.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 8:56 a.m., E.T.

**WILLIAM C. WILLIAMS, III**  
**CHAIRMAN**

**ATTEST:**  
**REBECCA L. NORRIS**  
**CLERK**

**JULY 24, 2012**

**PORT ST. JOE, FLORIDA**

**REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman William C. Williams, III, Vice Chairman Tan Smiley, and Commissioners Carmen L. McLemore, Ward McDaniel, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Code Enforcement Officer Mike Aiken, Building Deputy Administrator Brett Lowry, Chamber/E.D.C. Director Barry Sellers, Emergency Management Director Marshall Nelson, E9-1-1 Coordinator Ben Guthrie, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Mosquito Control Director Mark Cothran, Gulf County Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood III, Public Works Director Joe Danford, Sheriff Joe Nugent, and T.D.C. Director Jennifer Jenkins.

Chairman Williams called the meeting to order at 9:04 a.m., E.T.

Assistant Administrator Hammond opened the meeting in prayer, and Chairman Williams led the pledge of allegiance.

**CONSENT AGENDA**

Upon motion by Commissioner McLemore, second by Commissioner McDaniel and unanimous vote the Board approved the Consent Agenda as follows:

1. Minutes – June 12, 2012 – Regular Meeting
  - June 25, 2012 – Emergency Meeting
  - June 26, 2012 – Regular Meeting
2. Agreement – Agency for Healthcare Administration – Primary Care  
(\$288,759.00)
 

Agreement – Agency for Healthcare Administration – Low Income Pool  
(\$417,604.00)
3. Insurance Committee Recommendations
4. Inventory – County Judge Timothy J. McFarland (Junk \* Optimus TV w/VHS Player, Panasonic TV w/VHS Player, HP1740 Monitor, HPL2208w Monitor, Fellows PS-77C Shredder, Fellows DM-6 Shredder)

5. Invoices – Bryan-Co Services, Inc. – Liberty Manor Apartments (Application No. 1 \* \$33,583.68 \* to be paid from Account #113554-34000)
- Bryan-Co Services, Inc. – Moss Creek Apartments (Application No. 1 \* \$2,615.18 \* to be paid from Account #113554-34000)
  - Bryan-Co Services, Inc. – Pine Ridge Apartments (Application No. 1 \* \$33,583.68 \* to be paid from Account #113554-34000)
  - Coastal Parasail – Beach Raking (Invoice #12004 \* \$500.00 \* to be paid from Account #27452-46100)
  - Kone, Inc. – Courthouse Elevator (Invoice #150690160 \* \$12,056.00 \* to be paid from Account #26219-62100)
  - North Florida Construction, Inc. – Stumphole Revetment Phase IV  
- DRI (Invoice #SA#1 \* \$96,345.97 \* to be paid from Account #113538-34000)
  - North Florida Construction, Inc. – Stumphole Revetment Phase V  
- DREF (Invoice #SA#1 \* \$68,402.25 \* to be paid from Account #113538-34000)
  - Okaloosa County Board of County Commissioners – 2012 CO-OP Collection (\$5,267.80 \* to be paid from Account #41934-52000)
  - Opportunity Florida – 2012-2013 Membership Dues (\$1,586.30)
  - Roberson & Associates, P.A. – Professional Services (Invoice #PSJ9981 \* \$10,400.00 \* to be paid from Account #346513-32000)
  - Sniffen & Spellman, P.A. – Professional Litigation Services (Invoice #8962 \$133.00 \* to be paid from Account #21111-31300)
  - St. Joseph Bay Humane Society – Animal Control (July, 2012 \* \$4,402.00 \* to be paid from Account #43262-82000)
  - Tax Collector – Advertising Cost for Unsold County Certificates (\$3,155.05 \* to be paid from Account #21111-49200)

- The Ferguson Group, LLC – Federal Lobbying Services (Invoice #0812170 \* \$6,500.00 \* to be paid from Account #21111-31200)

6. Request for Extension – C.D.B.G.-DRI Stumphole Revetment Grant
7. Road Closure (Temporary) – U.S. Highway 98 in the vicinity of Veterans' Memorial Park for the Beach Blast Sprint and Olympic Distance Triathlon and Duathlon (September 8, 2012)
8. S.H.I.P. – Down Payment Assistance (Sheila Ann Williams \* \$17,500.00)

(End)

#### **AUDIO/VISUAL RECORDING**

County Attorney Novak noted for the record that we are currently experiencing technical difficulties with the visual recording, but noted there is an audio recording of the meeting. He stated Mr. Murphy will advise us when the video is working.

#### **PUBLIC HEARING – P.D.R.B. RECOMMENDATIONS (JULY 16, 2012)**

The Board then considered the following recommendations from the July 16, 2012 meeting of the Planning & Development Review Board:

#### **VARIANCE APPLICATION – MICHAEL DODSON**

Pursuant to advertisement to hold a public hearing to consider an encroachment of a mobile home into road setback 10.2" (Parcel ID #04546-004R \* S26, T7S, R11W), County Attorney Novak read the public hearing notice to approve an encroachment of a mobile home into road setback 10.2". Commissioner McDaniel motioned to approve the variance application. Commissioner Smiley seconded the motion. Chairman Williams called for public comment and there was none. The motion then passed unanimously.

#### **NON-RESIDENTIAL DEVELOPMENT – THAD WILLIAMS**

Pursuant to advertisement to hold a public hearing to consider the non-residential development of Castaway Campground RV Park, a 40 unit park (Parcel ID #03552-000R \* S30, T6S, R11W), County Attorney Novak read the public hearing notice to approve development of Castaway Campground RV Park. Mr. Novak noted the P.D.R.B. provided preliminary approval subject to further conditions and agency review. Upon inquiry by Chairman Williams, County Attorney Novak reported there was P.D.R.B. and public discussion concerning ingress and egress, and traffic count. Chairman Williams called for public comment. Being no public comment, Commissioner Yeager motioned to approve the non-residential development. Commissioner Smiley seconded the motion, and it passed unanimously.

**AUDIO/VISUAL RECORDING**

Clerk Norris reported for the record the visual recording is now working. <Sheriff Nugent entered the meeting at 9:11 a.m., E.T.>

**INVOICE – AGENCY FOR HEALTHCARE ADMINISTRATION (A.H.C.A.)**

Grant Writer Kopinsky presented for Board consideration and approval an invoice from the Agency for Healthcare Administration for the Health Department HQAC 4<sup>th</sup> Quarter payment, in the amount of \$4,076.00. Commissioner Yeager motioned to approve the invoice for payment. Commissioner Smiley seconded the motion, and it passed unanimously.

**INVOICE – AGENCY FOR HEALTHCARE ADMINISTRATION (A.H.C.A.)**

Grant Writer Kopinsky presented for Board consideration and approval an invoice from Agency for Healthcare Administration for the 4<sup>th</sup> quarter Medicaid, in the amount of \$115,521.00. Commissioner Yeager motioned to approve the invoice for payment. Commissioner Smiley seconded the motion, and it passed unanimously.

**S.H.I.P.**

Grant Writer Kopinsky reported that a S.H.I.P. recipient had an insurance claim on their property and the insurance company made the checks payable to the recipient and the County. She requested permission for the Chairman to endorse the checks so they can be provided to the property owner. Commissioner Yeager motioned to approve this request, contingent upon County Attorney review. Commissioner McDaniel seconded the motion, and it passed unanimously.

**BID #1112-24 – AWNING/CANOPY CONSTRUCTION**

Gulf County E.M.S. Director Whitfield recommended awarding Bid #1112-24 for the E.M.S. awning/canopy (covering three (3) ambulances, and across the back of the building) to Fisher Construction Company, Inc., in the amount of \$21,000.00. Mr. Whitfield noted they have the money on hand (in the budget) for it. Commissioner Yeager motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously.

**E.M.S. – BAY MEDICAL CENTER**

Gulf County E.M.S. Director Whitfield discussed a proposed draft agreement with Bay Medical Center concerning the E.M.S. services at Mexico Beach, stating they have agreed to fund \$36,000.00 to Gulf County for ambulance services to Mexico Beach, and recommended approval; with the addition of the county maintaining all billing and collections, and being contingent upon County Attorney review. He reported after December 1<sup>st</sup>, Bay Medical Center will probably not be the ambulance service provider for Mexico Beach, stating he had already spoken to Bay County on the possibility of continuing the agreement after this date. Chairman Williams requested that Chief Administrator Butler and County Attorney Novak speak with the Ed Smith or Bob Majka concerning this issue. County Attorney Novak reported that he will amend the language and have Bob Majka acknowledging that possible transfer. Commissioner McLemore

motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **BEACHES FIRE DEPARTMENT – POLITICAL FORUM**

Chief Richardson of the Beaches Fire Department reported the Beaches Fire Department will host a "meet and greet" for candidates of District 3 on Saturday, July 28<sup>th</sup> from 11:00 a.m. to 2:00 p.m., E.T. and invited everyone to attend.

#### **CONTRACT – GEOCOMM – TRI-COUNTY MAP DISPLAY SYSTEM**

E9-1-1 Coordinator Guthrie requested permission for Chairman Williams to sign and execute the contract with GeoComm for the Tri-County mapping display system; contingent upon County Attorney review. Commissioner McLemore motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

#### **SIGN ORDINANCE**

County Attorney Novak reported that Code Enforcement Officer Michael Aiken has compiled a comprehensive fact sheet for quick and common questions for the public concerning the sign ordinance, stating that he has placed the ordinance, fact sheet, and application on the county website for the public.

#### **WILLIS LANDING LEASE**

County Attorney Novak updated the Board on the Willis Landing Boat Ramp, stating he submitted correspondence to the St. Joe Company concerning this issue, and the representative from St. Joe Company responded there was not enough time to address it before the deadline of the grant, but felt they would be able to work out an addendum.

#### **ANIMAL CONTROL ORDINANCE**

County Attorney Novak reported the animal control ordinance sub-committee will meet on Monday, July 30<sup>th</sup> at 11:00 a.m., E.T. in the Board conference room.

#### **INSURANCE COMMITTEE RECOMMENDATIONS**

Chief Administrator Butler noted the Board approved the Insurance Committee's recommendation as outlined in Item #3 (page 38) of the Consent Agenda. He highlighted the recommendation as follows: (1) move all employees to an all H.S.A. benefit structure effective October 1, 2013, (2) as part of that transition, eliminate the current \$500.00 deductible plan (offering only \$1,500, \$2,500, or \$5,000 deductible plans). He noted that County Administration further recommends the Board offer a lower cost H.S.A. plan as a new 4<sup>th</sup> option. (3) Move forward with a full blown wellness program, starting with biometric screenings for all employees followed up by a Health Risk Assessment. Chief Administrator Butler noted for the record, as approved by the Board in previous meetings, the renewal of the dental coverage with FCL (Florida Combined Life), and the life insurance with ING, and the approval by the Board to move the voluntary benefits to American Fidelity and no longer support the other voluntary companies through payroll deductions; employees may keep their existing policies and pay for them directly, and as part of the agreement, American Fidelity will offer their

electronic enrollment system for all benefits with no charge. Commissioner McDaniel motioned to accept the recommendation. Commissioner McLemore seconded the motion, and it passed 4 to 1, with Chairman Williams voting no.

### **BEACH RENOURISHMENT**

Chief Administrator Butler stated he contacted the Coastal Engineers, MRD Associates, and requested they consider the use of an upland sand source for the next beach renourishment/repair project, as directed by the Board at their last meeting. He reported that Michael Dombrowski of MRD Associates is going to consider the potential upland sand sources. David Taunton appeared before the Board and discussed the feasibility and benefit of using an upland sand source for the Cape San Blas Beach Renourishment project, in lieu of pumped sand from the Gulf floor, and recommended the Boards consideration. <Entire presentation read in the record is on file in the Clerks Office> Commissioner McLemore asked whether they can get close to the price compared from the sand mine to the dredging. Mr. Taunton stated if it gets down to comparing dollar for dollar, the dredging would probably be cheaper, but the sand would go back to where it came from, and the money would go back to West Virginia, and this Board would not be doing their job in doing what is in the best interest of Gulf County.

### **TOURIST DEVELOPMENT COUNCIL**

T.D.C. Director Jenkins discussed that she and Grant Writer Kopinsky worked to define the scope of work and cost with Kerigan Marketing Associates and requested approval for the T.D.C. to continue to work with Kerigan Marketing on the defined issues through September 30, 2012. She stated if the Board approved this request, she would craft a letter outlining the scope of work, the timing, expectations, and cost, and deliver it to Kerigan Marketing Associates. T.D.C. Director Jenkins reported the T.D.C. Budget Committee met yesterday and discussed this issue at length; approving for her to bring this matter to the Board's attention. Upon inquiry by Chairman Williams concerning the letter to Kerigan Marketing Associates, T.D.C. Director Jenkins stated the letter will clearly state there is a termination of all services effective September 30, 2012. Commissioner Yeager motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

### **GULF COAST WORKFORCE BOARD – BUDGET/WAIVERS**

Gary Ross of Gulf Coast Workforce Board appeared before the Board and reported that the Workforce System in Florida is the top system in the United States that has been recognized by groups as different as the Department of Labor and the U.S. Chamber of Commerce. Due to new legislation, Mr. Ross reported that the Workforce Board Budget has to now be approved by the Board of County Commissioners. Kim Bodine of Gulf Coast Workforce Board appeared before the Board and noted that the Workforce Board was placed on the Agenda and requested approval of the their budget. Chairman Williams commended the Workforce Board. Commissioner McLemore asked this Board and the Workforce Board to work tirelessly on the upland sand deal in using local vendors on the Beach Renourishment project. Ms. Ross stated he would discuss the matter with Mr. Taunton following the meeting. Commissioner Smiley motioned to approve the Gulf Coast Workforce Board budget, as requested. Commissioner

McDaniel seconded the motion, and it passed unanimously. Ms. Bodine requested approval of the Individual Training Accounts waiver (required by law that 50% of WIA adult and dislocated worker funds be spent on training). Commissioner Smiley motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **STRIPPING – IOLA ROAD & OLD BAY CITY ROAD**

Commissioner McLemore requested that Chief Administrator Butler check the status on the stripping for Iola Road and Old Bay City Road, stating we need to move forward on this project.

#### **WEWAHITCHKA GIRLS SOFTBALL**

Commissioner McLemore recognized the Wewahitchka Girls Softball 0 and under team for winning the State championship, stating they are now on their way to the World Series in South Carolina. He also reported the Girls Softball 12 and under team won 2<sup>nd</sup> place in the State championship.

#### **GULF COUNTY 4-H**

Sheriff Nugent reported that the Gulf County 4-H went to the State Horse Show two weeks ago and out of the five (5) girls and one (1) boy that attended, they placed second in the State, stating that they have two (2) girls leaving next Friday to go to Regional's in Perry, Georgia.

#### **SPECIAL MEETING – RE-DISTRICTING/COUNTY WIDE VOTING**

County Attorney Novak reminded the Board of the Special Meeting on Monday, July 30<sup>th</sup> at 9:00 a.m., E.T. for Michael Spellman of Sniffen & Spellman Law Firm to give an update on re-districting and county wide voting.

#### **WOUNDED SOLDIER - CARTER HESS**

Chairman Williams requested permission to send a letter to Wounded Soldier Carter Hess (son of State Attorney Glenn Hess) on behalf on the Board of County Commissioners. Commissioner Yeager motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

#### **RESTORE ACT**

Chairman Williams discussed the Restore Act meeting in Ft. Walton, stating he would like to appoint Johanna White of The Port Authority, Chamber/E.D.C. Director Barry Sellers, County Attorney Jeremy Novak, Port St. Joe City Commissioner Bill Kennedy, Wewahitchka Mayor Philip Gaskin, Loretta Costin of the Academic and workforce scenario, Chief Administrator Butler, Kim Bodine of Gulf Coast Workforce Board, and T.D.C. Director Jennifer Jenkins to serve on the Restore Act Board. Chairman Williams directed Chief Administrator Butler to set a meeting of this Board within the next two (2) weeks. Chairman Williams called for public comment.

**MEDICAID**

Chairman Williams discussed the Medicaid issue and reported that A.C.H.A. has worked through this; noting the potential cost to Gulf County has reduced from the original amount.

**BEACH RENOURISHMENT**

Pat Hardman, Coastal Community Association of Cape San Blas, appeared before the Board and encouraged the Board to look at David Taunton's proposal on the upland sand for beach renourishment, and keeping jobs within Gulf County.

**CITIZENS IMPROVING GULF COUNTY**

Christy McElroy appeared before the Board and presented a statement with supporting documents to the County. She stated it appears that individuals associated with the P.A.C. (Political Action Committee), past and present, have questions on the process set forth for the Homeless Shelter and Nuisance Ordinance which were voted on at the last Commission meeting, and said she would like to make sure we have a clear record of conduct because, "to remain silent is to consent". She stated that they followed a very exact process and there was complete collaboration with the County, City, and citizens for these ordinances. Ms. McElroy stated since some questioned the process, she asked the following questions of the Commissioners. (1) Did I at anytime offer any kind of deal or try to influence any of you in order to get a vote for the Homeless or Nuisance ordinances? Each Commissioner answered, no. (2) Have I ever had as much as or more than a cup of coffee with you alone? Each Commissioner answered, no. (3) Has there ever been behavior with me that is inappropriate that would cause concern for your mother or for others? Each Commissioner answered, no. Ms. McElroy noted the Board has her application for appointment to the Gulf County Advisory Board request and her resume in the packet. She discussed there are a list of items in which she cares about in this County: (1) The Port, (2) our drinking water, (3) County wide recycling program, (4) instructional aquatic activities for our teens and young adults, (5) diverse fruit and vegetable gardens to assist with healthy eco system and to provide food and economic opportunity for interested citizens, (6) the bee industry, (7) other cottage type industries, and (8) the E.D.C. Commissioner Smiley motioned to allow additional time for Ms. McElroy to speak. Commissioner McDaniel seconded the motion, and it passed unanimously. Ms. McElroy discussed the advertisement in The Star by the P.A.C. group, stating that she has joined the E.D.C. and is looking forward to it being a thriving success, stating she was informed that Ed Nelson the former E.D.C. Executive Director lived in Atlanta, Georgia and never moved to Port St. Joe. She discussed the decision to dissolve the E.D.C. came with quite a bit of discussion led by Chamber of Commerce Board President Bobby Pickels on the concept of consolidation and coordination between the Chamber of Commerce and E.D.C. She continued her discussion of previous Board meeting minutes. Commissioner Smiley motioned to allow additional time for Ms. McElroy to speak. Commissioner Yeager seconded the motion, and it passed unanimously. Ms. McElroy continued. Ms. McElroy went on to say that the P.A.C. website states, if you wish to contribute time or money to their cause please contact them for information, and donations can be kept confidential, noting by law they cannot. She stated she hopes the candidates that are not voted in office will have their

bucket list and work from beginning to end to see change happen in a positive way, stating this will only help our County. Commissioner Smiley motioned to allow Ms. McElroy additional time to speak. Commissioner Yeager seconded the motion, and it passed unanimously. Ms. McElroy reported that she presented a copy of all this documentation to the Board and Clerk. Commissioner Yeager stated that there have been personal attacks during this campaign, negativity like he has never seen; threats to him, threats to his family, and threats to others. Commissioner McDaniel reported that he has heard only positive news on the consolidation of the E.D.C. and the Chamber of Commerce. He noted it was to save money and have a more in-depth knowledge of what is going on. Speaking for himself, Commissioner McDaniel stated for the record that he felt this was the right thing to do and he stands behind that decision. Chairman Williams stated that if the P.A.C. was so oriented on better government, they should attend some of these budget meetings that we have been holding. He stated this group has bad intent, bad motives, and they want to destroy people; noting we should be pulling together instead of pulling apart. Chairman Williams asked the community to rise above it, and hold your community leaders accountable. Commissioner McLemore stated if they (P.A.C.) has a problem with him they should contact him, but leave his family alone. <Entire presentation packet is on file in the Clerk's Office>

**2012 FLORIDA ASSOCIATION OF COUNTIES PRESIDENTIAL SCHOLARSHIP**

As President of the Florida Association of Counties, Chairman Williams presented the \$1,500.00 Florida Association of Counties Presidential Scholarship to Toren Guthrie, the son of Gulf County E9-1-1 Coordinator Ben Guthrie. Chairman Williams noted the scholarship was named in memory of Bryce Nelson, son of Emergency Management Director Marshall Nelson. On behalf of his family and Toren, E9-1-1- Coordinator Ben Guthrie thanked everyone for the opportunity that has been afforded them through this scholarship, noting Toren will start Tallahassee Community College (TCC) in a few weeks.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 10:16 a.m., E.T.

**WILLIAM C. WILLIAMS, III  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**



ADAM H. PUTNAM  
COMMISSIONER

Florida Department of Agriculture and Consumer Services CONTRACT #  
Division of Administration

013780

**CONTRACTUAL SERVICES AGREEMENT**

This AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20 12, by and between the DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, State of Florida, the Department, and **Gulf County**, acting for and on behalf of the **Gulf County Mosquito Control**, the Contractor.

**CONTRACT PERIOD: October 1, 2012 through September 30, 2013**

When state funds are involved, it is the duty of the Department to guide, review, approve, and coordinate the activities of all county governments and special districts receiving state funds in furtherance of the goal of integrated mosquito control.

The CONTRACTOR agrees to comply with the following statutory language of Chapter 388, F.S. and Administrative Code 5E-13.

An operational work plan on **DACS form 13666** entitled "**Operational Work Plan Narrative**", a signed acknowledgment of notification of being subject to **Section 215.97, F.S.** and a detailed work plan on **DACS form 13623** entitled "**Detailed Work Plan Budget**" providing for the control of mosquitoes are to be filed with the Department **not later than July 15, 2012**.

Following approval of the work plan and detailed work plan budget by the Department, **two notarized(certified)** copies of the county's or district's certified budget on form **DACS form 13617**, entitled "**Annual Certified Budget for Mosquito Control**" shall be submitted to the Department **not later than September 15, 2012**. If any changes are made (i.e. local cash carry forward, etc.) to the **Annual Certified Budget for Mosquito Control** after October 1st, a budget amendment on **DACS form 13613** entitled "**Arthropod Control Budget Amendment**" must be submitted to the Department **not later than October 30, 2012. NO EXCEPTIONS WILL BE MADE.**

Budget amendments on **DACS form 13613**, entitled "**Arthropod Control Budget Amendment**," and hereby incorporated by reference shall be prepared and submitted to the Department **prior** to over-expending funds in any account or expending funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received **before** such expenditures are made.

**Not later than thirty(30) days after the end of each month** (i.e. October reports are due by December 1st), each district or county shall submit a monthly financial report to the Department on **DACS Form 13663**, entitled "**Mosquito Control Monthly Report**" for **Local Funds** and **DACS Form 13650** entitled "**Mosquito Control Monthly Report**" for **State Funds**, hereby incorporated by reference. A district or county shall submit **two(2)** copies of its September financial report to the Department not later than sixty (60) days after close of each fiscal year. Copies of reports shall be signed by program director or person responsible for administration of the program and funds. Any county or district **withdrawing** from participation in state matching funds under Chapter 388, F.S., shall continue to submit financial reports as required in 5E-13.027(3) until funds received under this program are exhausted.

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

BOASEN **32**  
DATE 8/14/12 CC

A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals, on prescribed forms **DACS Form 13664** entitled "**Mosquito Control Chemical Inventory Report**" and **DACS Form 13652** entitled "**Mosquito Control Monthly Activity Report**" for pesticide activity, hereby incorporated by reference, to the Department not later than thirty (30) days after the end of each month (i.e. October reports are due by December 1st). If there is **no** activity in any given month, the county shall continue to submit monthly reports of accomplishments and an inventory of chemicals, on prescribed forms to the Department not later than thirty (30) days after the end of each month (i.e. October reports are due by December 1st) stating "**NO ACTIVITY**".

**State funds received shall be deposited in a separate depository account from local funds received. Disbursements shall be made on pre-numbered checks or warrants drawn on the separate depository account from the local funds.** Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section 659.24 F.S.

All purchases of supplies, materials and equipment by counties or districts shall be made in accordance with the laws governing purchases by boards of county commissioners, except that districts with special laws relative to competitive bidding shall make purchases in accordance therewith.

All funds, supplies, and services released to counties and districts here under shall be used in accordance with the detailed work plan and certified budget approved by both the Department and the county or district. The plan and budget may be amended at any time upon **prior approval** of the Department.

All funds, supplies, and services released on the dollar-for-dollar matching basis shall be used exclusively for an integrated program that provides a combination of mosquito control, source reduction measures, public education, personnel training and certification, mosquito population surveillance, larvicides, adulticides, equipment, and alerts as approved by the Department.

State funds shall be payable quarterly, in accordance with the rules of the Department, upon requisition by the Department to the Chief Financial Officer. The Department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more counties or districts.

State and local funds budgeted for the control of mosquitoes shall be carried over at the end of the county or district's fiscal year, and re-budgeted for such control measures the following fiscal year. **No State funds can be placed in a reserve account.**

All equipment purchased under this chapter with state funds made available directly to the county or district shall become the property of the county or district unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the county or district.

A record and inventory of certain property owned by the district shall be maintained in accordance with s. 274.02 on the operational work plan on **DACS form 13666** entitled "**Operational Work Plan Narrative**".

Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions: Serviceable equipment no longer needed by a county or district shall first be offered to any or all other counties or districts engaged in mosquito control at a price established by the board of commissioners owning the

equipment. If no acceptable offer is received within two weeks, the equipment shall be offered to such other governmental units or private nonprofit agencies as provided in s. 274.05.

The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, shall be followed if it has been determined no other county, district, governmental unit, or private nonprofit agency has need for the equipment.

All proceeds from the sale of any real or tangible personal property owned by the county or district shall be deposited in the county's or district's mosquito control state fund account unless otherwise specifically designated by the Department.

All counties and districts carrying out programs for the control of mosquitoes involving the expenditure of state funds shall set up and maintain books and records under a method approved by the Auditor General and be subject to audit by same.

State funds, supplies, and services shall be made available to such county or district by and through the Department immediately upon release of funds by the Executive Office of the Governor. Following the determination of funds available, if necessary, the Department shall make an adjustment in amounts of money payable to the district or counties in the last three(3) quarters of the current fiscal year. Districts or counties shall be notified of the amount of payable to them and if necessary shall amend amounts of state funds budgeted.

The Department, upon notifying a county or district and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one district to another in the event of an emergency brought about by an arthropod borne epidemic or other disaster requiring emergency control.

Audits conducted pursuant to Section 215.97, F.S., shall be: (1) performed annually, and (2) conducted by independent auditors in accordance with auditing standards as stated in rules of the Auditor General. Regardless of the amount of the state financial assistance, the provisions of Section 215.97, F.S., do not exempt a Nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such Nonstate entity or allowing access and examination of those records by the state awarding agency, the Chief Financial Officer, or the Auditor General. **Two(2) notarized(certified) copies of the Notification of Section 215.97, F.S. Memo shall be returned to the Department not later than July 15, 2012.** This Agreement shall be executed and returned to the Department **not later than October 1, 2012.**

**Failure to comply with chapter 388, F.S., Administrative Code 5E-13 and this Agreement can result in loss or termination of funds and/or state approval certification.**

Intellectual property is subject to the following additional provisions:

- A. Anything by whatsoever designation it may be known, that is produced by, or developed in connection with this contract shall become the exclusive property of the DEPARTMENT and may be copyrighted, patented or otherwise restricted as provided by Florida or federal law. Neither the CONTRACTOR nor any individual employed under this contract shall have any proprietary interest in the product.
- B. With respect to each Deliverable that constitutes a work of authorship within the subject matter and scope of U.S. Copyright Law, 17 U.S.C. Sections 102-105, such work shall be a "work for hire" as defined in 17 U.S.C. Section 101 and all copyrights subsisting in such work for hire shall be owned exclusively by the DEPARTMENT.

- C. In the event it is determined as a matter of law that any such work is not a "work for hire," CONTRACTOR shall immediately assign to the DEPARTMENT all copyrights subsisting therein for the consideration set forth in the contract and with no additional compensation.
- D. The foregoing shall not apply to any preexisting software, or other work of authorship used by CONTRACTOR to create a Deliverable but which exists as work independent of the Deliverable, unless the preexisting software or work was developed by Contractor pursuant to a previous Contract with the Department or a purchase by the Department under a State Term Contract.

The six digit Department of Management Services' class/group code commodity catalog control number is: 916-330

The Department will pay the Contractor in arrears as follows:

An amount not to exceed \$18,500 payable in equal quarterly installments upon receipt of required reports submitted to the Department within statutory deadlines.

Bills for any authorized travel expenses shall be submitted and paid in accordance with the rates specified in Section 112.061, Florida Statutes, governing payments by the State for travel expenses. Authorization for travel expenses must be specified in the paragraph for payments directly above.

Bills for services shall be submitted to the Department in detail sufficient for a proper pre audit and post audit thereof.

Section 215.422, Florida Statutes, provides that agencies have five (5) working days to inspect and approve goods and services, unless bid specifications or the purchase order specifies otherwise. With the exception of payments to health care providers for hospital, medical, or other health care services, if payment is not available within 40 days, measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved, a separate interest penalty set by the Chief Financial Officer pursuant to Section 55.03, Florida Statutes, will be due and payable in addition to the invoice amount. To obtain the applicable interest rate, please contact the Agency's Fiscal Section at (850) 617-7200 or Purchasing Office at (850) 617-7181.

Payments to health care providers for hospitals, medical or other health care services, shall be made not more than 35 days from the date eligibility for payment is determined, and the daily interest rate is .03333 percent.

Invoices returned to a vendor due to preparation errors will result in a payment delay. Invoice payment requirements do not start until a properly completed invoice is provided to the agency.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from a State agency. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Department of Financial Services' Hotline, 1-877-693-5236.

The DEPARTMENT may make partial payments to the CONTRACTOR upon partial delivery of services when a request for such partial payment is made by the CONTRACTOR and approved by the DEPARTMENT.

This contract may be cancelled by either party by giving not less than 30 days prior written notice of the cancellation.

The DEPARTMENT may terminate this contract at any time in the event of the default or failure of the CONTRACTOR to fulfill any of its obligations hereunder. Prior to the exercise of any remedy provided for herein, the DEPARTMENT shall provide thirty (30) calendar days written notice of default and shall provide the CONTRACTOR the opportunity to cure such failure or default within said thirty (30) day period. Upon the failure or inability to cure, the DEPARTMENT shall have all rights and remedies provided at law or in equity, including without limitation the following:

- A. Temporarily withhold cash payments pending correction of the deficiency by the CONTRACTOR.
- B. Disallow all or part of the cost of the services not in compliance.
- C. Wholly or partly suspend or terminate this contract.

The Department shall have the right of unilateral cancellation for refusal by the Contractor to allow public access to all documents, papers, letters, or other material made or received by the Contractor in conjunction with the contract, unless the records are exempt from s. 24(a) of Article I of the State Constitution and s. 119.07(1), Florida Statutes.

Extension of a contract for contractual services shall be in writing for a single period only not to exceed six (6) months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the CONTRACTOR. If initially competitively procured, contracts for contractual services may be renewed on a yearly basis for no more than three (3) years, or for a period no longer than the term of the original contract, whichever period is longer. Renewal of a contract for contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. Renewals shall be contingent upon satisfactory performance evaluations by the DEPARTMENT. Renewal costs may not be charged by the CONTRACTOR.

It is mutually understood and agreed that this contract is:

- A. Subject to the provisions of Section 287.058, Florida Statutes, and the State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature as provided in Section 287.0582, Florida Statutes.
- B. Subject to the approval of the State Chief Financial Officer (Department of Financial Services).

It is mutually understood and agreed that if this contract disburses grants and aids appropriations, it is:

Subject to the requirements of Section 216.347, Florida Statutes, a state agency, a water management district, or the judicial branch may not authorize or make any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency.

The following provisions of A through L are not applicable to procurement contracts used to buy goods or services from vendors, but are only applicable to a CONTRACTOR subject to the Florida Single Audit Act.

- A. There are uniform state audit requirements for state financial assistance provided by state agencies to Nonstate entities to carry out state projects in accordance with and subject to

requirements of Section 215.97, Florida Statutes (F.S.), which may be applicable to and binding upon Recipient. Nonstate entity means a local governmental entity, nonprofit organization, or for-profit organization that receives state resources. Recipient means a Nonstate entity that receives state financial assistance directly from a state awarding agency.

- B. In the event that the Recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a state single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit 1 to this agreement indicates state financial assistance awarded through this Department resource by this agreement. In determining the state financial assistance expended in its fiscal year, the Recipient shall consider all sources of state financial assistance, including state financial assistance received from this Department resource, other state agencies, and other Nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a Nonstate entity for Federal program matching requirements.
- C. Audits conducted pursuant to Section 215.97, F.S., shall be: (1) performed annually, and conducted by independent auditors in accordance with auditing standards as stated in Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
- D. Regardless of the amount of the state financial assistance, the provisions of Section 215.97, F.S., do not exempt a Nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such Nonstate entity or allowing access and examination of those records by the state awarding agency, the Chief Financial Officer, or the Auditor General.
- E. If the Recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. If the Nonstate entity does not meet the threshold requiring the state single audit, such Nonstate entity must meet terms and conditions specified in this written agreement with the state awarding agency. In the event that the Recipient expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provision of Section 215.97, F.S., the cost of the audit must be paid from the Nonstate entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than state entities).
- F. Each state awarding agency shall:
- (1) Provide to a Recipient, information needed by the Recipient to comply with the requirements of Section 215.97, F.S.
  - (2) Require the Recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the Chief Financial Officer, and the Auditor General access to the Recipient's records and the Recipient's independent auditor's working papers as necessary for complying with the requirements of Section 215.97, F.S. The Recipient is required to retain sufficient records demonstrating its compliance with the terms of this

agreement for a period of three years from the date the audit report is issued, and shall allow the Department of Agriculture and Consumer Services or its designee, access to such records upon request.

- (3) Notify the Recipient that Section 215.97, F.S., does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state agency Inspector General, the Auditor General, or any other state official.
  - (4) Be provided by Recipient one copy of each financial reporting package prepared in accordance with the requirements of Section 215.97, F.S. The financial reporting package means the nonstate entities' financial statements, Schedule of State Financial Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on follow-up of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of Section 215.97, F.S. Copies of the financial reporting package required by this agreement shall be submitted by or on behalf of the Recipient directly to each of the following:
    - (a) The Department of Agriculture and Consumer Services  
Division of Administration  
509 Mayo Building  
407 South Calhoun Street  
Tallahassee, Florida 32399-0800
    - (b) The Auditor General's Office at the following address:  
State of Florida Auditor General  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450
    - (c) The Department of Agriculture and Consumer Services  
Bureau of Entomology and Pest Control, Mosquito Control Program  
1203 Governors Square Blvd, Suite 300  
Magnolia Center I  
Tallahassee, Florida 32301
- G. Any reports, management letters, or other information required to be submitted to the Department of Agriculture and Consumer Services pursuant to this agreement shall be submitted timely in accordance with Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
- H. The Recipient shall maintain sufficient records demonstrating its compliance with the terms of this agreement for a period of five (5) years from the date the audit report is issued, and shall allow the Department of Agriculture and Consumer Services, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The Recipient shall ensure that audit working papers are made available to the Department, or its designee, Chief Financial Officer, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the Department.

- I. The Recipient shall be required to ensure expenditures of state financial assistance be in compliance with laws, rules, and regulations applicable to expenditures of state funds, including, but not limited to, the Reference Guide for State Expenditures (DFS).
- J. The Recipient agrees that this agreement may be charged only with allowable costs resulting from obligations incurred during the term of this agreement.
- K. The Recipient agrees that any balances of unobligated cash that have been advanced or paid that is not authorized to be retained for direct program costs in a subsequent period must be refunded to the state.
- L. In accordance with Section 215.971, F.S., for an agency agreement that provides state financial assistance to a Recipient or Subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a Subrecipient, as defined by applicable United States Office of Management and Budget circulars, the agreement shall include:
  - a. A provision specifying a scope of work that clearly establishes the tasks that the Recipient or Subrecipient is required to perform; and
  - b. A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and must specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.

The following provisions of A through I are applicable regarding the administration of resources provided by the Department to the Recipient of Federal Funds. Those provisions are applicable if the Recipient is a state or local government or a nonprofit organization as defined in OMB Circular A-133, as revised.

- A. In the event that the Recipient expends \$500,000 or more in Federal awards in its fiscal year, the Recipient must have a single or program specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit 1 to this agreement indicates Federal resources awarded through this Department by this agreement. In determining the Federal awards expended in its fiscal year, the Recipient shall consider all sources of Federal awards, including Federal resources received from this Department. The determination of amounts of federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Recipient conducted by the Auditor General in accordance with provisions of OMB Circular A-133, as revised, will meet these requirements.
- B. In connection with these audit requirements, the Recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
- C. If the Recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Recipient expends less than \$500,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from Recipient resources obtained from other than Federal entities).

- D. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by this agreement shall be submitted when required by Section .320(d), OMB Circular A-133, as revised, by or on behalf of the Recipient directly to each of the following:
- (a) The Department of Agriculture and Consumer Services  
Division of Administration  
509 Mayo Building  
407 South Calhoun Street  
Tallahassee, Florida 32399-0800
  - (b) The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320(d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse) at the following address:  
  
Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10th Street  
Jeffersonville, IN 47132
  - (c) Other federal agencies and pass-through entities in accordance with Sections .320(c) and (f), OMB Circular A-133, as revised.
- E. Pursuant to Section .320(f), OMB Circular A-133, as revised, the Recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letter issued by the Auditor, to the Department of Agriculture and Consumer Services at the following address:
- The Department of Agriculture and Consumer Services  
509 Mayo Building  
407 South Calhoun Street  
Tallahassee, Florida 32399-0800
- F. Any reports, management letters, or other information required to be submitted to the Department of Agriculture and Consumer Services pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, as revised.
- G. Recipients, when submitting financial reporting packages to the Department of Agriculture and Consumer Services for audits done in accordance with OMB Circular A-133, as revised, should indicate the date that the reporting package was delivered to the Recipient in correspondence accompanying the reporting package.
- H. The Recipient shall maintain sufficient records demonstrating its compliance with the terms of this agreement for a period of five (5) years from the date the audit report is issued, and shall allow the Department of Agriculture and Consumer Services, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The Recipient shall ensure that audit working papers are made available to the Department, or its designee, Chief Financial Officer, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the Department.

- I. In accordance with Section 215.971, F.S., for an agency agreement that provides state financial assistance to a Recipient or Subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a Subrecipient, as defined by applicable United States Office of Management and Budget circulars, the agreement shall include:
  - a. A provision specifying a scope of work that clearly establishes the tasks that the Recipient or Subrecipient is required to perform; and
  - b. A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and must specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.

It is expressly understood and agreed that any articles that are the subject of, or required to carry out, this contract shall be purchased from a nonprofit agency for the blind or for the severely handicapped that is qualified pursuant to Chapter 413, Florida Statutes, in the same manner and under the same procedures set forth in Section 413.036(1) and (2), Florida Statutes; and for purposes of this contract the person, firm, or other business entity carrying out the provisions of this contract shall be deemed to be substituted for the state agency insofar as dealings with such qualified nonprofit agency are concerned. Available products, pricing and delivery information may be obtained by contacting: RESPECT of Florida, 2475 Apalachee Parkway, Suite 205, Tallahassee, Florida 32301-4946, telephone number (850) 877-4816 and fax number (850) 942-7832.

It is expressly understood and agreed that any articles which are the subject of, or required to carry out, this contract shall be purchased from the corporation identified under Chapter 946, Florida Statutes, in the same manner and under the same procedures set forth in Section 946.515(2) and (4), Florida Statutes; and for the purposes of this contract the person, firm, or other business entity carrying out the provisions of this contract shall be deemed to be substituted for the DEPARTMENT insofar as dealings with such corporation are concerned. The "corporation identified" is Prison Rehabilitative Industries and Diversified Enterprises, Incorporated. Available products, pricing and delivery schedules may be obtained by contacting: PRIDE of Florida, 12425 28th Street, North, 3rd Floor, St. Petersburg, Florida 33716, telephone number (727) 572-1987.

The CONTRACTOR is informed that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

The CONTRACTOR shall not discriminate on the basis of race, sex, religion, color, national origin, age or disability and shall comply with all applicable state and federal laws and regulations related thereto, including without limitation, the Americans with Disabilities Act (42 USC 12101 et. Seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC 795); and the Age Discrimination Act of 1975 (42 USC 6101-6107).

The CONTRACTOR is informed that the employment of unauthorized aliens is a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the contract.uch violation shall be cause for unilateral cancellation of this contract.

The CONTRACTOR is informed that an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a Contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity.

In the event that two or more documents combine to form this agreement between the parties, including future amendments and addenda, and in the event that there are contradictory or conflicting clauses or requirements in these documents, the provisions of the document(s) prepared by the DEPARTMENT shall be controlling.

All contracts entered into by the DEPARTMENT or any Division or Bureau thereof, are and shall be controlled by Florida law, contrary provisions notwithstanding.

In the event that any clause or requirement of this agreement is contradictory to, or conflicts with the requirements of Florida law, including, but not limited to requirements regarding contracts with Florida's governmental agencies, the offending clause or requirement shall be without force and effect and the requirements of the Florida Statutes and rules promulgated thereunder on the same subject shall substitute for that clause or requirement and be binding on all parties to this contract.

The Contract Manager for the Department is Angela Weeks-Samanie and is located at Bureau of Entomology and Pest Control, Mosquito Control Program, 3125 Conner Boulevard, MS C-41, Tallahassee, Florida 32399-1650.

The Contract Manager for the Contractor is Gulf County for Gulf County Mosquito Control and is located at 1001 - 10th Street, Port Saint Joe, Florida 32456 acting for and on behalf of the Gulf County.

Signed by parties to this agreement:

**Department OF AGRICULTURE AND  
CONSUMER SERVICES**

**CONTRACTOR:**  
Gulf County

*Michael Graham*

Signature

Signature

*Director of Administration*

Title

Title

*June 19, 2012*

Date

Date

County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, certify the signature of the Contractor on the foregoing and the document is a true, correct, complete and unaltered copy of The Contract Agreement.

\_\_\_\_\_  
Notary Public

**EXHIBIT - 1**

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

*NOTE: If the resources awarded to the recipient represent more than one Federal program, provide the same information shown below for each Federal program and show total Federal resources awarded.*

Federal Program (list Federal agency, Catalog of Federal Domestic Assistance title and number) - \$ (amount)

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

*NOTE: If the resources awarded to the recipient represent more than one Federal program, list applicable compliance requirements for each Federal program in the same manner as shown below.*

Federal Program:

List applicable compliance requirements as follows:

1. First applicable compliance requirement (e.g., what services/purposes resources must be used for).
2. Second applicable compliance requirement (e.g., eligibility requirements for recipients of the resources).
3. Etc.

*NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. For example, for Federal Program 1, the language may state that the recipient must comply with a specific law(s), rule(s), or regulation(s) that pertains to how the awarded resources must be used or how eligibility determinations are to be made. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.*

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

*NOTE: If the resources awarded to the recipient for matching represent more than one Federal program, provide the same information shown below for each Federal program and show the total State resources awarded for matching.*

Federal Program (list Federal agency, Catalog of Federal Domestic Assistance title and number) - \$ (amount)

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

*NOTE: If the resources awarded to the recipient represent more than one State project, provide the same information shown below for each State project and show total state financial assistance awarded that is subject to Section 215.97, Florida Statutes.*

**Awarding Agency: FL Department of Agriculture and Consumer Services**

**Title: MOSQUITO CONTROL (Arthropod Control / Mosquito Control State Aid)**

**Project Amount: Not to exceed \$18,500**

**CSFA#: 42003**

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

*NOTE: List applicable compliance requirements in the same manner as illustrated above for Federal resources. For matching resources provided by the Department of "ABC" for Federal programs, the requirements might be similar to the requirements for the applicable Federal programs. Also, to the extent that different requirements pertain to different amounts of the non-Federal resources, there may be more than one grouping (i.e., 1, 2, 3, etc.) listed under this category.*

*NOTE: Section 400(d) of OMB Circular A-133, as revised, and Section 215.97(5), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.*



JORDAN & ASSOCIATES  
MUNICIPAL CONSULTANTS  
Capable Professional Attentive

<h1>INVOICE</h1>	DATE:	July 19, 2012
	INVOICE #:	12-K15-A13

TO:	Gulf County BOCC Attn: Towan Kopinsky, Grant Coordinator 1000 Cecil G. Costin. Sr. Boulevard Port St. Joe, FL 32456	
Gulf County	10DB-K4-02-33-01-K15	Due Upon Receipt
CDBG Grant Administration Services:		
-Contract Amount	\$57,000.00	
-Less Previous Payment	<u>\$50,250.00</u>	
-Balance	\$6,750.00	\$6,750.00
-Current Invoice Amount	\$6,750.00	
[Final (3) Months Administration at \$2,250.00/Month]		
-Remaining Contract Balance	\$00.00	
<b>TOTAL</b>		\$6,750.00 ✓

FILED FOR RECORD  
 REBECCA L. NORRIS  
 CLERK OF CIRCUIT COURT  
 GULF COUNTY, FLORIDA  
 2012 AUG - 8 AM 10:47

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

Please Make All Check Payable To:  
**JORDAN & ASSOCIATES**  
Thank You For Your Business!

**APPROVED FOR PAYMENT**

Date 7/30/12 D.H. OK

Acct. # see below DRI Admin

SA1 113538-31000 4,779.00 —  
 SA2 113535-31000 1,302.00 —  
 SA3 113554-31000 669.00 —

769 Blanding Blvd., Suite 5 Orange Park, FL 32065  
 Phone: (904) 264-6203 / Fax: (904) 264-2190  
[admin@jordangrants.com](mailto:admin@jordangrants.com) / [www.jordangrants.com](http://www.jordangrants.com)

REQUEST FOR FUNDS #12

8/14/12 CC



JORDAN & ASSOCIATES  
MUNICIPAL CONSULTANTS  
Capable Professional Attentive

# INVOICE

DATE: July 19, 2012

INVOICE #: 11-K15-D08

TO:

Gulf County BOCC  
Attn: Towan Kopinsky, Grant Coordinator  
1000 Cecil G. Costin, Sr. Boulevard  
Port St. Joe, FL 32456

Gulf County

10DB-K4-02-33-01-K15

Due Upon Receipt

**CDBG Grant Activity Delivery Services:**

Service Area #1

-Contract Amount	\$	59,400.00
-Less Previous Payment	\$	59,400.00
-Balance	\$	0.00
<b>-Current Invoice Amount</b>	<b>\$</b>	<b>0.00</b>

Service Area #2

-Contract Amount	\$	18,366.00
-Less Previous Payment	\$	17,032.62
-Balance	\$	1,333.38
<b>-Current Invoice Amount</b>	<b>\$</b>	<b>1,333.38</b>

113535-31000

Service Area #3

-Contract Amount	\$	34,290.00
-Less Previous Payment	\$	27,432.00
-Balance	\$	6,858.00
<b>-Current Invoice Amount</b>	<b>\$</b>	<b>6,858.00</b>

113554-31000

(Service Area #1- 100.00% Complete of \$59,400.00)

(Service Area #2- 100.00% Complete of \$18,366.00)

(Service Area #3- 100.00% Complete of \$34,290.00)

**-Remaining Contract Balance \$ 0.00**

**TOTAL**

**\$8,191.38** ✓

FILED FOR RECORD  
 REBECCA L MORRIS  
 CLERK OF CIRCUIT COURT  
 GULF COUNTY, FLORIDA  
 2012 AUG - 8 AM 10: 47

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

Please Make All Check Payable To:  
JORDAN & ASSOCIATES  
Thank You For Your Business!

**APPROVED FOR PAYMENT**

Date 7/30/12 D.H. JK

Acct. # See above DBI Act. Del.

769 Blanding Blvd., Suite 5 Orange Park, FL 32065  
Phone: (904) 264-6203 / Fax: (904) 264-2190  
[admin@jordangrants.com](mailto:admin@jordangrants.com) / [www.jordangrants.com](http://www.jordangrants.com)

REQUEST FOR FUNDS #12

CONSENT  
DATE 8/14/12 LL

Lynn Lanier

From: KMurphy702@aol.com  
Sent: Friday, August 03, 2012 9:13 AM  
To: llanier@gulfcounty-fl.gov  
Subject: July 2012 invoice

August 3, 2012

Board of County Commissioners  
Gulf County Court House  
Port St. Joe, Florida

Taping County Commissioners Meetings for July 2012. Editing and Broadcast over Gulf Television.

Amount due for July 2012 \$1,350.00

Thanks

Ken Murphy  
P. O. Box 911  
Port St. Joe, Fl 32457

08/03/12

**BCC APPROVED**  
DATE \_\_\_\_\_ D.C. \_\_\_\_\_

**APPROVED FOR PAYMENT**

Date 8/6/12 D.H. LL  
Acct. # 2745 2-34000

**47**

CONSENT  
DATE 8/16/12 LL



www.lsnf.org

# Legal Services

of NORTH FLORIDA

HOPE. JUSTICE. FOR ALL.

4598

**48**  
LSC

## INVOICE

TO: Board of County Commissioners  
Gulf County, Florida  
ATTN.: Don Butler, Chief Administrator  
1000 Cecil G. Costin, Sr., Blvd.-Room 302  
Port St. Joe, Florida 32456

FROM: Legal Services of North Florida, Inc.  
ATTN.: Laura Ballenger, Fiscal Officer  
2119 Delta Boulevard  
Tallahassee, Florida 32303-4220  
Telephone: (850) 385-9007 Ext. 1012  
Fax: (850) 205-6540

RE: Disbursement of 2011-2012 Legal Aid Services Funds  
Reporting Period: April 1 through June 30, 2012

DATE: July 5, 2012

LSNF requests a one-fourth of the fund collected during April 1 and June 30, 2012.

1. Total hours of service provided to residents of Gulf County: 146.5
2. Total number of Gulf County residents served: 31

963.44

Prepared by: Connie Davis  
Connie Davis, Grants Administrator

**APPROVED FOR PAYMENT**

Date 7/16/12 D.H. LL  
Acct. # 71015-82000

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

**HOME OFFICE**

2119 DELTA BOULEVARD  
TALLAHASSEE, FL 32303-4220  
850-385-9007 • FAX 850-385-7603  
ADMINISTRATIVE FAX 850-205-6540  
DEVELOPMENT FAX 850-385-5684

**BRANCH OFFICES**

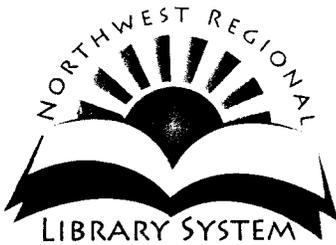
121 NORTH JACKSON STREET  
QUINCY, FL 32351-2316  
850-875-9881 • FAX 850-875-2008

211 EAST 11TH STREET  
PANAMA CITY, FL 32401-2938  
850-769-3581 • FAX 850-785-2041

133 STAFF DRIVE, SUITE B  
FT. WALTON BEACH, FL 32548-5050  
850-862-3279 • FAX 850-862-6327

118 SOUTH BAYLEN STREET  
PENSACOLA, FL 32502-5827  
850-432-8222 • FAX 850-432-2023

**48**  
CONSENT  
DATE 8/14/12 LL



Northwest Regional Library System  
Headquarters: Bay County Public Library  
898 W 11<sup>th</sup> Street  
PO Box 59625  
Panama City FL 32412-0625

FILED FOR RECORD  
REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 3 PM 12: 08

August 2, 2012

Rebecca Norris, Clerk  
1000 Cecil G. Costin, Sr Blvd  
Port St Joe FL 32456

Request for Release of Funds

Annual allocation	110,060.00
Requested distribution for July - September 2012	27,515.00

Thank you,  
Deanne Coffield  
Finance Manager

**APPROVED FOR PAYMENT**

Date 8/16/12 D.C. LL  
Acct. # 62271-34106

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

Robin Shader  
Library Director

Serving Bay, Gulf and Liberty Counties

CONSENT  
DATE 8/14/12 LL

Phone 850/522-2100  
FAX 850/522-2138  
www.nwrls.com



1140 Connecticut Avenue, NW  
Suite 300  
Washington, D.C. 20036  
202.331.8500  
202.331.1599 fax

Invoice Number 0912173  
Invoice Date September 01, 2012  
PO Number  
Contract  
Project 0711-GULFCOUNTY  
Page 1 of 1

2012 AUG 10 10:47 AM  
RECEIVED  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA

Don Butler  
Gulf County, FL  
1000 Cecil G. Costin Sr. Blvd.  
Room 302  
Port St. Joe, FL 32456

Manager Valerie L. Gelnovatch

Retainer for the month of September 1 through September 30, 2012 6,500.00

Invoice Total

6,500.00

*This invoice is due upon receipt*

Please return yellow copy with payment.

**APPROVED FOR PAYMENT**

Date 8/6/12 D.H. U

Acct. # 21111 - 31200

FILED FOR RECORD  
REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG -8 AM 10:47

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

CONSENT **50**  
8/14/12 U

# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

51

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: boccc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 7, 2012

Ruby Head Brown  
616 Marvin Ave  
Port St. Joe, FL 32456

Re: SHIP Award-Rehabilitation Assistance

Dear Ms. Brown:

This letter is to certify that the Gulf County B.O.C.C. SHIP office has reviewed and verified your household annual income. According to the information provided, you meet the income eligibility requirements for the SHIP program as established by the Florida Housing Finance Corporation and the Gulf County SHIP program.

According to our guidelines, you are eligible within the low income category, which entitles you for up to \$40,000 to be used for Rehabilitation Assistance for your home.

If Gulf County learns of a change to your income before you are assisted; your annual income will be re-calculated to determine if you are still income eligible for assistance.

You will be required to execute a second (or third) mortgage and note that has a deferred payment plan due upon sale or transfer of the property (or whatever terms may be). You will not be required to attend a homeownership training program due to time constraints. This award letter is valid for a period of 60 days from the date of this letter.

Respectfully yours,

William C. Williams  
Chairman, Gulf County Board of County Commissioners

cc: Brett Lowry, Deputy Administrator

# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

52

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: boccc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 7, 2012

Evelyn P. Harcus  
6757 Hwy 71 S  
White City, FL 32465

Re: SHIP Award-Rehabilitation Assistance

Dear Ms. Harcus:

This letter is to certify that the Gulf County B.O.C.C. SHIP office has reviewed and verified your household annual income. According to the information provided, you meet the income eligibility requirements for the SHIP program as established by the Florida Housing Finance Corporation and the Gulf County SHIP program.

According to our guidelines, you are eligible within the very low income category, which entitles you for up to \$40,000 to be used for Rehabilitation Assistance for your home.

If Gulf County learns of a change to your income before you are assisted; your annual income will be re-calculated to determine if you are still income eligible for assistance.

You will be required to execute a second (or third) mortgage and note that has a deferred payment plan due upon sale or transfer of the property (or whatever terms may be). You will not be required to attend a homeownership training program due to time constraints. This award letter is valid for a period of 60 days from the date of this letter.

Respectfully yours,

William C. Williams  
Chairman, Gulf County Board of County Commissioners

cc: Brett Lowry, Deputy Administrator

# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

53

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: bocc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 7, 2012

Gillie L. McNair  
1004 Clifford Sims Dr  
Port St. Joe, FL 32456

Re: SHIP Award-Rehabilitation Assistance

Dear Ms. McNair:

This letter is to certify that the Gulf County B.O.C.C. SHIP office has reviewed and verified your household annual income. According to the information provided, you meet the income eligibility requirements for the SHIP program as established by the Florida Housing Finance Corporation and the Gulf County SHIP program.

According to our guidelines, you are eligible within the very low income category, which entitles you for up to \$40,000 to be used for Rehabilitation Assistance for your home.

If Gulf County learns of a change to your income before you are assisted; your annual income will be re-calculated to determine if you are still income eligible for assistance.

You will be required to execute a second (or third) mortgage and note that has a deferred payment plan due upon sale or transfer of the property (or whatever terms may be). You will not be required to attend a homeownership training program due to time constraints. This award letter is valid for a period of 60 days from the date of this letter.

Respectfully yours,

William C. Williams  
Chairman, Gulf County Board of County Commissioners

cc: Brett Lowry, Deputy Administrator

# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

54

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: bocc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 7, 2012

Carl W. Reichert  
344 N Bass Drive  
Wewahitchka, FL 32465

Re: SHIP Award-Rehabilitation Assistance

Dear Mr. Reichert:

This letter is to certify that the Gulf County B.O.C.C. SHIP office has reviewed and verified your household annual income. According to the information provided, you meet the income eligibility requirements for the SHIP program as established by the Florida Housing Finance Corporation and the Gulf County SHIP program.

According to our guidelines, you are eligible within the low income category, which entitles you for up to \$40,000 to be used for Rehabilitation Assistance for your home.

If Gulf County learns of a change to your income before you are assisted; your annual income will be re-calculated to determine if you are still income eligible for assistance.

You will be required to execute a second (or third) mortgage and note that has a deferred payment plan due upon sale or transfer of the property (or whatever terms may be). You will not be required to attend a homeownership training program due to time constraints. This award letter is valid for a period of 60 days from the date of this letter.

Respectfully yours,

William C. Williams  
Chairman, Gulf County Board of County Commissioners

cc: Brett Lowry, Deputy Administrator

# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: bocc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 7, 2012

Anita V. Tiller  
109 N Bay Street  
Port St. Joe, FL 32456

Re: SHIP Award-Rehabilitation Assistance

Dear Ms. Tiller:

This letter is to certify that the Gulf County B.O.C.C. SHIP office has reviewed and verified your household annual income. According to the information provided, you meet the income eligibility requirements for the SHIP program as established by the Florida Housing Finance Corporation and the Gulf County SHIP program.

According to our guidelines, you are eligible within the very low income category, which entitles you for up to \$40,000 to be used for Rehabilitation Assistance for your home.

If Gulf County learns of a change to your income before you are assisted; your annual income will be re-calculated to determine if you are still income eligible for assistance.

You will be required to execute a second (or third) mortgage and note that has a deferred payment plan due upon sale or transfer of the property (or whatever terms may be). You will not be required to attend a homeownership training program due to time constraints. This award letter is valid for a period of 60 days from the date of this letter.

Respectfully yours,

William C. Williams  
Chairman, Gulf County Board of County Commissioners

cc: Brett Lowry, Deputy Administrator