



EXECUTIVE COMMITTEE MEETING AGENDA

May 11, 2023

9:00am – 11:00am

Virtual Zoom Meeting Only

Join Zoom Meeting:

<https://us06web.zoom.us/j/91588729954?pwd=OVERTVNQVVpRZjQrY1Jab1dpMDBPUT09>

Join by phone: 1-929-205-6099

Meeting ID: 915 8872 9954

Passcode: 082520

Mission Statement:

To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.

1	INVOCATION	
2	PLEDGE OF ALLEGIANCE	
3	ROLL CALL	
4	PUBLIC COMMENTS	
5	AGENDA	Page 1
6	MINUTES	
	a) December Meeting and January Workshop	Page 11
7	FINANCIALS	
	a) October – December 2022 Financials	Page 76
	b) Audit Report FY 2021 – 2022 – Mrs. Lisa McKenzie	Page 95
	a. Audit Graphs & Charts – Mrs. Lisa McKenzie	Page 180
8	CONSENT AGENDA	
	a) Final Babcock Ranch Increment III and Changes to MDO Increment I and II Staff Assessment	Page 189
	b) Palmer Ranch Increment XXX Development Order Review	Page 242
9	<u>DIRECTORS REPORT</u>	Page 269
	a) Feedback from County RFP members	
	i. Recovery & Resiliency Workshop	
	ii. SWFL Fresh	
	iii. Food Insecurity – Resolution	Page 281
	iv. Marco Island Vulnerability	

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (844) 988-8244; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.



		Page
	b) Grant Activity Sheet (Information Only)	
10	COMMITTEE REPORTS	
	a) Executive Committee – Chair Don McCormick	
	b) Quality of Life & Safety Committee – Chair Don McCormick	
11	NEW BUSINESS	
12	STATE AGENCIES COMMENTS/REPORTS	
13	COUNCIL MEMBERS' COMMENTS	
14	ADJOURN	

UPCOMING SWFRPC MEETING DATES:

June 15, 2023

September 21, 2023

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (844) 988-8244; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL MEMBERSHIP

OFFICERS

Mr. Donald McCormick, Chair	Councilman Fred Burson, Vice-Chair
Commissioner Bill McDaniel, Secretary	(Vacant), Treasurer

CHARLOTTE COUNTY

Commissioner Joe Tiseo, Charlotte BCC

Commissioner Ken Doherty, Charlotte BCC

Councilman William Dryburgh, City of Punta Gorda

Mr. Donald McCormick, Governor Appointee

Ms. Suzanne Graham, Governor Appointee

COLLIER COUNTY

Commissioner Bill McDaniel, Collier BCC

Commissioner Rick LoCastro, Collier BCC

Councilman Raymond Christman, City of Naples

(City of Marco Island Vacancy)

(Governor Appointee Vacancy)

(Governor Appointee Vacancy)

GLADES COUNTY

Commissioner Donna Storter-Long, Glades BCC

Commissioner Tim Stanley, Glades BCC

(City of Moore Haven Vacancy)

Mr. Thomas Perry, Governor Appointee

HENDRY COUNTY

Commissioner Emma Byrd, Hendry BCC

Commissioner Mitchell Wills, Hendry BCC

Vice-Mayor Greg Thompson, City of Clewiston

(City of LaBelle Vacancy)

Mr. Mel Karau, Governor Appointee

LEE COUNTY

Commissioner Ray Sandelli, Lee BCC

Commissioner Cecil Pendergrass, Lee BCC

Councilman Fred Burson, City of Fort Myers

Mayor Dan Allers, Town of Fort Myers Beach

Councilman Jesse Purdon, City of Bonita Springs

(Governor Appointee Vacancy)

(Governor Appointee Vacancy)

SARASOTA COUNTY

Commissioner Ron Cutsinger, Sarasota BCC

(Sarasota BCC Vacancy)

Mayor Erik Arroyo, City of Sarasota

Jim Boldt, City of Venice

(Governor Appointee Vacancy)

(Governor Appointee Vacancy)

EX-OFFICIO MEMBERS

(Vacant), FDEP	Keith Robbins, FDOT
Phil Flood, SFWMD	(Vacant) SWFWMD

STAFF

Margaret Wuerstle, Executive Director

Rebekah Harp

Amelia Williams

Jim Burch

Asmaa Odeh

Charity Franks – Vista

Julie Bankston – Vista

Catherine Peralta - Vista



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 East Central Florida • North Central Florida
 Northeast Florida • South Florida • Southwest Florida
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Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

ABM - Agency for Bay Management - Estero Bay Agency on Bay Management

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

BEBR - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

BLIM - Binding Letter of Modification to a DRI with Vested Rights

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

CDC - Certified Development Corporation (a.k.a. RDC)

CEDS - Comprehensive Economic Development Strategy (a.k.a. OEDP)

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

FDC&F -Florida Department of Children and Families (a.k.a. HRS)

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

IFAS - Institute of Food and Agricultural Sciences at the University of Florida

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NADO – National Association of Development Organizations

NARC -National Association of Regional Councils

NOPC -Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFI – Request for Invitation

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP -State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plan

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

Agenda Item

6

6

Minutes

6

--- Agenda Item ---

6a

6a

Minutes of the December 15, 2022
and the January 12, 2023
Council/Executive Meeting &
Workshop

6a

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
DECEMBER 15, 2022, MEETING**

The in-person and zoom meeting of the Southwest Florida Regional Planning Council and Executive Board was held on December 15, 2022, at the South Florida Water Management District Office with a conference call option. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:03 a.m. There was a quorum of the Executive Committee present.

BOARD MEMBERS PRESENT

Charlotte County: Mr. Don McCormick – Chair

Collier County: Commissioner Bill McDaniel

Glades County: Mr. Thomas Perry Chairman, Tim Stanley (*Zoom*), Commissioner Donna Storter-Long (*Zoom*)

Hendry County: None

Lee County: Councilman Ray Sandelli (*Zoom*)

Sarasota County: None

Ex-Officio Members: Phil Flood SFWMD

OTHERS PRESENT

Ms. Margaret Wuerstle - Executive Director, SWFRPC

Ms. Rebekah Harp - SWFRPC

Ms. Tracy Whirls - SWFRPC

Ms. Amelia Williams – SWFRPC (*Zoom*)

Ms. Asmaa Odeh – SWFRPC (*Zoom*)

Mr. Jaha Cummings - Citizen

Mr. Daniel Trescott – Trescott Planning

Jim Paulmann – Stantec

Full zoom meeting video: [December 15, 2022](#)

**AGENDA ITEM #6(a)
MINUTES**

None. No meeting held for October or November.

**AGENDA ITEM #7(a),(b)
FINANCIALS: JULY – SEPTEMBER 2022 FINANCIALS
FINANCIALS: FY21-22 FISCAL YEAR END BUDGET AMENDMENT**

Ms. Wuerstle explained that in the packet are July, August and September financials. Ms. Wuerstle explained that September is the end of the fiscal year and that there was an unaudited \$53,678 surplus. Ms. Wuerstle also explained that there is an amendment to the budget to zero all the line items.

Commissioner Bill McDaniel offered a motion to approve the July, August, and September financials and the FY21-22 Budget Amendment. Mr. Thomas Perry seconded the motion to approve the July, August, and September financials and the FY21-22 Budget Amendment.

Commissioner Bill McDaniel requested a discussion and requested that at the January meeting he would like a plan presented on how the SWFRPC will survive. Commissioner McDaniel would also like financials, current reserves and how much can be utilized, and projected revenue.

Mr. McCormick called the approval for the July, August, and September financials and the FY21-22 Budget Amendment. The motion was approved unanimously.

**AGENDA ITEM #7(c)
FINANCIALS GOVERNMENT FUND ACTIVITY – PER AUDIT (INFORMATIONAL ITEM)**

**AGENDA ITEM #8(a)
PALMER RANCH INCREMENT 30**

Mr. Dan Trescott presented Palmer Ranch Increment 30. **Mr. Thomas Perry offered a motion to approve Palmer Ranch Increment 30. Commissioner Bill McDaniel seconded the motion to approve Palmer Ranch Increment 30. The motion was approved unanimously.**

Commissioner Bill McDaniel asked if it is required that the DRIs still be brought before this board for approval even with the changes to the statutes. Mr. Paulmann responded that it is still required.

AGENDA ITEM #9(a)
DISCUSSION ITEMS: EVERGLADES RESTORATION UPDATE – PHIL FLOOD

Mr. Phil Flood presented a presentation on Everglades Restoration Updates.

AGENDA ITEM #9(b)
DISCUSSION ITEMS: ORGANIZATION STRUCTURE DISCUSSION – COMMISSIONER MCDANIEL

Commissioner McDaniel requested that next month we revisit this item to see if the adjustment to the bylaws is still a viable option along with the adjustment to membership dues. This will also include an update and plan on how this organization survives.

AGENDA ITEM #10
DIRECTORS REPORT

Ms. Wuerstle explained that an application for a Disaster Recovery Coordinator was submitted to EDA. Ms. Wuerstle also explained that the CEDS application was also submitted to EDA for the next three years. A new brownfields grant was approved from EPA for \$500,000. Clewiston Lakefront Masterplan is currently underway and is in the draft plan stage for different options for development. There is also a USDA marketing plan that is underway. There will be a kickoff meeting in March. The food insecurity grant through DEO is a few years old but is still underway. Ms. Wuerstle announced that EDA believes that there will be another disaster supplemental coming for project applications.

AGENDA ITEM #10(a)
DIRECTORS REPORT: COMP PLAN AMENDMENTS (INFORMATION ONLY)

AGENDA ITEM #10(b)
DIRECTORS REPORT: GRANT ACTIVITY SHEET (INFORMATION ONLY)

AGENDA ITEM #11
COMMITTEE REPORTS

No Committee Reports were given.

AGENDA ITEM #11(a)
EXECUTIVE COMMITTEE

There was no update given.

AGENDA ITEM #11(b)
QUALITY OF LIFE & SAFETY COMMITTEE

There was no update given.

AGENDA ITEM #12
NEW BUSINESS

There was no new business.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

No comments were provided.

AGENDA ITEM #14
COUNCIL MEMBERS' COMMENTS

No comments were provided.

AGENDA ITEM #15
ADJOURN

The meeting adjourned at 10:34 a.m.

Don McCormick, Chairman

The meeting was duly advertised in the November 9, 2022, issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 48, Number 219.

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 12, 2023, WORKSHOP**

The in-person and zoom meeting/workshop of the Southwest Florida Regional Planning Council and Executive Board was held on January 12, 2023, at the South Florida Water Management District Office with a conference call option. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:01 a.m. There was a quorum of the Executive Committee present.

BOARD MEMBERS PRESENT

Charlotte County: Mr. Don McCormick – Chair, Councilman William Dryburgh

Collier County: Commissioner Bill McDaniel (*Zoom*)

Glades County: Mr. Thomas Perry Chairman, Commissioner Donna Storter-Long (*Zoom*)

Hendry County: None

Lee County: Councilman Ray Sandelli (*Zoom*), Councilman Fred Burson

Sarasota County: None

Ex-Officio Members: Phil Flood SFWMD

OTHERS PRESENT

34 Participants on ZOOM

Ms. Margaret Wuerstle - Executive Director, SWFRPC

Ms. Rebekah Harp - SWFRPC

Ms. Tracy Whirls - SWFRPC

Ms. Asmaa Odeh – SWFRPC (*Zoom*)

Mr. Jaha Cummings - Citizen

Mr. Tony Palmero, City of Fort Myers – Public Comment Item #6

Mr. Dan Oberski, SWFL Impact Partners – Public Comment

Ms. Megan Greer, Blue Zones – Public Comment

Ms. Marsha Elis – Inner Loop Working Group RGMC – Public Comment

Ms. Patty Whitehead – EBABM – Public Comment

Mr. Forrest Banks, City of Fort Myers Citizen – Public Comment

Ms. Elsa Roy – Lee County School District – Public Comment

Ms. Cheryl Cook – Public Comment (*Zoom*)

Mr. Lou Murry, Sarasota Food Advocate – Public Comment (*Zoom*)

Ms. Nora Demers, EBABM – Public Comment (*Zoom*)

Mr. Lou Murray, Manasota Food Access Council Co-chair – Public Comment (*Zoom*)

Full zoom meeting video: [January 12, 2023](#)

AGENDA ITEM #4 PUBLIC COMMENT

- Ms. Cheryl Cook explained that she sat on the RPC board in the past and expects, as a citizen from the Southwest Florida Regional Planning Council, that she represents approximately 2 million citizens. Without the participation of the counties in the SWFRPC in the Opioid Task Force, how can we combat the escalation in Opioid overdoses and deaths? This is one example of the importance of the SWFRPC. Another example is the conservation foundation and how they are tasked with the protection of the Florida Panther. This falls under Lee County who is under the SWFRPC. If you look at the map of the Florida Regional Planning Councils, how will the counties be divided if this organization goes away? Please review the documents I provided and please come to a consensus to MOVE FORWARD with the SWFRPC.
- Ms. Marsha Elis presented some of the great successes of the SWFRPC. First, we have the benefit of having the existing Watershed Master Planning Initiative through the Caloosahatchee basin. Which is so important in the conversation today because this will help reduce the costs of insurance and issues we are facing in the future for planning. Ms. Ellis continues to point out different projects throughout her presentation that needs the support of the SWFRPC.

Public comments will continue after Ms. Wuerstle's presentation.

AGENDA ITEM #5 & 6 BUDGET EXPLANATION

MOVING FORWARD: "HOW DO WE THRIVE AND NOT JUST SURVIVE"? – MARGARET WUERSTLE

Ms. Wuerstle begins her presentation with going over the budget and explains what funds are restricted and what funds are not. Every budget is presented to the board in the same format with a breakdown of funds for each highlighted section. The current budget is \$963 thousand dollars and if you look at the cash, cash equivalents, and investments of \$271,773 - none of these funds are restricted. We use the operating account and pull from the money market as needed and replace these funds when we are reimbursed from the grants.

Ms. Wuerstle goes onto explain the background. There are 37 duties within 11 chapters of the state statutes that the Regional Planning Councils are obligated. If you eliminate the SWFRPC, you will have to eliminate all of the state statues or eliminate all of the regional planning councils or this council will be divided up into the remaining RPCs.

There are four unfunded mandates required by state statutes, which are 1. SRPP Strategic Regional Policy Plan, 2. Regional Data Clearinghouse/IC&R, 3. Annual Report/Financial & Audit Reporting, 4. Regional Dispute Resolution.

There are also ongoing programs funded by the federal government which are filtered to the states and then the states disburse to the RPCs. These programs are 1. Local Emergency

Planning Committee, 2. Hazardous Material Emergency Planning, 3. Economic Development District (CEDS).

In addition to those mandated and funded, here are a list of all the programs that we have done in the past and that we are doing right now (17 programs listed in the presentation). Projects in progress right now are the following: CEDS Economic Development, Disaster Recovery and Continuity/Resiliency Guide, SWFL Fresh, Choose Local, Choose Fresh, Collier County Food Policy Council, A Resiliency Strategy, Inland Port, Clewiston Waterfront Master Plan, Grant Research and Writing for Government Projects.

We only have three full time employees. Amelia Williams handles the FDEM contracts and is the coordinator for the LEPC Local Emergency Planning Committee, HMEP Hazardous Material Emergency Preparedness, and HA Hazardous Analysis projects. These are approximately \$142,265 in annual revenue with no match. With this money we conduct quarterly meetings, conduct Hazmat exercises and trainings, provide technical assistance and the Tier II reporting and shelter-in-place trainings.

Under the HMEP contract we provide \$62,000 in trainings for the hazmat and first responders. For the HA contract we conduct 80 site visits in Lee and Collier Counties. This information is put into a system so all the first responders know what their walking into when they arrive on scene to an incident.

Another program is the VISTA program that we have had for the last 7 years. This program funds 9 VISTA volunteers in the SW Florida Region. There are 14 sites that have benefited from this program.

There is also the Glades SQG 5-year contract to conduct inspections of Glades County businesses for SQG compliance, which is entered into a state database.

Continuing with in progress services, we do grant writing and data services. The next slide shows all the awarded grants since 2017. It is a total of almost \$4 million dollars. There were approximately \$16 million dollars of grants submitted, of which one is pending.

For Regional Collaboration, we have assisted with the Brownfields conferences, disaster recovery meetings for EDA. With Hurricane Ian, we have done three listening sessions so far with EDA and we are waiting to hear when they will be directing us to put on a workshop.

Ms. Wuerstle explains that each time she goes to meet with a county, they always ask "What have you done for our county". The following six slides are broken down by county showing what the SWFRPC has done for each county.

COLLIER COUNTY:

Marco Island –

- Vulnerability Assessment grant submitted,
- Seeking funding to address flooding issues.

Collier County –

- Awarded a grant to establish a Food Policy Council;
- Awarded a grant to address food insecurity in the region;
- Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh;
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business.
- The Immokalee foundation has been assigned VISTA Volunteers for 6 consecutive years.
- Conduct Hazard Analysis for industry sites that contain Extremely Hazardous Substances (EHS).
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a new Disaster Coordinator to assist with Hurricane Ian Recovery

LEE COUNTY:

Ft. Myers –

- Enterprise Center: seeking funding for Incubator Program and providing VISTA Volunteers to assist with program; wrote DEO grant for incubator program
- Impact Partners: providing VISTA Volunteer to assist with Outreach to Minority businesses; funded outreach to minority businesses with CARES ACT grant.
- Black History Museum was assigned a VISTA Volunteer to help with capacity building and grant writing.
- Collaboratory was assigned a VISTA Volunteer to help with programming
- ACT was assigned VISTA Volunteer to assist with Human Trafficking for 6 consecutive years

Lee County –

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh.
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Conduct Hazard Analysis for industry sites that contain Extremely Hazardous Substances (EHS). Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan, Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery

- FGCU was awarded a grant through the CARES Act to purchase IMPLAN software to study the impact of COVID -19 on the region's businesses. FGCU was also assigned a VISTA Volunteer to help develop a Dashboard for economic development activities in the region

HENDRY COUNTY:

Clewiston –

- Wrote 3 grants to address the problems at the Wastewater Treatment Plant; Wrote one grant to address the transmission lines.
- Awarded a grant to prepare the Clewiston Lakefront Master Plan

Hendry County –

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Awarded a Brownfield Assessment grant
- Hired a new Disaster Coordinator to assist with Hurricane Ian Recovery

GLADES COUNTY:

- Wrote 2 grants for the Ortono Indian Mound Park for a Strategic Plan
- The RPC completes the inspections for the Small Quantity Generators (SQG) Hazardous Materials Program
- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh.
- Awarded 2 Brownfield Assessment Grants
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a New Disaster Coordinator to assist with Hurricane Ian Recovery

CHARLOTTE COUNTY:

Punta Gorda –

- Wrote and submitted \$4,000,000 grant for stormwater management system for the new City Market Place

Charlotte County –

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan,
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery

SARASOTA COUNTY:

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan,
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery
- Writing grants for Bay Park Improvements

The next slides are some of the other many projects we have done, but there are many more. All of which can be found on our website. Ms. Wuerstle explains that she finds it hard to accept that anyone would say that the SWFRPC is not relevant. We certainly are because most of the projects I have went over have been done with little or no money from the counties. The only entities paying are the Fort Myers Beach, City of Fort Myers, Glades County, and Bonita Springs. The rest of this was funded through grants and contracts. So for three people to be doing all of these projects is pretty good return on your investment.

Ms. Wuerstle continues onto the next slide and explains that back in 2019 she was asked to go out to the City manager and County's to see what they thought would make this entity relevant. Here is what we heard: water quality, affordable housing, regional transportation, storm resiliency & climate change, quality of life, inter-governmental coordination and communication. Then at the May 16, 2019 board meeting, this is what we heard from the members: water quality, affordable housing, regional coalition common voice in Tallahassee, beach renourishment, quality of life, information on common issues, collective force to combat erosion of home rule, the go-to people for organizing among counties, impact of development on adjacent counties, coordinate and share information with county staff.

We also heard: move to quarterly meetings, have half day event, short business meeting followed by a meaningful presentation on important issue.

The board wanted to maintain the unfunded mandates required by state statutes. As well as keep the funded programs.

The issues that were most important back in 2019 were: Impact Of Development On Adjacent Counties, Coordinate & Share Information With County Staff, Provide Information On Common Issues along with Home Rule, Water Quality, Affordable Housing, Beach Renourishment, Resiliency, Quality of Life Issues, Impact of Development, Coordinate and Share Information, Information on Common Issues, Collective Force.

The SWFRPC never had the opportunity to move forward with what was outlined in 2019 and approved by the board. There were several reasons why we could not move forward. The first reason is COVID. The first workshop that was scheduled with a speaker lined up, David Griffin, we had to cancel it. But the good news is that the agency has been flexible enough and resilient enough to bounce back with programs that were important during COVID. We had a disaster recovery coordinator that wrote a disaster resiliency guide that we are now starting to implement through the new grant. We had the food insecurity grant that was awarded during COVID.

Ms. Wuerstle goes on to explain that now moving forward, this is what she is proposing. To remind everyone that that there is a full slide of state statues that the regional planning councils are mentioned. If we are eliminated, the counties are going to go to another regional planning council and your dues could go up, stay the same or go down depending on where the Governor directs the county to. There still will be regional planning councils.

Ms. Wuerstle suggests the following:

1. Start immediately - to identifying the focus for the rest of the year. Build on the positives and identify issues that will be our Common Voice.
2. Rebrand the Council - Change the Name to be consistent with the new direction and Common Voice and Develop Outreach Strategy to promote Common Voice
3. Reduce Assessments from \$.30 per Capita to **\$.10 per Capita**
4. Go back to quarterly SWFRPC Board meeting - Take the SWFRPC meetings to the Counties during the "off" months, have a prominent speaker at the quarterly meeting Move the meeting to different county each quarter, Have TAC meeting on "off" months.
5. Create a technical advisory committee
6. Coordinate and host one major event/conference

---Brief meeting interruption due to system restart --

Commissioner Bill McDaniel asks to not go to quarterly meetings and continue with monthly meetings. Commissioner McDaniel states that this meeting was not supposed to be about eliminating the SWFRPC, but how to financially sustain the SWFRPC. Commissioner McDaniel apologizes that he must leave to attend a meeting with the Governor.

Ms. Wuerstle continues with her presentation and provides a **10 Step Proposal**:

1. Start Immediately - identify the Common Voice Issue TODAY
2. Rebrand - Change the Name of the RPC
3. Reduce Assessments to \$.10 per Capita/ Only paying members can vote
4. Go back to quarterly SWFRPC Board meeting/take SWFRPC to counties/cities on "off" months
5. Create a Technical Advisory Committee (TAC)
6. Coordinate and host one major event/conference with a prominent speaker on an issue of importance to the Southwest Florida Region
7. Hold 2 meetings per year with all county/city planning staff
8. Continue CEDS meeting with Economic Development Stakeholders
9. Provide the services mandated by State Statute and funded by contracts
10. Continue assistance to our governments and agencies through grant writing and providing data

Ms. Wuerstle recommends that this proposal is implemented on a 1 year trial basis and if it is going to be successful the members must participate! Ms. Wuerstle asks for any questions or comments.

PUBLIC COMMENT CONTINUES:

- Ms. Patty Whitehead – explains that she has been a member of the Estero Bay Agency on Bay Management for several years and a resident of Southwest Florida for 20 years and someone who holds a degree in Environmental Policy, she agrees with everything Margaret says up to a point. She takes exception with one thing, this is a planning council and planning is important. The lack of planning in SWFL is what got us sprawl in Lehigh Acres. The lack of planning in SWFL is what got us the mess in Cape Coral and Cape Coral government is trying to reverse engineer from. We cannot allow developers to be de facto planners, that's not how things work. If we do that, we lose the opportunity for a cohesive functional and appropriate landscape and land use. We are confronting that yet again. We are confronting that on Corkscrew Rd. Ms. Whitehead continues to explain that this RPC isn't strong enough to handle important issues that are killing conservation land areas. She explains that her city, Estero bailed out of the RPC of which she disagreed with. This is how intergovernmental coordination takes place, within this room. With a united front of elected officials, experts, scientists. Ms. Whitehead explains that there could be a better landscape if there was better planning.
- Mr. Forrest Banks – Mr. Banks explains he was a former Council member for the City of Fort Myers. He is proud that the City of Fort Myers has remained in the planning council. However, he believes that the train left the station. When the legislature changed making the developers more powerful and removed the power from the planning councils, the RPCs have continued to have the same struggle over the last five years. Margaret is spot on with how she wants to proceed with moving forward and Mr. Banks applauds the commissioner from Collier County for being interested in keeping this organization alive. Mr. Banks likes the idea of changing the name and he would like to apply for the Technical Advisory Committee. Mr. Banks also

announced that he might put in an application to get back on the SWFRPC's board because the SWFRPC is the only place that everyone can get together officially.

- Ms. Megan Greer – is from the Blue Zones Project of Southwest Florida and she is also a representative of the Food Policy Council that was initiated in 2015, but then solidified with help and support of the SWFRPC through a grant from the AETNA Foundation. Since they have come together as a Food Policy Council, their partners have come together and with the guidance and writing of the SWFRPC to now have landed an approximate \$1.2 million dollars that is related to food resiliency, food access, healthy food access and healthy food policy. Ms. Greer continues to explain that she cannot stress enough the importance and impact of having a collaborative effort and a full-time staff person dedicated to the work of the Food Policy Council. Ms. Greer explains that they were able to bring the MEANS database, a national program, to Florida. In less than two years, a half of a million pounds of food have been rescued from going to waste and given to families in need and to organizations that provide and prepare food for families in need in all of our communities. The collaboration between school districts have been phenomenal – the work that was administrated throughout COVID to ensure universal feeding was made accessible to every single child. Also advocating and helping to support for the continuation of the CEP program for schools. This means that thousands of families now have secured access, at least throughout the school year, to breakfast, lunch and dinner for those who need it. This makes a huge impact, not only to food access and health, but families who are struggling with food access generally incur a 20% increase in their medical costs. This impacts all communities and families throughout Southwest Florida need the support of work like this. We are so grateful to the work of the SWFRPC but recognizing only three full-time staff are doing all this work, we know how much burden that is and how much better we could do in the areas of food access and food resiliency. The CDBG grant that is focused on food resiliency, we are seeing so much impact on inflation and the farmers how they are able to move food, what their barriers are. Their costs right now are about 150% increase over last year alone. These are extremely important issues that need to be addressed. The facilitation of bringing a council members together to address these issues to work on efficiency, to work on the gaps, to communicate everywhere we can. To work and write for more funding is essential to this community, it is essential to the families. Ms. Greer advocates and make sure we are sharing the impacts of the work of the regional planning council and how important this is for every single county that is involved with it or should be involved. She highly advocates for events to share the work of the council. With only three staff the work goes unrecognized because everyone is focused on getting work done. But the funding is essential to continue this work and Ms. Greer cannot stress the impact and importance of the work that is happening that is impacting the end users and families and people in need. Also, the support of the nine VISTAs that that have been procured through the SWFRPC is essential. All of us are wearing multiple hats and to have a full-time free employee to help with some of this work is crucial.
- Mr. Lou Murray, Manasota Food Access Council Co-chair for Sarasota & Manatee Count (Zoom). Mr. Murray expresses that Ms. Greer is absolutely right. We are working with the Southern Region along with USDA looking at policies dealing with food waste, where 47% of the food produced go to waste. Those issues are crucial and we are also finding out that nutrition is also

tied to good health. 50% of illness and disease it tied to food. Then you have economic development for underserved communities tied into that. Mr. Murray explains that he gets frustrated that he receives information on projects every week from the southern region from USDA and healthy human services and he doesn't have anyone to go the funding projects to. For example, project funding opportunities for artificial intelligence, food waste, food security, and now food sovereignty and nutrition sovereignty. Mr. Murray explains that he has been frustrated and didn't know that the SWFRPC existed. When you don't act as a region, that money goes somewhere else. It is important that this council is functional because when we are not functional our communities don't receive funds and programs in our communities, and they suffer.

- Elsha Roy – is in charge of comprehensive health for the Lee County School District. The fall before last they started a healthy living collaboration at the school district, working on school Gardens, Farm to school, smarter lunchrooms. They have made amazing progress and Ms. Roy explains that this is her first time at this meeting. She thinks everybody has goals of doing great things. What they discovered at the school district when they combined their curriculum, instruction and food, nutrition services and environmental education that they were all working towards the same thing, but nobody knew what anybody else was doing and their collaboration within four or five months they received \$100,000 farm school grant from the federal government. They have made amazing strides. They are providing food from our school gardens to multiple other schools, providing fresh produce in their cafeterias. Ms. Roy explains, just listening this, it's like a flashback to when they first started just within the school district. She definitely thinks that there are things that can be done once everybody knows what everybody else is doing and trying to work toward the same goal.
- Tony Palermo – Mr. Palermo explains that he didn't expect to speak or want to speak, but he was provoked. He explains, "I can organize my thoughts into four parts. First, I want to thank Margaret, Rebekah and Amelia for hosting us here today and for being the staff for the RPC. So thank you for being here and thank you for putting this together. I'm going to speak on behalf of I work for the City of Fort Myers, but I'm also a leader in the American Planning Association's Florida chapter. I was the promised land second chair for four years, and I also served as the Vice President for Section Affairs for APA, Florida, also very active in FPZ A and ULI. That's who I'm speaking on behalf of today. I hate to do this, but the I guess the 1st order of business is to bitch about the RPC and I'm sorry to do that, but that's what happens and that's what people do. I've been a city employee for the past five years and I've enjoyed that and I'm a professional planner, but during those five years I did not hear from the RPC and I did not know you were doing anything and it's been radio silence and that's been a shame because we could have been working together for a long time on projects, either in the related to the city or related to the region, or related to planning activities. Because again I'm active in planning and that I'm disappointed that I didn't hear from the RPC and didn't know you were existing until we were invited. I mean, as a city employee and as a leader of APA, I mean I there should have been a lot more contact and there should have been a lot more communication and that's just not for me personally, but I can speak on behalf of other Members. They don't hear from the RPC, they don't hear anything about the RPC, they think the RPC is dead and obviously it's not. I guess the

second part of my presentation is I'd like to comment on the 10 point plan, because I think that's important and I think that's kind of what the business of today should be about. Just some random thoughts, because I think there's some good ideas, and I think there's some not so good ideas. The technical advisory Committee is a good idea and I participate in the MPO's Technical Advisory Committee that is a model of how you should operate and I'm surprised you don't have one and maybe I'm surprised that other RPC's don't have one, but that's a great way to approach that. Have professional planners talk about things informally, with an agenda of just planners and not the general public or all the special interests. Moving meetings to quarterly will also be a productive thing to do. You can't meet monthly. No organization can do that. An intriguing issue is reducing the dues for members from \$0.30 to \$0.10 a person. I don't know how that creates more revenue, but maybe there's a way that it can create more revenue. Maybe more cities will participate. Maybe more organizations will participate. Those are the good ideas as they are the major planning events of the year and APA, Florida would be very happy to participate in the region for AP Florida events. We used to have a very strong partnership with the RPC when they were at the other facility when they were under Wayne Daltry, when they were under other leaders of the RPC. So you do have a legacy to build on and I think you should hang on to that legacy. Now to the not so good ideas. Taking your eye off the ball in terms of growth management, I think that's a that's a bad idea. I think that's part of the legacy of the RPC's in the state of Florida. I know that's a policy issue that's bigger than you all. But I think taking up the mantle of growth management, even if you're the only organization in the state of Florida or the only organization in the region doing that is something you should do, even if you don't have the power to regulate, even if you don't have DRI's. And even if the governor of the State of Florida and the cabinet and the state legislature says no, you may not touch growth management. It's part of your legacy and it's something you should hang on to. I also think changing the name of the organization is a silly idea and again that that takes away from the legacy of what was the regional Planning Council and what it is meant to do and I think that's a cosmetic change that will cause a lot of controversy and cause a lot of discussion. I'd like a copy of the presentation that we saw today and with the 10 point. Plan I can put together of some more cogent thoughts about the 10 point plan, because again, there's some good things about and there's some bad. Let me close with the one last idea, which was I think 1 central organizing point of this meeting was, what's the one issue we should work on for the rest of the year or just the one issue we can focus on and maybe we can get our RPC back into some sort of relevance. I think the one issue looking us in the face, if you drive around the city of Fort Myers and look at all the Hurricane damage, is the response to Hurricane Ian. I think that is a regional issue because that I know affected Lee County. It affected Cape Coral, it affected Port Charlotte. It affected Sanibel. It affected Estero. It affected Bonita Springs. It affected Collier County. I've seen damage from Sarasota to Bayshore on and Collier County. The response to Ian is critical. The response to Ian is regional. The response to Ian is important not just because it damaged my city, not just because it damaged a lot of institutions that I that I love, but because it is the most important thing going on in Southwest Florida right now is how we respond to this hurricane. If there's a way we can get money to people who need it, if there's a way we can get relief to people who need it, if there's a way we can bring planning to people who need it, including the

town of Fort Myers Beach their a mess. Not just because of the hurricane, but because of politics. There's a response that that we can play a constructive role in that RPC can play a constructive role in. I'd be interested to be on your TAC and if we're going to do one thing, I think we need to respond to this terrible hurricane that has done so much damage to our community."

- Dan Oberski – Mr. Oberski begins with thanking the Regional Planning Council through Southwest Florida Impact Partners. Mr. Oberski explains, "Our organization has been a benefactor of what your organization and you have done. Both through identifying, engaging disadvantaged small businesses that we got to participate and serve and better understand the outcomes of COVID and most recently through the Vista placement of Julie, she's been spectacular. We've placed over or reviewed over 200 applications for grants that are federally funded for small businesses in the impacted areas and so a huge kudos to the service and work that you do. I'm not afraid of conflict or argument or disagreement. To me, it's a great opportunity to learn and listen. I think we can have disagreements on environmental ways to engage and better engage water flow and planning. I think that's one of the biggest issues that we have is not having a platform to come and fight a little bit. It can be done respectfully and well so that we can all grow and learn. My final comment is around reducing silos and providing opportunities for that. This seems like a phenomenal platform for a multi county discussion around points that are critical for our ongoing success. So thank you very much for your service.
- Nora Demers – Ms. Demers explains, "I'm with Florida Gulf Coast University. I also represent the responsible growth management coalition to the Estero Bay Agency on Bay Management, which is a subset of the Regional Planning Council. We as that organization have done some really powerful products. One of them is the State of the Bay. That's been done every four years, which kind of give's a report on how the different ecosystems and habitats ecosystem services sort of thing, but we've also presented several conferences called Cela Tega, which is view from the high ground. Where we have not only had some that speak to the staff of agencies for management, but also more recently speaking to the residents and visitors to the area on things like resiliency and adaptation in the Estero Bay watershed and economic benefits of conservation land. I'm looking forward to hopefully having more of the former members of the RPC come back in and if \$0.10 instead of \$0.30 per resident is a way to do that, then I'm in favor of it. You said three of the five are here today are the paying members. What about those that are not paying? Did we get any of them here and how can we reach them. Jim Beaver and I have been the primary organizers of the Cela Tega events since we started them. I think in 2009 we had two. The leadership in that and obviously we couldn't do it without all of the people that presented and came together for those. We have had over 100 residents in our past couple of meetings and I think with more participation through the RPC membership, we could increase that and absolutely along with FGCU, I think that Hurricane Ian provides us a really good way to hopefully reunite and move forward together."

Commissioner Ray Sandelli explains that he has been on the line since the beginning of the meeting. Mr. McCormick asks if Commissioner Sandelli has any thoughts on the meeting this morning or comments. Commissioner Sandelli responds, "Everything happens in some form of collaboration. I was appointed by the governor in 19, then ran for a full term and the assignments at the county level evolve every year. So I don't have the history of this council that some of the folks here do. But I will say this, that whoever brought up the idea of having a single focal point right now around the aftermath of the recent hurricane is I would strongly encourage that. I have three incorporated areas in my district. One of those in Fort Myers Beach. I will tell you I was in the air with the sheriff two days after the storm. I've been on the ground every week with the town down there. It's starting almost with a clean slate. There's a lot of pain, but I'm encouraged by the people of Fort Myers Beach and the efforts that they're making. We had no water, no electric, a lot of nothing. And I think that's where going back to the word collaboration where people can best. Understand the challenges, whether it's planning, whether it's zoning, whether it's food, whether it's what it's going to look like going forward. That's where I think we can collaborate around something and the fact is you're collaborating about something that the need is now. So I would incur and you know, you're welcome to call my office. Welcome to have a discussion with me. I talked to the town council down there every day and I'm down there almost every day.

Ms. Wuerstle explains that the suggestion to focus on hurricane Ian Recovery is good. There are a lot of people in need. We were just given the grant. And by the way, Jaha Cummings has been hired to fill that position and work with us and getting funding and money to businesses and people who need it. So if that is the focus I would more than welcome it. I would request that you consider at least approving setting up the Technical Advisory Committee, going to the quarterly meeting, and the major event and workshop. So that if you do approve that I can start working on it now, because you know it takes funding, it takes a lot of time to get a major speaker to collaborate with other organizations that may already be planning something. So at least we get some preliminary direction for the rest of the year, even if you don't want to approve the whole 10 steps.

Mr. Thomas Perry asks Ms. Wuerstle if she has discussed going to quarterly meetings and the 10 steps with the county commissioners that are on this board individually outside of this meeting? Ms. Wuerstle responds that she has not, that this is the first time presenting the information. Mr. Perry responds, "I believe to collaboration, you got to have communication and we don't have communication if we're not talking to the Commissioners, they're the people in the driving seat. My suggestion is, go find out what they think about going to a quarterly meeting and find out what they think about having a yearly big meeting and let's get them engaged in that decision and let's get them to have some buy in and that will lead to better participation.

Councilman Burson adds, "To go along with what Thomas said, I think you need to find out from the counties, if they're willing to pay \$0.10 per person. Just because if you propose it, if they're not still willing to pay anything, were just salmon swimming upstream".

Mr. Perry adds, "The other thing I believe you need to emphasize when you go to speak to them is that we are working on hurricane recovery and what steps you've made and what steps we're going to make and see how we can assist them or help collaborate between the counties to coordinate the efforts for each county.

Mr. McCormick asks, "if somebody, one of us who was on the executive committee here to make a motion along the lines of we endorse the efforts that Margaret's making. That we endorse the 10-point

program as a concept and that we that we as our board of this planning council. I think I'd like some sort of formal action from us as a board.

Councilman Burson moves to accept the motion to approve and move forward with the endorsement of the 10-point plan. Mr. Perry seconds the motion to approve and move forward with the endorsement of the 10-point plan. Motion is approved unanimously.

**AGENDA ITEM #7
NEW BUSINESS**

There was no new business.

**AGENDA ITEM #8
STATE AGENCIES COMMENTS/REPORTS**

No comments were provided.

**AGENDA ITEM #9
COUNCIL MEMBERS' COMMENTS**

No comments were provided.

**AGENDA ITEM #10
ADJOURN**

The meeting adjourned at 10:47 a.m.

Don McCormick, Chairman

The meeting was duly advertised in the January 4, 2022, issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 49, Number 02.

MOVING FORWARD

EST. 1973





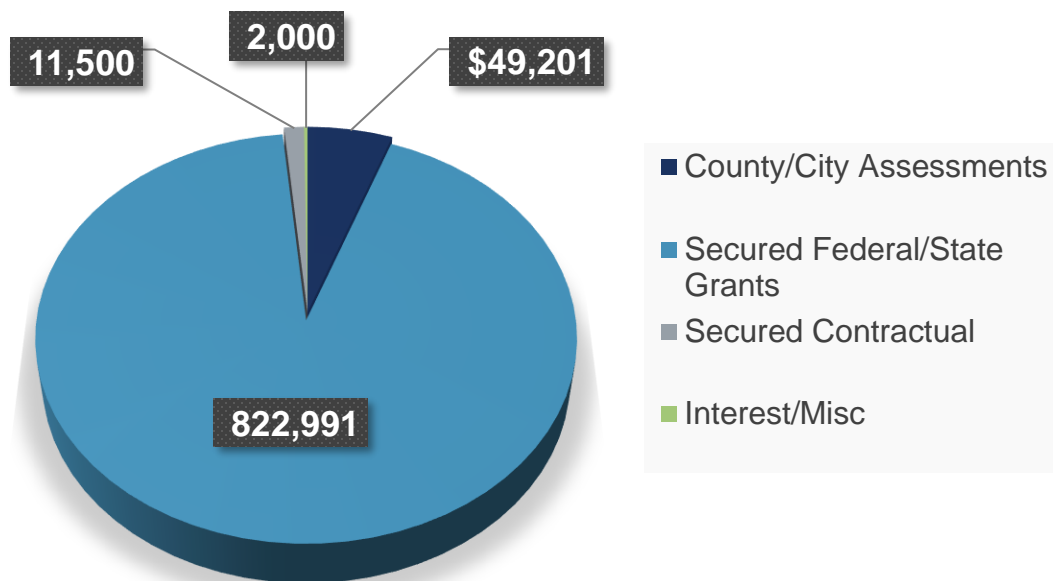
	STATE				
Revenue Sources	DEM-LEPC	Lee/Collier Hazard Analysis	DEM-HMEP (Planning & Training)	Clewiston Master Plan	DEO CDBG-MIT Food Insecurity
Grant Term	1 - year	1 - year	3 - year	2 - year	2 - year
Total Grant Award	\$ 70,000	\$ 9,601	\$ 61,006	\$ 175,000	\$ 350,000
Grant to spend in FY 23	\$ 70,000	\$ 9,601	\$ 61,006	\$ 78,543	\$ 175,000
	Revision to award amt			Revision to amt to spend in FY due to reimbursement process	

	FEDERAL					
Revenue Sources	Brownfields Grant #2 EPA	National Community Service Vista Coordinator	USDA	Economic Development 23/25	Disaster Recovery Coordinator EDA	Total Fed/State
Grant Term	3 - year	continuous	3 - year	3 - year	2 - year	
Total Grant Award	\$ 500,000	\$ 65,721	\$ 752,426	\$ 300,000	\$ 321,836	
Grant to spend in FY 23	\$ 166,667	\$ 20,000	\$ 250,809	\$ 70,000	\$ 160,918	\$1,062,544

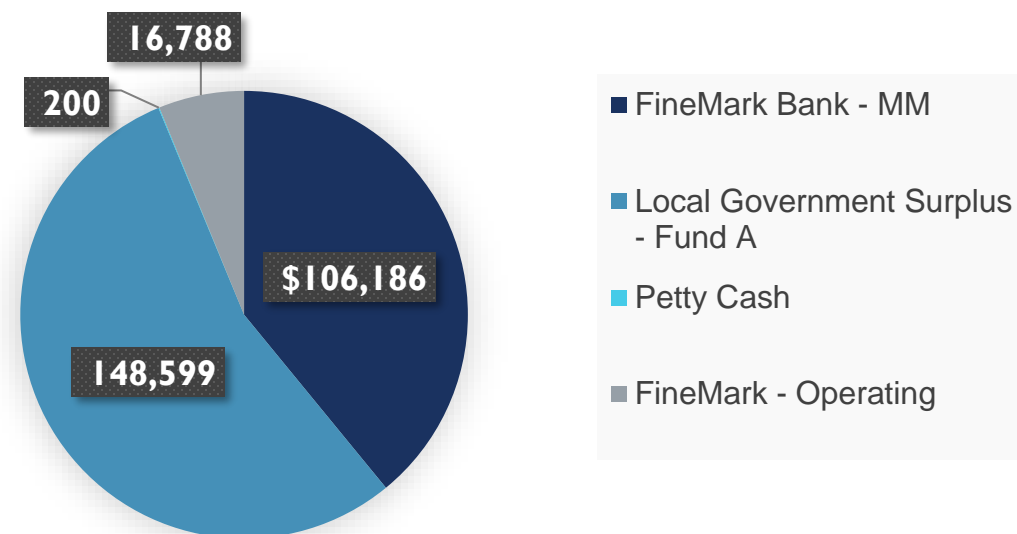


REVENUE SOURCES

BUDGET REVENUES	AMOUNT
Assessments (Glades, Fort Myers, Fort Myers Beach, Bonita Springs)	49,201
Secured Federal/State Grants	822,991
Secured Contractual	11,500
Interest/Misc	2,000
Total	885,692



CASH, CASH EQUIVALENTS, INVESTMENTS (as of 12/31/2022):	AMOUNT
FineMark Bank - MM	106,186
Local Government Surplus - Fund A	148,599
Petty Cash	200
FineMark - Operating	16,788
Total	271,773



The Regional Planning Councils Are Delegated:

37 duties within **11** chapters:

- CHAPTER 129: ADMINISTRATIVE PROCEDURES ACT
- CHAPTER 163: INTERGOVERNMENTAL PROGRAMS
- CHAPTER 186: STATE & REGIONAL PLANNING
- CHAPTER 258: MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL
- CHAPTER 260: FLORIDA GREENWAYS & TRAILS COUNCIL
- CHAPTER 288: COMMERCIAL DEVELOPMENT & CAPITAL IMPROVEMENTS
- CHAPTER 339: TRANSPORTATION FINANCE & PLANNING
- CHAPTER 380: LAND AND WATER MANAGEMENT
- CHAPTER 403: ENVIRONMENTAL CONTROL
- CHAPTER 420: HOUSING
- CHAPTER 1013: EDUCATIONAL FACILITIES

CHAPTER 129: ADMINISTRATIVE PROCEDURES ACT

- When an administrative law judge presides over a matter involving RPC, RPC shall reimburse administrative law judge's travel expenses.

CHAPTER 163: INTERGOVERNMENTAL PROGRAMS

- Review and comment on regional resources or facilities identified in the SRPP.
- Review proposed plans or plan amendments under the State Coordinated Review
- Conduct scoping meetings upon request, to identify relevant planning issues.

CHAPTER 186: STATE & REGIONAL PLANNING

- Act as a regional data clearinghouse.
- Designated as the primary organization to address problems and plan solutions that are of greater-than-local concern.
- Florida's only multipurpose regional entity to plan for and coordinate intergovernmental solutions to growth-related problems; provide technical assistance to local governments; and, meet other needs of the communities in each region.
- Provide technical assistance to local governments on growth management matters.
- Assist local governments with activities designed to promote and facilitate economic development.
- Meet statutory requirements regarding membership for a regional planning council.
- Conduct business to run the organization.
- Provide advice to constituent local governments on regional, metropolitan, county, and municipal planning matters.
- Cooperate with federal and state agencies in planning for emergency management.
- Coordinate with other regional entities in preparing and assuring regular review of the Strategic Regional Policy Plan.
- Coordinate land development and transportation policies that foster region-wide transportation systems.
- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.
- Provide consulting services to a private developer or landowner under certain circumstances.
- Prepare and adopt by rule a Strategic Regional Policy Plan (SRPP). SRPP shall be prepared at least every 5 years.
- Establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests.
- Provide annual report of activities.

CHAPTER 186: STATE & REGIONAL PLANNING

Page 34 of 453

- Statute provides protection for regional planning councils created pursuant to Chapter 163, F.S.
- Must take into account that the accuracy and reliability of maps and data for GIS may be limited to various factors.
- Submit an audit report and an annual financial report for the previous fiscal year.

CHAPTER 258: MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL

- Required to serve on Myakka River Management Coordinating Council

CHAPTER 260: FLORIDA GREENWAYS & TRAILS COUNCIL

- Serve on the Florida Greenways and Trails Council. Membership rotates among the 7 RPCs.

CHAPTER 288: COMMERCIAL DEVELOPMENT & CAPITAL IMPROVEMENTS

- An appointed representative by FRCA shall serve on the Rural Economic Development Initiative.
- Participate in a pre-submission workshop concerning a military base reuse plan.

CHAPTER 339: TRANSPORTATION FINANCE & PLANNING

- Develop transportation goals and policies as part of the SRPP.

CHAPTER 380: LAND AND WATER MANAGEMENT

- Serve on Resource Planning and Management Committees as designated by the Governor prior to an area being designated as an Area of Critical State Concern.
- Provide technical assistance to local governments in the preparation of land development regulations and local comprehensive plans in Areas of Critical State Concern.

CHAPTER 403: ENVIRONMENTAL CONTROL

- Serve on Ecosystem Management Advisory Teams.
- Perform local hazardous waste management assessments and provide technical expertise.
- Follow the local hazardous waste management assessment guidelines to properly implement the assessments.
- Designate sites for regional hazardous waste storage or treatment facility could be constructed.
- Participate in regional permit action teams.

CHAPTER 420: HOUSING

- One representative from RPCs shall serve on the Affordable Housing Study Commission, as appointed by Governor.

CHAPTER 1013: EDUCATIONAL FACILITIES

- Review Campus Master Plans prior to adoption and provide comments.

REQUIRED BY STATE STATUTE

UNFUNDED

01

*SRPP:
Strategic
Regional
Policy Plan*

02

*Regional
Data
Clearing-
house /
IC&R*

03

*Annual
Report /
Financial &
Audit
Reporting*

04

*Regional
Dispute
Resolution*

ONGOING PROGRAMS **FUNDED** BY FEDERAL GOVERNMENT

01

Local Emergency Planning Committee

- *Outreach, Education, & Comprehensive Emergency Management Plan*

02

Hazardous Material Emergency Planning

- *Training of first responders*

03

Economic Development District

- *CEDS required for federal funding*
- *Impact modeling provided*

SWFRPC PROGRAMS



**Economic
Dev.
ED District,
CEDS**



**Water
Quality**



**Estero Bay
Agency on
Bay Mgmt.**



**Local
Emergency
Planning
Committee**



**Hazardous
Materials
Emergency
Planning**



**Storm
Resiliency &
Climate
Change
Planning**



**Brownfields
Assessment
Program**



**Disaster
Recovery**



IC&R



**DRI, NOPCs
& Comp Plan
Reviews**



**SWFL Fresh Choose
Local, Choose
Fresh**



Food Insecurity



**Food Policy
Council**



**Planning:
Clewiston
Waterfront
Masterplan**



**Regional Collab.
FHERO RRDG**



Grant Writing



**SW Florida Promise
Zone & VISTA
Program**



IN PROGRESS ECONOMIC DEVELOPMENT PROJECTS

Comprehensive Economic Development Strategy (**CEDS**)



A **Resiliency Strategy** for Local Food Systems in Southwest Florida

Disaster Recovery and Continuity/Resiliency Guide for SW Florida Businesses & NEW Disaster Coord.



Inland Port Project

SW Florida Fresh: *Choose Local Choose Fresh* Marketing campaign for small to mid-sized growers



Clewiston Waterfront Master Plan

Collier County Food Policy Council



Grant Research and Writing for Government Projects

(Clewiston Wastewater Treatment Plant; Ft. Myers Enterprise Center, Clewiston Transmission lines; Marco Island Flood mitigation, Sarasota Bay Park Improvement Project, FHERO RDG)



FDEM HAZMAT CONTRACTS

Local Emergency Planning Committee (LEPC): \$70,000 for LEPC management

Hazardous Material Emergency Preparedness (HMEP): \$62,665 for HazMat training courses

Hazardous Analysis (HA): \$9,600 for hazardous facility inspections in Lee and Collier Counties

Total: roughly \$142,265 annually, no match required





LEPC CONTRACT

Local Emergency Planning Committee

Conduct Quarterly meetings of the LEPC

Attend quarterly State SERC

Update LEPC Emergency Management Plan

Conduct HazMat exercises and trainings

Provide Tier II Reporting and Shelter-in-Place Trainings

Advertise EPCRA requirements

Provide Technical Assistance as requested



HMEP CONTRACT

Hazardous Material Emergency Preparedness

Provide \$62,000 of trainings for HazMat responders

Full-Scale Exercise every other year (100+ participants)

Send responders to annual FL HazMat Symposium



HA CONTRACT

Hazard Analysis

Conduct roughly 80 site visits on facilities with hazardous chemicals in Lee and Collier Counties

Results are used to determine a plume radius, affected population, and critical facilities for a chemical leak

Data is given to FDEM and first responders





OTHER PROGRAMS

VISTA Volunteer Grant

- Funds 9 VISTA Volunteers in SWFL Region and a VISTA Program Supervisor
- Program has a budget of \$257,938
- Sites include:

ACT- Abuse Counseling and Treatment
Kimmie's Recovery Zone
Immokalee Foundation
Impact Partners
The Collaboratory
SWFRPC grant writers
Black History Museum

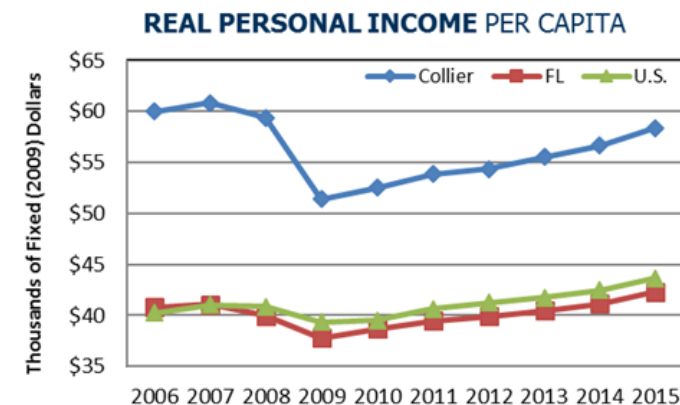
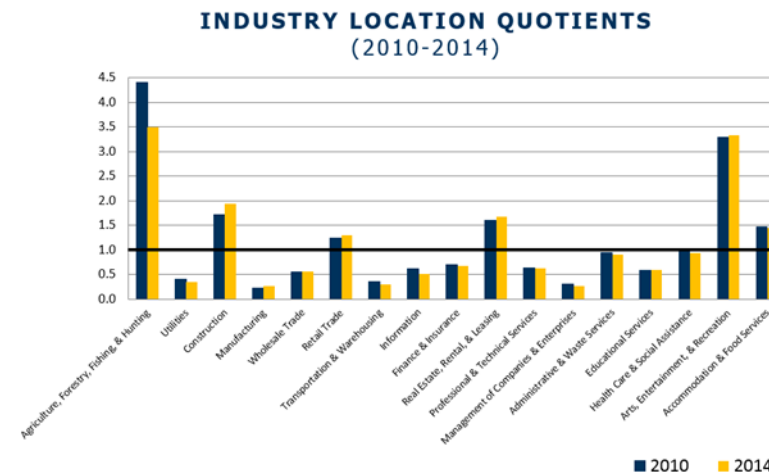
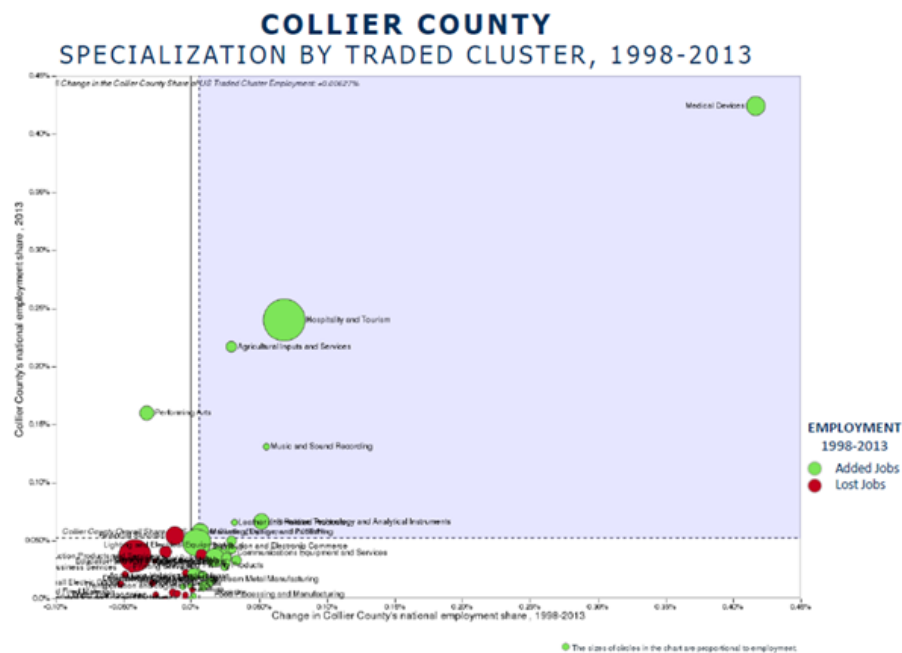
Panira Health Clinic
Dress for Success
Harry Chapin Food Bank
STOP Task Force
FGCU
HIVE Community Development Corp- Lehigh Acres
Collier Food Policy Council

Glades County Small Quantity Hazardous Waste Generators (SQG) Contract

- 5-Year, \$22,500 contract to inspect Glades County businesses for SQG compliance and enters data into State database

GRANT WRITING & DATA SERVICES

The RPC provides grant writing & data services to each of its partner organizations





AWARDED ECONOMIC DEVELOPMENT GRANTS (FY17-23)

Project Name	Funding Agency	Project Total	Grant Funding	Time Frame	Project Name	Funding Agency	Project Total	Grant Funding	Time Frame
Brownfield Grant #2	EPA	\$500,000	\$500,000	In Progress	FHERO RDG 2022	DEO	\$147,350	\$147,350	In Progress
Brownfield Coalition Assessment	EPA	\$600,000	\$600,000	Completed	FHERO RDG 2021	DEO	\$126,160	\$126,160	Completed
Disaster Recovery Coordinator	EDA	\$250,000	\$250,000	Completed	FHERO RDG 2020	DEO	\$97,500	\$97,500	Completed
CEDS Planning Grant 2020-2022	EDA	\$300,000	\$210,000	Completed	FHERO RDG 2019	DEO	\$97,500	\$97,500	Completed
CEDS Planning Grant 2017-2019	EDA	\$300,000	\$210,000	Completed	FHERO RDG 2018	DEO	\$82,300	\$82,300	Completed
Agricultural Sustainability Implementation Study	EDA	\$258,182	\$206,545	Completed	FHERO RDG 2017	DEO	\$79,744	\$79,744	Completed
Hurricane Ian Recovery Grant	EDA	\$321,826	\$257,469	In Progress	Bonita Springs Affordable Housing Study	Bonita Springs	\$30,000	\$30,000	Completed
Food Insecurity Grant	DEO	\$350,000	\$350,000	In Progress	LaBelle Tourism Marketing	DEO	\$20,000	\$20,000	Completed
Agricultural Sustainability Study	DEO	\$30,000	\$30,000	Completed	Clewiston Waterfront Master Plan	FWC	\$175,000	\$175,000	In Progress
Food Safety Plan for Regional Growers	DEO	\$30,000	\$30,000	Completed					
Collier Co. Food Policy Council	NACO	\$100,000	\$100,000	Completed					
					Total		\$3,895,562	\$3,599,568	



ECONOMIC DEVELOPMENT GRANTS (FY17-23)

Grants Submitted but Not Awarded

Project Name	Funding Agency	Project Total	Time Frame
Clewiston WWTP	DEO	\$14,380,190	Not Awarded
Clewiston Transmission Lines	DEO	\$2,067,935	Not Awarded
Fort Myers Enterprise Center	DEO	\$69,400	Not Awarded
Marco Island Vulnerability Assessment	FDEP	\$78,000	Pending
Total		\$16,595,525	



REGIONAL COLLABORATION

The RPC planned and hosted 4 EDA Hurricane Irma economic disaster recovery meetings;

Assisted the FL Chamber Foundation in holding a Florida 2030 workshop;



Assists FDEP with annual Brownfield Conferences;

Assisted EDA with Hurricane Ian Listening Sessions



COLLIER COUNTY

Marco Island:

- Vulnerability Assessment grant submitted
- Seeking funding to address flooding issues

Collier County:

- Awarded a grant to establish a Food Policy Council;
- Awarded a grant to address food insecurity in the region;
- Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh;
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business.
- The Immokalee foundation has been assigned VISTA Volunteers for 6 consecutive years.
- Conduct Hazard Analysis for industry sites that contain Extremely Hazardous Substances (EHS).
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a new Disaster Coordinator to assist with Hurricane Ian Recovery



LEE COUNTY

Ft. Myers:

- Enterprise Center: seeking funding for Incubator Program and providing VISTA Volunteers to assist with program; wrote DEO grant for incubator program
- Impact Partners: providing VISTA Volunteer to assist with Outreach to Minority businesses; funded outreach to minority businesses with CARES ACT grant.
- Black History Museum was assigned a VISTA Volunteer to help with capacity building and grant writing.
- Collaboratory was assigned a VISTA Volunteer to help with programming
- ACT was assigned VISTA Volunteer to assist with Human Trafficking for 6 consecutive years

Lee County:

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh.
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Conduct Hazard Analysis for industry sites that contain Extremely Hazardous Substances (EHS). Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan, Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery
- FGCU was awarded a grant through the CARES Act to purchase IMPLAN software to study the impact of COVID -19 on the region's businesses. FGCU was also assigned a VISTA Volunteer to help develop a Dashboard for economic development activities in the region



HENDRY COUNTY

Clewiston:

- Wrote 3 grants to address the problems at the Wastewater Treatment Plant; wrote one grant to address the transmission lines.
- Awarded a grant to prepare the Clewiston Lakefront Master Plan

Hendry County:

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Awarded a Brownfield Assessment grant
- Hired a new Disaster Coordinator to assist with Hurricane Ian Recovery



GLADES COUNTY

Glades County:

- Wrote 2 grants for the Ortono Indian Mound Park for a Strategic Plan
- The RPC completes the inspections for the Small Quantity Generators (SQG) Hazardous Materials Program
- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh.
- Awarded 2 Brownfield Assessment Grants
- Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- Hired a New Disaster Coordinator to assist with Hurricane Ian Recovery



CHARLOTTE COUNTY

Punta Gorda:

- Wrote and submitted \$4,000,000 grant for stormwater management system for the new City Market Place

Charlotte County:

- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan,
- Hazardous Materials Emergency Preparedness (HMEP) Grant: Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery



SARASOTA COUNTY

Sarasota Co:

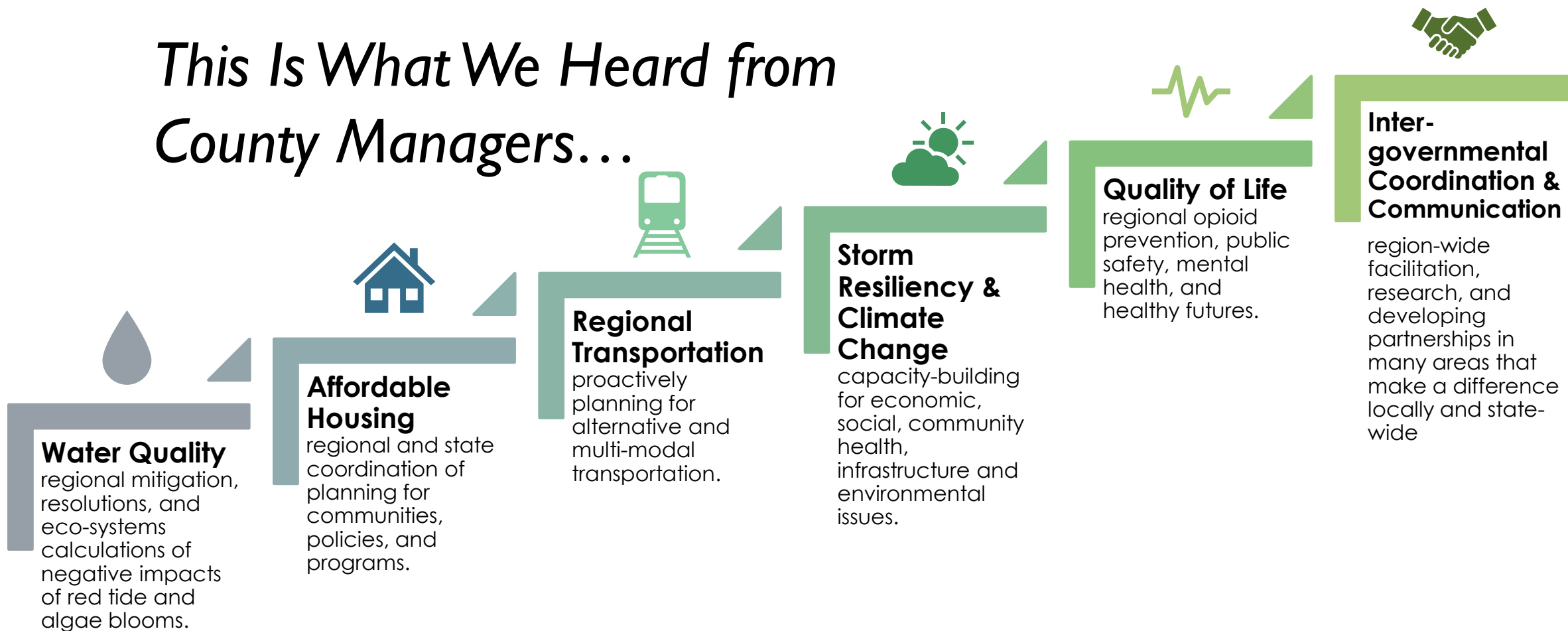
- Awarded a grant to address food insecurity in the region; Awarded a grant to help small to mid-sized growers through branding SWFL Fresh Choose Local Choose Fresh. Created a Disaster Recovery & Continuity/Resiliency Guide for SW Florida Business
- Local Emergency Planning Committee (LEPC): Coordinates the activities of the SWF LEPC. The LEPC is responsible for preparing a regional hazardous materials emergency response plan,
- Hazardous Materials Emergency Preparedness (HMEP) Grant:Coordinates the grant, which provides funding for hazardous materials trainings for first responders within the region
- SRES – Statewide Regional Evacuation Study (Sarasota, Charlotte, Lee)
- Hired a Disaster Coordinator to assist with Hurricane Ian Recovery
- Writing grants for Bay Park Improvements





RELEVANCY:

This Is What We Heard from County Managers...



RELEVANCY ISSUES FROM THE RPC BOARD..... May 16, 2019





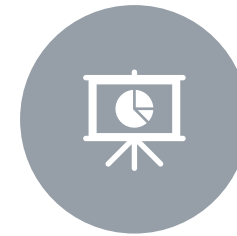
THIS IS WHAT WE HEARD - MEETING CHANGES



**Quarterly
Meetings**



**Half Day Event
Meeting
(Mini
Conference)**



**Short Business
Meeting
Followed by a
meaningful
Presentation
on an
Important
Issue**

REQUIRED BY STATE STATUTES - UNFUNDED



**Update & Maintain
The Strategic Regional
Policy Plan**



**Be The Regional Data
Clearinghouse / IC&R
(Intergovernmental
Coordination And Review)**



**Provide Annual Report/
Financial Audit & Reporting**



**Regional Dispute
Resolution if Requested**

ONGOING PROGRAMS **FUNDED** BY THE FEDERAL GOVERNMENT (\$172,164)



**Local Emergency
Planning Committee**



**Hazardous Material
Emergency Planning**



**Economic Development
District**



PROVIDE INFORMATION ON COMMON ISSUES IMPACTING THE REGION

**Impact Of Development
On Adjacent Counties**

**Coordinate & Share
Information With County
Staff**

**Provide Information On
Common Issues**



Home Rule



Water Quality



**Affordable
Housing**



**Beach
Renourishment**



Resiliency



**Quality of Life
Issues**



**Impact of
Development**



**Coordinate
and Share
Information**



**Information on
Common
Issues**



**Collective
Force**



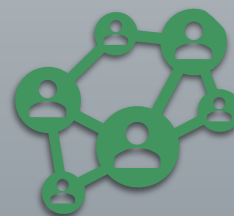
INTER-GOVERNMENTAL COORDINATION & COMMUNICATION



Hold one public workshop meeting with Board members to identify the issues to be included in our Common Voice and set the Agenda for quarterly meetings and major event



Coordinate quarterly RPC meetings with presentations on relevant common issues



Coordinate and host one major event with a prominent speaker on an issue of importance to the RPC Board members



Coordinate meeting with all planning directors and appropriate planning staff twice a year



Share all comp plan amendments with adjacent counties and County/City Planning Staff



Moving Forward



CHAPTER 129: ADMINISTRATIVE PROCEDURES ACT

- When an administrative law judge presides over a matter involving RPC, RPC shall reimburse administrative law judge's travel expenses.

CHAPTER 163: INTERGOVERNMENTAL PROGRAMS

- Review and comment on regional resources or facilities identified in the SRPP.
- Review proposed plans or plan amendments under the State Coordinated Review
- Conduct scoping meetings upon request, to identify relevant planning issues.

CHAPTER 186: STATE & REGIONAL PLANNING

- Act as a regional data clearinghouse.
- Designated as the primary organization to address problems and plan solutions that are of greater-than-local concern.
- Florida's only multipurpose regional entity to plan for and coordinate intergovernmental solutions to growth-related problems; provide technical assistance to local governments; and, meet other needs of the communities in each region.
- Provide technical assistance to local governments on growth management matters.
- Assist local governments with activities designed to promote and facilitate economic development.
- Meet statutory requirements regarding membership for a regional planning council.
- Conduct business to run the organization.
- Provide advice to constituent local governments on regional, metropolitan, county, and municipal planning matters.
- Cooperate with federal and state agencies in planning for emergency management.
- Coordinate with other regional entities in preparing and assuring regular review of the Strategic Regional Policy Plan.
- Coordinate land development and transportation policies that foster region-wide transportation systems.
- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.
- Provide consulting services to a private developer or landowner under certain circumstances.
- Prepare and adopt by rule a Strategic Regional Policy Plan (SRPP). SRPP shall be prepared at least every 5 years.
- Establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests.
- Provide annual report of activities.

CHAPTER 186: STATE & REGIONAL PLANNING

Page 63 of 453

- Statute provides protection for regional planning councils created pursuant to Chapter 163, F.S.
- Must take into account that the accuracy and reliability of maps and data for GIS may be limited to various factors.
- Submit an audit report and an annual financial report for the previous fiscal year.

CHAPTER 258: MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL

- Required to serve on Myakka River Management Coordinating Council

CHAPTER 260: FLORIDA GREENWAYS & TRAILS COUNCIL

- Serve on the Florida Greenways and Trails Council. Membership rotates among the 7 RPCs.

CHAPTER 288: COMMERCIAL DEVELOPMENT & CAPITAL IMPROVEMENTS

- An appointed representative by FRCA shall serve on the Rural Economic Development Initiative.
- Participate in a pre-submission workshop concerning a military base reuse plan.

CHAPTER 339: TRANSPORTATION FINANCE & PLANNING

- Develop transportation goals and policies as part of the SRPP.

CHAPTER 380: LAND AND WATER MANAGEMENT

- Serve on Resource Planning and Management Committees as designated by the Governor prior to an area being designated as an Area of Critical State Concern.
- Provide technical assistance to local governments in the preparation of land development regulations and local comprehensive plans in Areas of Critical State Concern.

CHAPTER 403: ENVIRONMENTAL CONTROL











- Serve on Ecosystem Management Advisory Teams.
- Perform local hazardous waste management assessments and provide technical expertise.
- Follow the local hazardous waste management assessment guidelines to properly implement the assessments.
- Designate sites for regional hazardous waste storage or treatment facility could be constructed.
- Participate in regional permit action teams.

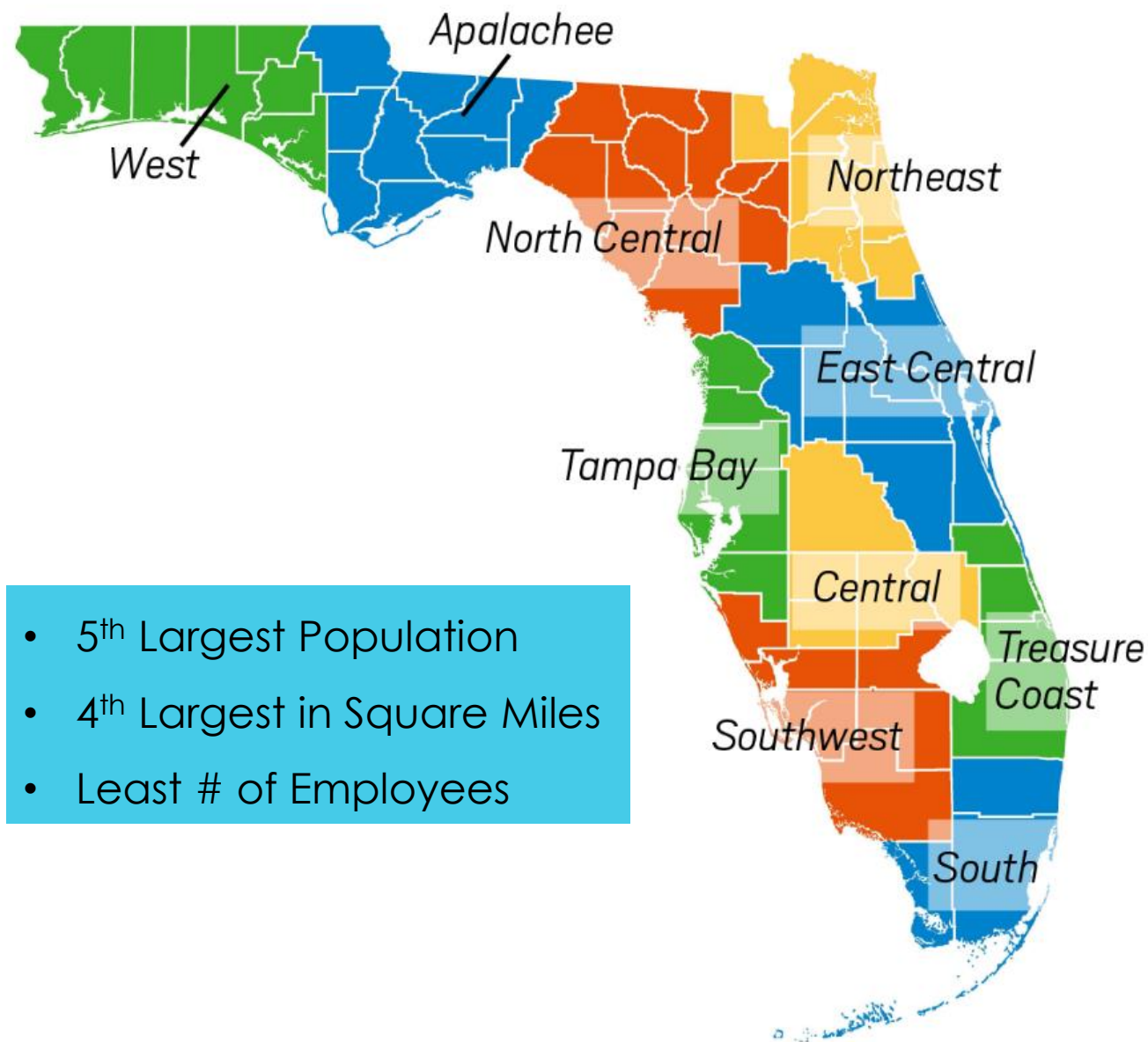
CHAPTER 420: HOUSING

- One representative from RPCs shall serve on the Affordable Housing Study Commission, as appointed by Governor.

CHAPTER 1013: EDUCATIONAL FACILITIES

- Review Campus Master Plans prior to adoption and provide comments.

Regional Planning Councils	Date Established	2017 Regional Population	Governing Board Size	Staff Size FTE	Square Miles	Budget in millions
 Apalachee Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla	Aug. 1977	485,278	27	8	6,757	\$ 0.9
 Central Florida DeSoto, Hardee, Highlands, Okeechobee, Polk	Jul. 1974	867,970	18	18	5,287	\$ 3.5
 East Central Florida Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia	Feb. 1962	4,006,558	35	12	9,244	\$ 1.6
 North Central Florida Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union	May. 1969	557,004	44	11	8,660	\$ 2.1
 Northeast Florida Baker, Clay, Duval, Flagler, Nassau, Putnam, St. Johns	Apr. 1977	1,661,055	35	12	5,097	\$ 2.4
 South Florida Broward, Dade, Monroe	Jul. 1974	4,693,954	19	17	7,492	\$ 2.3
 Southwest Florida Charlotte, Collier, Glades, Hendry, Lee, Sarasota	Nov. 1973	1,688,062	30	3	7,278	\$ 0.9
 Tampa Bay Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas	Feb. 1962	3,541,479	44	8.5	4,998	\$ 2.3
 Treasure Coast Indian River, Martin, Palm Beach, St. Lucie	Aug. 1976	2,013,762	28	9	4,441	\$ 2.4
 West Florida Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington	Oct. 1964	969,020	33	35	6,509	\$ 3.5



- 5th Largest Population
- 4th Largest in Square Miles
- Least # of Employees



ASSESSMENT FEES

RPC	PER CAPITA RATE	TOTAL LOCAL DUES
Apalachee	\$0.07/capita - \$4,000 base \$5,000 min (counties only) <u>No ILA</u>	\$69,613
Central Florida	\$0.30/capita (counties only) <u>ILA</u>	\$266,902
East Central Florida	\$0.2089/capita (counties only)	\$901,111
Emerald Coast	\$0.05/capita - Plus Varying Fee Base per County/City	\$92,290
North Central Florida	\$0.30/capita	\$166,074
Northeast Florida	\$0.41/capita (counties only) <u>No ILA</u>	\$694,757
South Florida	\$0.175/capita (counties only)	\$876,644
Southwest Florida	\$0.30/capita <u>ILA</u>	\$50,523
Tampa Bay	\$0.32/capita per County – Plus \$2,000 base fee for Cities	\$1,229,537
Treasure Coast	\$0.43/capita (counties only)	\$906,824



DIRECTION TO A THRIVING RPC?

- 1. Start Immediately
 - At this workshop identify the focus for the remainder of the year
 - Participate or send a representative
 - Build on the positives
 - Identify issues that will be our Common Voice
 - **Impact Of Development On Adjacent Counties**
 - **Coordinate & Share Information With County Staff**
 - **Provide Information On Common Issues**



Home Rule



Water Quality



Affordable Housing



Beach Renourishment



Resiliency



Quality of Life Issues



Impact of Development



Coordinate and Share Information



Information on Common Issues



Collective Force



2. REBRAND THE COUNCIL

- Change the Name to be consistent with the new direction and Common Voice
- Develop Outreach Strategy to promote Common Voice
 - Regional Collaboration Council
 - Regional Planning Collaboration Council
 - Regional Council
 - Southwest Florida Collaboration Council
 - ????????????



3. REDUCE ASSESSMENTS TO \$.10 PER CAPITA

* Must pay to be a voting Member

		\$0.10	
MEMBER	ASSESSMENT	Quarterly Assessment	
Charlotte County	19,057	\$	4,764.25
Collier County	38,268	\$	9,567.00
Glades County	1,213	\$	303.25
Hendry County	4,054	\$	1,013.50
Lee County (Unincorporated, CC, Estero, Bonita)	68,546	\$	17,136.50
City of Fort Myers	9,154	\$	2,288.60
Town of Fort Myers Beach	558	\$	139.60
Sarasota County	44,151	\$	11,037.70
Total Assessments	\$185,001		46,250.18



4. GO BACK TO QUARTERLY SWFRPC BOARD MEETING

- Take the SWFRPC meetings to the Counties during the “off” months
- Have a prominent speaker at the quarterly meeting
- Move the meeting to different county each quarter
- Have TAC meeting on “off” months



5. CREATE A TECHNICAL ADVISORY COMMITTEE

- **Open the TAC committee to interested STAKEHOLDERS:**
 - **businesses**
 - **agencies**
 - **non-profits**
 - **Universities**
 - **Schools**
 - **Faith Community**
 - **Law Enforcement**



6. COORDINATE AND HOST ONE MAJOR EVENT/CONFERENCE

- **As the Regional Coordinating Agency Host a major event to provide updates and obtain input**
- **Provide a prominent speaker at this event on an issue of importance to the Southwest Florida Region**



ADDITIONAL STEPS

- 7. Hold 2 meetings per year with all county/city planning staff**
- 8. Continue CEDS meeting with Economic Development Stakeholders**
- 9. Provide the services mandated by State Statute and funded through contracts**
- 10. Continue assistance to our governments and agencies through grant writing and providing data**



10 STEP PROPOSAL

1. **Start Immediately - identify the Common Voice Issue TODAY**
2. **Rebrand - Change the Name of the RPC**
3. **Reduce Assessments to \$.10 per Capita/ Only paying members can vote**
4. **Go back to quarterly SWFRPC Board meeting/take SWFRPC to counties/cities on “off” months**
5. **Create a Technical Advisory Committee (TAC)**
6. **Coordinate and host one major event/conference with a prominent speaker on an issue of importance to the Southwest Florida Region**
7. **Hold 2 meetings per year with all county/city planning staff**
8. **Continue CEDS meeting with Economic Development Stakeholders**
9. **Provide the services mandated by State Statute and funded by contracts**
10. **Continue assistance to our governments and agencies through grant writing and providing data**



SUMMARY

- It's not audacious or overconfident
- It doesn't claim to solve all the problems of the region overnight
- Follow the proposal for 1 year on a trial basis
- **Members MUST participate !**

Agenda Item

7

7

Financials

7

Agenda

Item

7a

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October, November and December
Financials

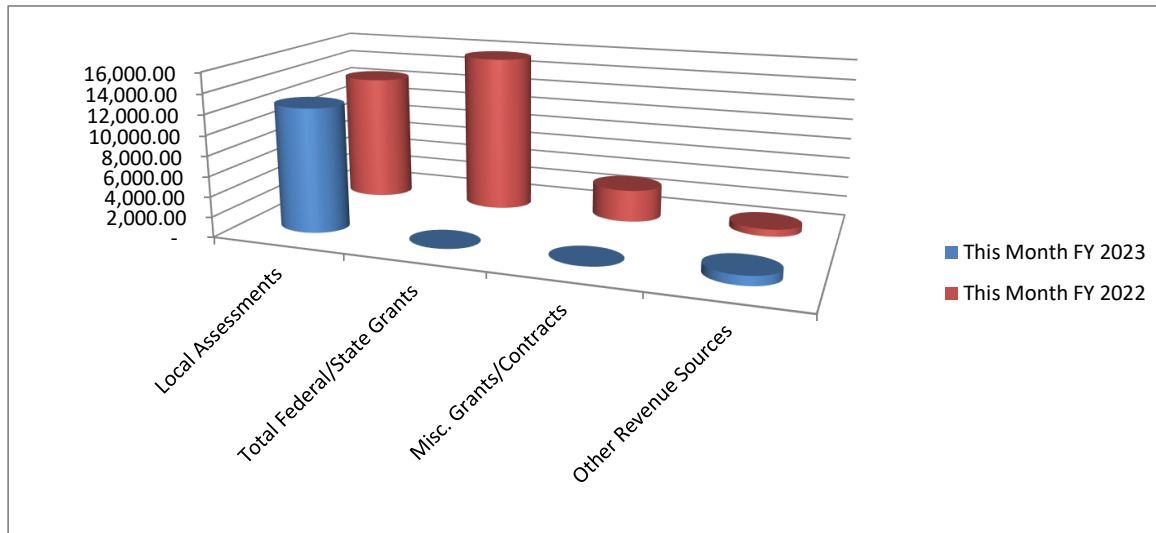
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2022 - 2023 Workplan & Budget Financial Snapshot Oct-22

Revenues

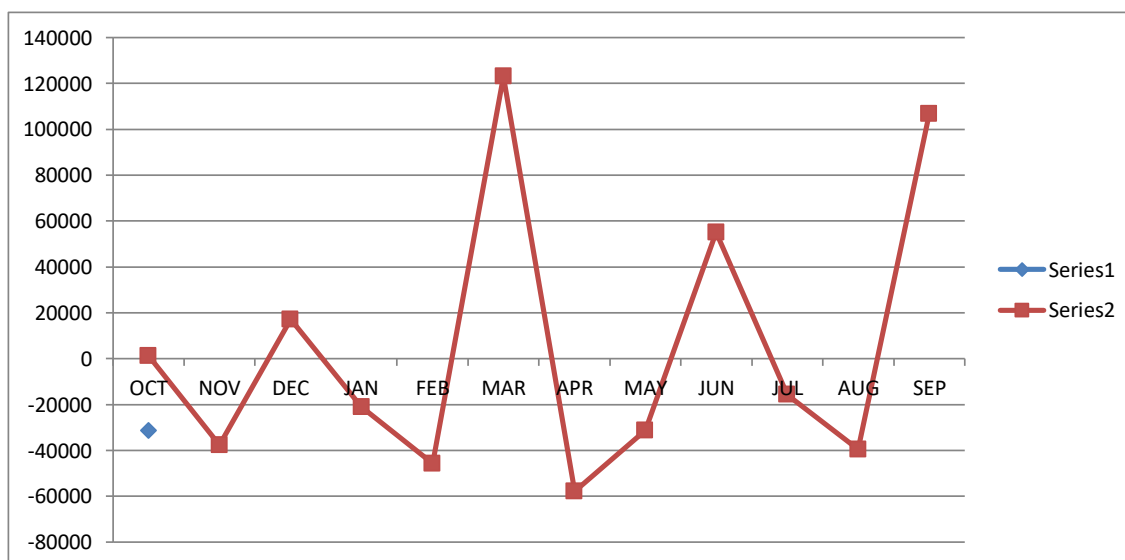
Local Assessments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources

Monthly Revenues



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
 State/Federal Grants billed quarterly: LEPC, HMEP
 Federal Grants billed Semi Annually: Economic Development
 Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S
 Other(DRI) billed /recorded monthly as cost reimbursement

Monthly Net Income (Loss)



YTD: Net Income (\$31,272) Unaudited

SWFRPC

Detail of Reserve

As of October 31, 2022

Cash and Cash Equivalents:

Petty Cash	\$ 200
FineMark Operating Funds	65,498
	<hr/>
<i>Total Cash and Cash Equivalents</i>	\$ 65,698

Investments:

FineMark Money Market	\$ 131,146
Local government Surplus Trust Fund Investment Pool (Fund A)	147,580
	<hr/>
<i>Total Investments</i>	\$ 278,726

Total Reserves	<hr/>
	\$ 344,425
	<hr/> <hr/>

SWFRPC INCOME STATEMENT

COMPARED WITH BUDGET

FOR THE ONE MONTH ENDING OCTOBER 31, 2022

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
REVENUES					
LOCAL ASSESSMENTS					
GLADES COUNTY	910	910	3,639	25%	\$ 2,729
CITY OF FORT MYERS	6,866	6,866	27,463	25%	\$ 20,597
TOWN OF FORT MYERS BEACH INC	419	419	1,675	25%	\$ 1,256
BONITA SPRINGS	4,106	4,106	16,424	25%	\$ 12,318
TOTAL LOCAL ASSESSMENTS	\$ 12,300	\$ 12,300	\$ 49,201	25%	\$ 36,901
FEDERAL / STATE GRANTS					
DEM - LEPC 22/23	-	-	70,000	0%	\$ 70,000
DEM - LEPC 21/22	-	-	-	N/A	\$ -
DEM - HMEP 22/23	-	-	61,006	0%	\$ 61,006
DEM - Lee/Collier Hazard Analysis 22/23	-	-	9,510	0%	\$ 9,510
Economic Development Planning 20/22	-	-	70,000	0%	\$ 70,000
DEO - CDBG-MIT Food Insecurity	-	-	175,000	0%	\$ 175,000
FWC - Clewiston Lakefront MasterPlan	-	-	-	N/A	\$ -
EPA - Brownfields	-	-	166,667	0%	\$ 166,667
USDA - Regional Food Systems - USDA	-	-	250,809	N/A	\$ -
Vista Supervisor	-	-	20,000	0%	\$ 20,000
Promise Zone	-	-	-	N/A	\$ -
TOTAL FEDERAL / STATE GRANTS	\$ -	\$ -	\$ 822,992	0%	\$ 572,183
MISC. GRANTS / CONTRACTS/CONTRACTUAL					
CHNEP Calendar 2022	-	-	-	N/A	\$ -
CHNEP Calendar 2023	-	-	-	N/A	\$ -
HERO	-	-	7,000	0%	\$ 7,000
Glades SQG	-	-	4,500	0%	\$ 4,500
TOTAL MISC. GRANTS/CONTRACTS	\$ -	\$ -	\$ 11,500	0%	\$ 11,500
DRIS/NOPCS/MONITORING					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	-	-	\$ -	N/A	\$ -
TOTAL	\$ -	\$ -	\$ -		\$ -
Program Development (Unsecured Grants/Contract)					
*Program Development (Unsecured)	-	-	-	100%	\$ -
TOTAL PROGRAM DEVELOPMENT	\$ -	\$ -	\$ -	-	\$ -
OTHER REVENUE SOURCES					
Misc. Income	508	508	400	127%	\$ (108)
INTEREST INCOME - Money Market	22	22	800	3%	\$ 778

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	394	394	800	49%	\$ 406
TOTAL OTHER REVENUE SOURCES	\$ 924	\$ 924	\$ 2,000	46%	\$ 1,076
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
TOTAL REVENUES	\$ 13,225	\$ 13,225	\$ 885,693	1%	\$ 621,659

EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 11,520	\$ 11,520	\$ 249,600	5%	\$ 238,080
FICA EXPENSE	876	876	19,094	5%	\$ 18,218
RETIREMENT EXPENSE	(806)	(806)	60,459	-1%	\$ 61,265
HEALTH INSURANCE EXPENSE	2,913	2,913	40,848	7%	\$ 37,935
WORKERS COMP. EXPENSE	109	109	1,344	8%	\$ 1,235
UNEMPLOYMENT COMP. EXPENSE	-	-	-	N/A	-
TOTAL PERSONNEL EXPENSES	\$ 14,612	\$ 14,612	\$ 371,345	4%	\$ 356,733

OPERATIONAL EXPENSES					
CONSULTANTS	\$ -	\$ -	\$ 65,700	0%	\$ 65,700
GRANT/CONSULTING EXPENSE	24,112	24,112	457,513	5%	\$ 433,401
AUDIT SERVICES EXPENSE	-	-	25,000	0%	\$ 25,000
TRAVEL EXPENSE	2,432	2,432	1,000	243%	\$ (1,432)
TELEPHONE EXPENSE	145	145	1,488	10%	\$ 1,343
POSTAGE / SHIPPING EXPENSE	-	-	-	N/A	\$ -
EQUIPMENT RENTAL EXPENSE	-	-	3,631	0%	\$ 3,631
INSURANCE EXPENSE	82	82	6,220	1%	\$ 6,138
PRINTING/REPRODUCTION EXPENSE	-	-	1,000	0%	\$ 1,000
ADVERTISING/LEGAL NOTICES EXP	-	-	1,600	0%	\$ 1,600
OTHER MISC. EXPENSE	-	-	500	0%	\$ 500
BANK SERVICE CHARGES	-	-	-	N/A	\$ -
OFFICE SUPPLIES EXPENSE	-	-	600	0%	\$ 600
COMPUTER RELATED EXPENSE	613	613	22,388	3%	\$ 21,775
DUES AND MEMBERSHIP	2,500	2,500	3,059	82%	\$ 559
MEETINGS/EVENTS EXPENSE	-	-	2,000	0%	\$ 2,000
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -
FUND BALANCE			\$ 428,877		
OPERATIONAL EXP.	\$ 29,885	\$ 29,885	\$ 1,020,576	3%	\$ 561,814

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
TOTAL OPERATIONAL EXP.			\$ 1,020,576		
TOTAL CASH OUTLAY	\$ 44,497	\$ 44,497	\$ 1,391,921		\$ 918,547
NET INCOME (LOSS)	<u>\$ (31,272)</u>	<u>\$ (31,272)</u>			

SWFRPC
Balance Sheet
October 31, 2022

Page 82 of 453

ASSETS

Current Assets		
Cash - Florida Prime	\$	147,580.08
Cash - FineMark Oper.		65,498.34
Cash - FineMark MM		131,146.18
Petty Cash		200.00
Accounts Receivable		109,094.77
Accounts Receivable-RC&D		(61.25)
Transfer of Funds		30.00
		<hr/>
Total Current Assets		453,488.12
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(43,025.57)
		<hr/>
Total Property and Equipment		0.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		41,305.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		8,232.00
		<hr/>
Total Other Assets		49,537.73
		<hr/>
Total Assets	\$	<u><u>503,026.59</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Babcock Ranch 5360		9,174.06
Deferred Palmer Ranch 5361		9,430.94
FICA Taxes Payable		1,854.93
Federal W/H Tax Payable		(2,123.47)
United way Payable		322.00
Deferred Compensation Payable		(25.00)
FSA Payable		(1,866.22)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		17,686.95
Long-Term Liabilities		
Accrued Annual Leave		41,305.44
Long Term Debt - OPEB		8,232.00
		<hr/>
Total Long-Term Liabilities		49,537.44
		<hr/>
Total Liabilities		67,224.39
Capital		
Fund Balance-Unassigned		(46,925.66)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		(0.26)
Net Income		(31,271.88)
		<hr/>
Total Capital		435,802.20
		<hr/>
Total Liabilities & Capital	\$	<u><u>503,026.59</u></u>

Unaudited - For Management Purposes Only

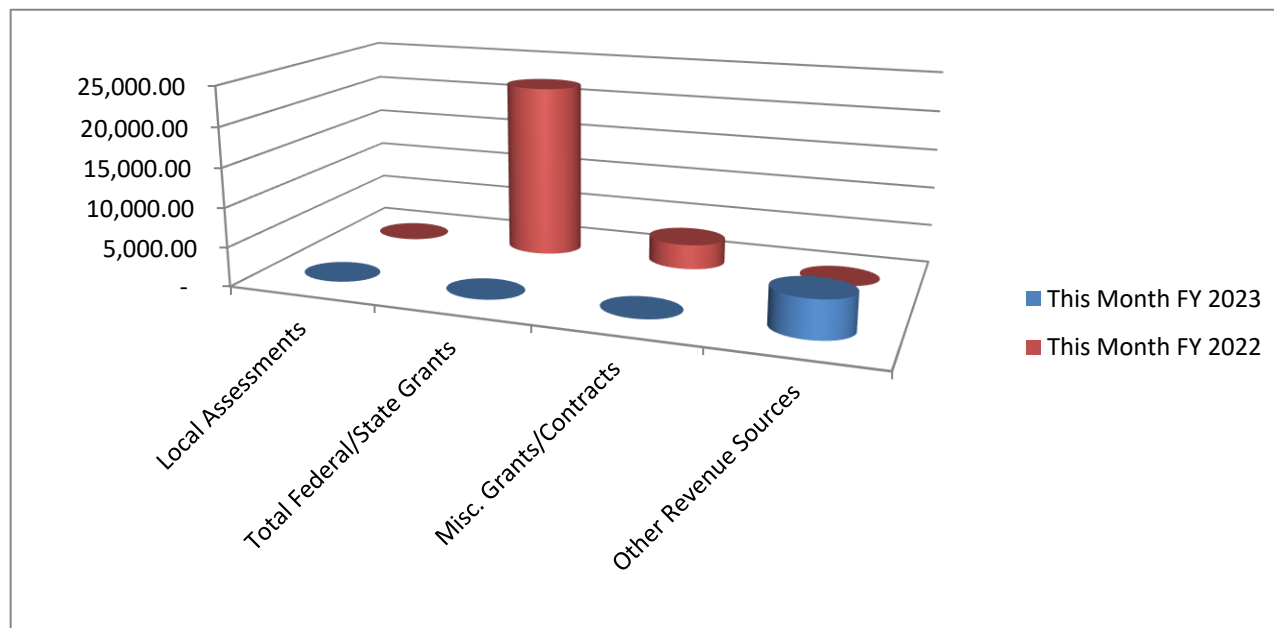
2022 - 2023 Workplan & Budget Financial Snapshot

Nov-22

Revenues

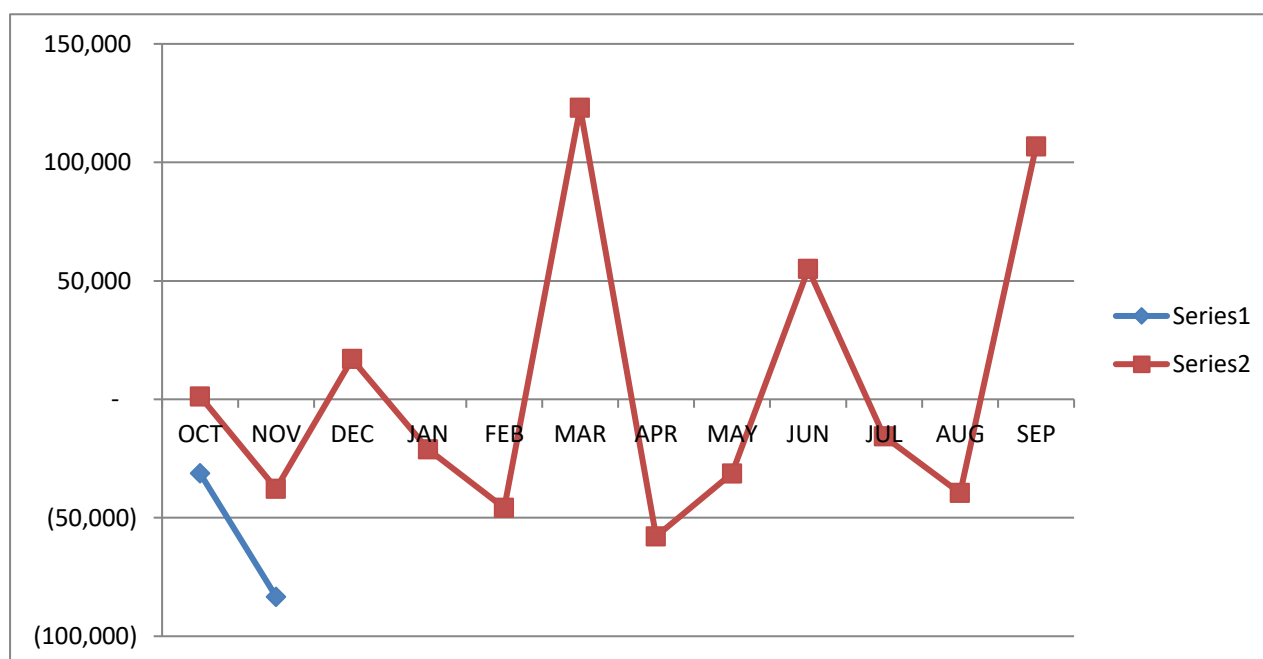
Local Assessments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources

Monthly Revenues



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
State/Federal Grants billed quarterly: LEPC, HMEP
Federal Grants billed Semi Annually: Economic Development
Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S
Other(DRI) billed /recorded monthly as cost reimbursement

Monthly Net Income (Loss)



YTD: Net Income (\$114,575) Unaudited

SWFRPC

Detail of Reserve

As of November 30, 2022

Cash and Cash Equivalents:

Petty Cash	\$ 200
FineMark Operating Funds	15,164
	<hr/>
<i>Total Cash and Cash Equivalents</i>	\$ 15,364

Investments:

FineMark Money Market	\$ 131,168
Local government Surplus Trust Fund Investment Pool (Fund A)	148,057
	<hr/>
<i>Total Investments</i>	\$ 279,225

Total Reserves	<hr/> \$ 294,589 <hr/>
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SWFRPC INCOME STATEMENT

COMPARED WITH BUDGET

FOR THE ONE MONTH ENDING NOVEMBER 30, 2022

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
REVENUES					
LOCAL ASSESSMENTS					
GLADES COUNTY	-	910	3,639	25%	\$ 2,729
CITY OF FORT MYERS	-	6,866	27,463	25%	\$ 20,597
TOWN OF FORT MYERS BEACH INC	-	419	1,675	25%	\$ 1,256
BONITA SPRINGS	-	4,106	16,424	25%	\$ 12,318
TOTAL LOCAL ASSESSMENTS	\$ -	\$ 12,300	\$ 49,201	25%	\$ 36,901
FEDERAL / STATE GRANTS					
DEM - LEPC 22/23	-	-	70,000	0%	\$ 70,000
DEM - LEPC 21/22	-	-	-	N/A	\$ -
DEM - HMEP 22/23	-	-	61,006	0%	\$ 61,006
DEM - Lee/Collier Hazard Analysis 22/23	-	-	9,510	0%	\$ 9,510
Economic Development Planning 20/22	-	-	70,000	0%	\$ 70,000
DEO - CDBG-MIT Food Insecurity	-	-	175,000	0%	\$ 175,000
FWC - Clewiston Lakefront MasterPlan	-	-	-	N/A	\$ -
EPA - Brownfields	-	-	166,667	0%	\$ 166,667
USDA - Regional Food Systems - USDA	-	-	250,809	N/A	\$ -
Vista Supervisor	-	-	20,000	0%	\$ 20,000
Promise Zone	-	-	-	N/A	\$ -
TOTAL FEDERAL / STATE GRANTS	\$ -	\$ -	\$ 822,992	0%	\$ 572,183
MISC. GRANTS / CONTRACTS/CONTRACTUAL					
CHNEP Calendar 2022	-	-	-	N/A	\$ -
CHNEP Calendar 2023	-	-	-	N/A	\$ -
FHERO	-	-	7,000	0%	\$ 7,000
Glades SQG	-	-	4,500	0%	\$ 4,500
TOTAL MISC. GRANTS/CONTRACTS	\$ -	\$ -	\$ 11,500	0%	\$ 11,500
DRIS/NOPCS/MONITORING					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	3,908	3,908	\$ -	N/A	-
TOTAL	\$ 3,908	\$ 3,908	\$ -		\$ -
Program Development (Unsecured Grants/Contract)					
*Program Development (Unsecured)	-	-	-	100%	\$ -
TOTAL PROGRAM DEVELOPMENT	\$ -	\$ -	\$ -	-	\$ -
OTHER REVENUE SOURCES					
Misc. Income	477	876	400	219%	\$ (476)

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
INTEREST INCOME - Money Market	22	44	800	5%	\$ 756
Fund A Investment Income	368	876	800	110%	\$ (76)
TOTAL OTHER REVENUE SOURCES	\$ 867	\$ 1,797	\$ 2,000	90%	\$ 203

Fund Balance \$ - \$ -

TOTAL REVENUES \$ **4,775** \$ **18,005** \$ **885,693** **2%** \$ **620,787**

EXPENSES

PERSONNEL EXPENSES

SALARIES EXPENSE	\$ 24,000	\$ 35,520	\$ 249,600	14%	\$ 214,080
FICA EXPENSE	1,823	2,700	19,094	14%	\$ 16,394
RETIREMENT EXPENSE	5,248	4,441	60,459	7%	\$ 56,018
HEALTH INSURANCE EXPENSE	2,895	5,808	40,848	14%	\$ 35,040
WORKERS COMP. EXPENSE	109	218	1,344	16%	\$ 1,126
UNEMPLOYMENT COMP. EXPENSE	-	-	-	N/A	-
TOTAL PERSONNEL EXPENSES	\$ 34,075	\$ 48,687	\$ 371,345	13%	\$ 322,658

OPERATIONAL EXPENSES

CONSULTANTS	\$ 1,875	\$ 1,875	\$ 65,700	3%	\$ 63,825
GRANT/CONSULTING EXPENSE	50,770	74,882	457,513	16%	\$ 382,631
AUDIT SERVICES EXPENSE	-	-	25,000	0%	\$ 25,000
TRAVEL EXPENSE	174	2,606	1,000	261%	\$ (1,606)
TELEPHONE EXPENSE	145	291	1,488	20%	\$ 1,197
POSTAGE / SHIPPING EXPENSE	-	-	-	N/A	\$ -
EQUIPMENT RENTAL EXPENSE	264	264	3,631	7%	\$ 3,367
INSURANCE EXPENSE	82	165	6,220	3%	\$ 6,055
PRINTING/REPRODUCTION EXPENSE	79	79	1,000	8%	\$ 921
ADVERTISING/LEGAL NOTICES EXP	6	6	1,600	0%	\$ 1,594
OTHER MISC. EXPENSE	-	-	500	0%	\$ 500
BANK SERVICE CHARGES	-	-	-	N/A	\$ -
OFFICE SUPPLIES EXPENSE	-	-	600	0%	\$ 600
COMPUTER RELATED EXPENSE	613	1,227	22,388	5%	\$ 21,161
DUES AND MEMBERSHIP	-	2,500	3,059	82%	\$ 559
MEETINGS/EVENTS EXPENSE	-	-	2,000	0%	\$ 2,000
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

FUND BALANCE \$ 428,877

OPERATIONAL EXP. \$ **54,008** \$ **83,893** \$ **1,020,576** **8%** **507,806**

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
TOTAL OPERATIONAL EXP.			\$ 1,020,576		
TOTAL CASH OUTLAY	\$ 88,083	\$ 132,580	\$ 1,391,921		\$ 830,464
NET INCOME (LOSS)	<u>\$ (83,309)</u>	<u>\$ (114,575)</u>			

SWFRPC
Balance Sheet
November 30, 2022

Page 88 of 453

ASSETS

Current Assets		
Cash - Florida Prime	\$	148,057.40
Cash - FineMark Oper.		15,163.98
Cash - FineMark MM		131,167.74
Petty Cash		200.00
Accounts Receivable		71,887.09
Accounts Receivable-RC&D		(61.25)
Transfer of Funds		30.00
		<hr/>
Total Current Assets		366,444.96
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(43,025.57)
		<hr/>
Total Property and Equipment		0.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		41,305.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		8,232.00
		<hr/>
Total Other Assets		49,537.73
		<hr/>
Total Assets	\$	<u><u>415,983.43</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Babcock Ranch 5360		9,174.06
Deferred Palmer Ranch 5361		5,523.20
FICA Taxes Payable		1,854.98
Federal W/H Tax Payable		(2,123.47)
United way Payable		322.00
Deferred Compensation Payable		100.00
FSA Payable		(1,818.12)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		13,952.36
Long-Term Liabilities		
Accrued Annual Leave		41,305.44
Long Term Debt - OPEB		8,232.00
		<hr/>
Total Long-Term Liabilities		49,537.44
		<hr/>
Total Liabilities		63,489.80
Capital		
Fund Balance-Unassigned		(46,925.66)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		(0.26)
Net Income		(114,580.45)
		<hr/>
Total Capital		352,493.63
		<hr/>
Total Liabilities & Capital	\$	<u><u>415,983.43</u></u>

Unaudited - For Management Purposes Only

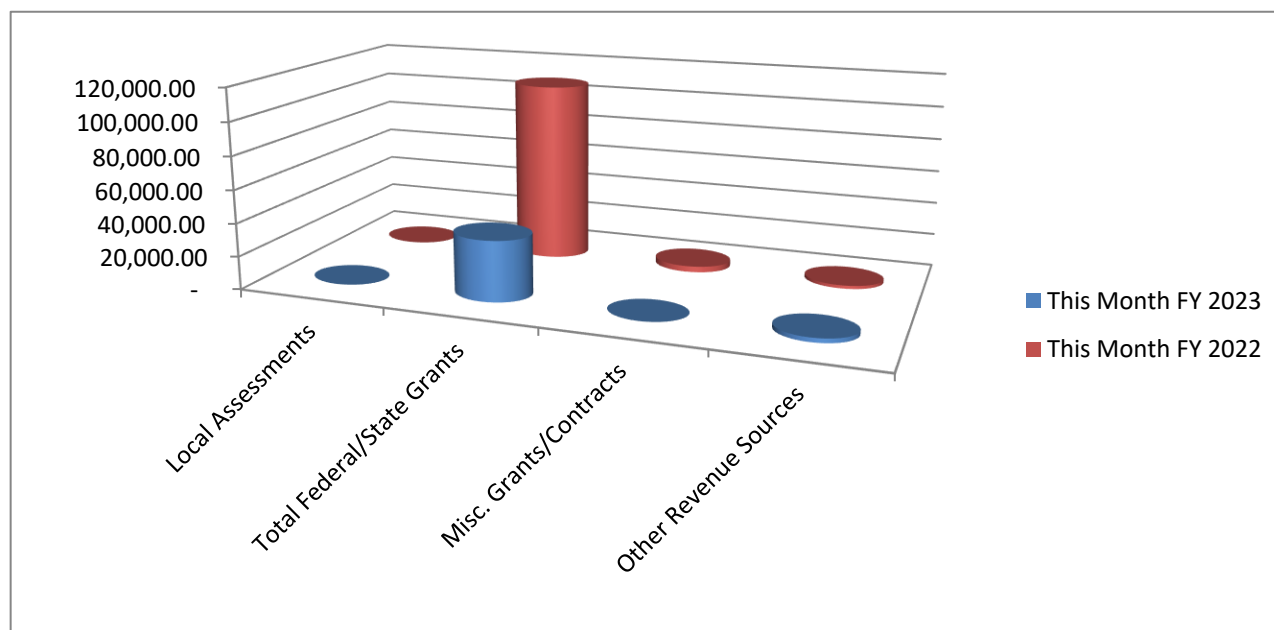
2022 - 2023 Workplan & Budget Financial Snapshot

Dec-22

Revenues

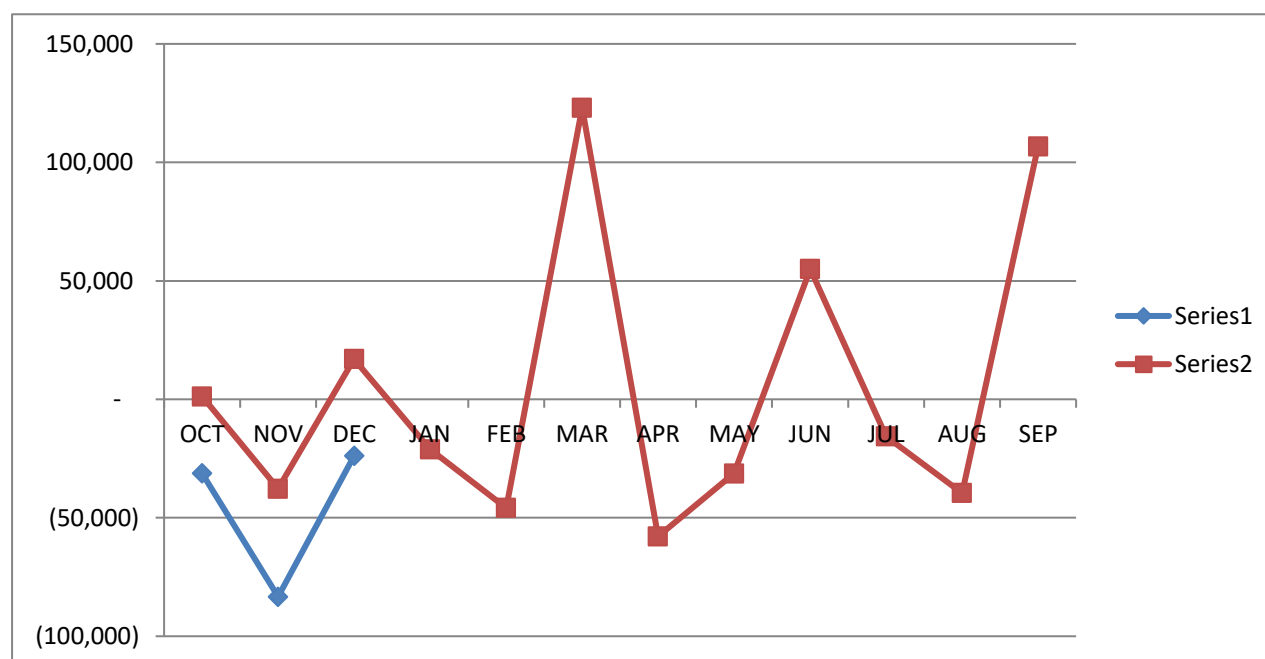
Local Assessments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources

Monthly Revenues



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
 State/Federal Grants billed quarterly: LEPC, HMEP
 Federal Grants billed Semi Annually: Economic Development
 Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S
 Other(DRI) billed /recorded monthly as cost reimbursement

Monthly Net Income (Loss)



YTD: Net Income (\$138,448) Unaudited

SWFRPC

Detail of Reserve

As of December 31, 2022

Cash and Cash Equivalents:

Petty Cash	\$ 200
FineMark Operating Funds	16,405
	<hr/>
<i>Total Cash and Cash Equivalents</i>	\$ 16,605

Investments:

FineMark Money Market	\$ 106,186
Local government Surplus Trust Fund Investment Pool (Fund A)	148,598
	<hr/>
<i>Total Investments</i>	\$ 254,785

Total Reserves	<hr/>
	\$ 271,390
	<hr/> <hr/>

SWFRPC INCOME STATEMENT

COMPARED WITH BUDGET

FOR THE ONE MONTH ENDING DECEMBER 31, 2022

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
REVENUES					
LOCAL ASSESSMENTS					
GLADES COUNTY	-	910	3,639	25%	\$ 2,729
CITY OF FORT MYERS	-	6,866	27,463	25%	\$ 20,597
TOWN OF FORT MYERS BEACH INC	-	419	1,675	25%	\$ 1,256
BONITA SPRINGS	-	4,106	16,424	25%	\$ 12,318
TOTAL LOCAL ASSESSMENTS	\$ -	\$ 12,300	\$ 49,201	25%	\$ 36,901
FEDERAL / STATE GRANTS					
DEM - LEPC 22/23	-	-	70,000	0%	\$ 70,000
DEM - LEPC 21/22	-	-	-	N/A	\$ -
DEM - HMEP 22/23	-	-	61,006	0%	\$ 61,006
DEM - Lee/Collier Hazard Analysis 22/23	-	-	9,510	0%	\$ 9,510
Economic Development Planning 20/22	-	-	70,000	0%	\$ 70,000
DEO - CDBG-MIT Food Insecurity	-	-	175,000	0%	\$ 175,000
FWC - Clewiston Lakefront MasterPlan	-	-	-	N/A	\$ -
EPA - Brownfields	-	-	166,667	0%	\$ 166,667
USDA - Regional Food Systems - USDA	17,720	17,720	250,809	N/A	\$ -
Vista Supervisor	18,847	18,847	20,000	94%	\$ 1,153
Promise Zone	-	-	-	N/A	\$ -
TOTAL FEDERAL / STATE GRANTS	\$ 36,567	\$ 36,567	\$ 822,992	4%	\$ 553,336
MISC. GRANTS / CONTRACTS/CONTRACTUAL					
CHNEP Calendar 2022	-	-	-	N/A	\$ -
CHNEP Calendar 2023	-	-	-	N/A	\$ -
HERO	-	-	7,000	0%	\$ 7,000
Glades SQG	-	-	4,500	0%	\$ 4,500
TOTAL MISC. GRANTS/CONTRACTS	\$ -	\$ -	\$ 11,500	0%	\$ 11,500
DRIS/NOPCS/MONITORING					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	2,033	5,940	\$ -	N/A	\$ -
TOTAL	\$ 2,033	\$ 5,940	\$ -		\$ -
Program Development (Unsecured Grants/Contract)					
*Program Development (Unsecured)	-	-	-	100%	\$ -
TOTAL PROGRAM DEVELOPMENT	\$ -	\$ -	\$ -	-	\$ -
OTHER REVENUE SOURCES					
Misc. Income	-	876	400	219%	\$ (476)

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
INTEREST INCOME - Money Market	19	62	800	8%	\$ 738
Fund A Investment Income	541	1,412	800	177%	\$ (612)
TOTAL OTHER REVENUE SOURCES	\$ 560	\$ 2,351	\$ 2,000	118%	\$ (351)

Fund Balance \$ - \$ -

TOTAL REVENUES \$ **39,159** \$ **57,159** \$ **885,693** **6%** \$ **601,386**

EXPENSES

PERSONNEL EXPENSES

SALARIES EXPENSE	\$ 19,200	\$ 54,720	\$ 249,600	22%	\$ 194,880
FICA EXPENSE	1,459	4,158	19,094	22%	\$ 14,936
RETIREMENT EXPENSE	6,884	11,325	60,459	19%	\$ 49,134
HEALTH INSURANCE EXPENSE	2,971	8,779	40,848	21%	\$ 32,069
WORKERS COMP. EXPENSE	109	327	1,344	24%	\$ 1,017
UNEMPLOYMENT COMP. EXPENSE	-	-	-	N/A	-
TOTAL PERSONNEL EXPENSES	\$ 30,622	\$ 79,309	\$ 371,345	21%	292,036

OPERATIONAL EXPENSES

CONSULTANTS	\$ 450	\$ 2,325	\$ 65,700	4%	\$ 63,375
GRANT/CONSULTING EXPENSE	20,616	95,498	457,513	21%	\$ 362,015
AUDIT SERVICES EXPENSE	1,000	1,000	25,000	4%	\$ 24,000
TRAVEL EXPENSE	(452)	2,154	1,000	215%	\$ (1,154)
TELEPHONE EXPENSE	146	437	1,488	29%	\$ 1,051
POSTAGE / SHIPPING EXPENSE	-	-	-	N/A	\$ -
EQUIPMENT RENTAL EXPENSE	264	528	3,631	15%	\$ 3,103
INSURANCE EXPENSE	5,876	6,041	6,220	97%	\$ 180
PRINTING/REPRODUCTION EXPENSE	39	118	1,000	12%	\$ 882
ADVERTISING/LEGAL NOTICES EXP	-	6	1,600	0%	\$ 1,594
OTHER MISC. EXPENSE	-	-	500	0%	\$ 500
BANK SERVICE CHARGES	90	90	-	N/A	\$ (90)
OFFICE SUPPLIES EXPENSE	136	136	600	23%	\$ 464
COMPUTER RELATED EXPENSE	4,240	5,466	22,388	24%	\$ 16,922
DUES AND MEMBERSHIP	-	2,500	3,059	82%	\$ 559
MEETINGS/EVENTS EXPENSE	-	-	2,000	0%	\$ 2,000
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

FUND BALANCE \$ 428,877

OPERATIONAL EXP. \$ **32,404** \$ **116,297** \$ **1,020,576** **11%** **475,402**

	Current Month	Year to Date A	FY 22-23 Approved Budget B	% Of Budget Year to Date	Budget Remaining
TOTAL OPERATIONAL EXP.			\$ 1,020,576		
TOTAL CASH OUTLAY	\$ 63,027	\$ 195,606	\$ 1,391,921		\$ 767,438
NET INCOME (LOSS)	<u>\$ (23,867)</u>	<u>\$ (138,448)</u>			

SWFRPC
Balance Sheet
December 31, 2022

Page 94 of 453

ASSETS

Current Assets		
Cash - Florida Prime	\$	148,598.47
Cash - FineMark Oper.		16,405.48
Cash - FineMark MM		106,186.32
Petty Cash		200.00
Accounts Receivable		69,099.52
Accounts Receivable-RC&D		(61.25)
Transfer of Funds		30.00
		<hr/>
Total Current Assets		340,458.54
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(43,025.57)
		<hr/>
Total Property and Equipment		0.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		41,305.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		8,232.00
		<hr/>
Total Other Assets		49,537.73
		<hr/>
Total Assets	\$	<u><u>389,997.01</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Babcock Ranch 5360		9,174.06
Deferred Palmer Ranch 5361		3,490.46
FICA Taxes Payable		1,855.02
Federal W/H Tax Payable		(2,123.47)
United way Payable		322.00
Deferred Compensation Payable		(25.00)
FSA Payable		(1,779.64)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		11,833.14
Long-Term Liabilities		
Accrued Annual Leave		41,305.44
Long Term Debt - OPEB		8,232.00
		<hr/>
Total Long-Term Liabilities		49,537.44
		<hr/>
Total Liabilities		61,370.58
Capital		
Fund Balance-Unassigned		(46,925.66)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		(0.26)
Net Income		(138,447.65)
		<hr/>
Total Capital		328,626.43
		<hr/>
Total Liabilities & Capital	\$	<u><u>389,997.01</u></u>

Unaudited - For Management Purposes Only

_____Agenda

_____Item

7b

7b

Audit Report FY 2021-2022

7b

**SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL
BASIC FINANCIAL STATEMENTS
TOGETHER WITH ADDITIONAL REPORTS
YEAR ENDED
SEPTEMBER 30, 2022**

DRAFT

TABLE OF CONTENTS

	<u>Page(s)</u>
INDEPENDENT AUDITOR'S REPORT.....	1-4
MANAGEMENT'S DISCUSSION AND ANALYSIS (MD&A).....	i-vi
 <u>BASIC FINANCIAL STATEMENTS</u>	
GOVERNMENT-WIDE FINANCIAL STATEMENTS:	
Statement of Net Position.....	5
Statement of Activities.....	6
 FUND FINANCIAL STATEMENTS:	
Governmental Fund:	
Balance Sheet.....	7
Reconciliation of the Balance Sheet - Governmental Fund to the Statement of Net Position.....	8
Statement of Revenues, Expenditures and Changes in Fund Balance - Governmental Fund.....	9
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balance - Governmental Fund to the Statement of Activities.....	10
 NOTES TO THE FINANCIAL STATEMENTS.....	 11-50
 <u>REQUIRED SUPPLEMENTARY INFORMATION OTHER THAN MD&A</u>	
BUDGET TO ACTUAL COMPARISON - MAJOR FUND (General Fund)	
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - General Fund - Summary Statement.....	51
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - General Fund - Detailed Statement.....	52-53
 OTHER REQUIRED SUPPLEMENTARY INFORMATION	
Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System (FRS) Pension Plan	54
Schedule of Council Contributions - Florida Retirement System (FRS) Pension Plan	54
Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy (HIS) Pension Plan	55
Schedule of Council Contributions - Health Insurance Subsidy (HIS) Pension Plan	55
Notes to the Required Supplementary Information.....	56-57
Schedule of Changes in the Net OPEB Liability and Related Ratios, GASB No. 75 and Notes to the Schedule	58
 <u>ADDITIONAL REPORTS</u>	
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Basic Financial Statements Performed in Accordance with <u>Government Auditing Standards</u>	59-60
Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes.....	61
Independent Auditor's Report to Management.....	62-65
Management's Response to Independent Auditor's Report to Management.....	Exhibit 1
Florida Rules of the Auditor General - Rule 10.554(1)(i)6-8 Compliance - Unaudited.....	Exhibit 2

INDEPENDENT AUDITOR'S REPORT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
P.O. Box 60933
Fort Myers, Florida 33906-6933

Opinions

We have audited the accompanying financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council ("the Council") as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Southwest Florida Regional Planning Council as of September 30, 2022, and the respective changes in financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the District, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

We did not audit the financial statements of Florida Retirement Systems Pension Plan (FRS) or Health Insurance Subsidy Pension Plan (HIS) as of and for the year ended June 30, 2022. The District is required to record its proportionate share of the FRS and HIS liability in the Council's government-wide financial statements as of September 30, 2022 and for the year then ended. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for Southwest Florida Regional Planning Council's government-wide financial statements, is based on the report of the other auditors.

Emphasis Of Matter

Substantial Doubt About the Council's Ability to Continue as a Going Concern

Over the course of the last five (5) fiscal years, five (5) of the six (6) member counties and certain of the participating cities have withdrawn financial support from the Council. The financial effect of this intended action is approximately \$435,000 of unrestricted revenue annually.

The accompanying financial statements have been prepared assuming that the Council will continue as a going concern. As discussed in Note O to the financial statements, the Council, as noted above, has suffered substantially all its member governments withdrawal of funding. As a result of such action by its member

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
 Page 2

governments the Council's operational activities have significantly changed. The Council's funding is now substantially from state and federal grant funding. During the year ended September 30, 2022 no use of fund balance was required to fund operations. The Council's financial situation did not deteriorate in fiscal year 2022. The Council's financial condition continues to be tentative.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for a reasonable period of time.

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
 Page 3

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages i - vi, Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to the Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to the Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to the Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Required Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Southwest Florida Regional Planning Council's basic financial statements. The required supplementary information other than the MD&A - budgetary comparison information is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The required supplementary information other than the MD&A - budgetary comparison information is the responsibility of management as was derived from and relate directly to the underlying accounting and other

Executive Committee and Council Members
Southwest Florida Regional Planning Council
Page 4

records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the required supplementary information other than MD&A - budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Council's basic financial statements. The Exhibit 1 - Management's Response to Independent Auditor's Report to Management and Exhibit 2 - Florida Rules of the Auditor General - Rule 10.554(1)(i)6-8 Compliance are not a required part of the basic financial statements but are required by Government Auditing Standards and/or Rules of the Auditor General, Section 10.554(i), respectively. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Section 218.415, Florida Statutes

In accordance with Section 218.415, Florida Statutes, we have also issued our report dated March 21, 2023 on our consideration of Southwest Florida Regional Planning Council's compliance with provisions of Section 218.415, Florida Statutes. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and to provide an opinion on compliance with the aforementioned Statute. That report is an integral part of an audit performed in accordance with Sections 218.39 and 218.415, Florida Statutes in considering Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated March 21, 2023 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contract and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control over financial reporting and compliance.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 21, 2023

**MANAGEMENT'S DISCUSSION
AND ANALYSIS
(MD&A)**

DRAFT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

As management for the Southwest Florida Regional Planning Council (the "Council") this narrative overview and analysis of the financial statements is designed to provide a helpful viewpoint as to the Council's financial activities for the fiscal year ending September 30, 2022. We recommend readers consider this information in conjunction with the financial statements taken as a whole.

Financial Highlights

- The net position of the Council at the close of its fiscal year ended September 30, 2022 was a (deficit) of (\$63,292). The Council's total net position increased \$62,775 or 50% from the prior year, due to reduced member assessment collections.
- The net position (deficit) of the Council at the close of its fiscal year ended September 30, 2021 was (\$126,067). The Council's total net position (deficit) decreased \$112,683 or 47% from the prior year.
- As of the close of the fiscal year 2022, the Council reported an ending fund balance of \$453,577, an increase of \$33,986 from the prior year. \$453,577 of this amount is assigned to fund future operations.
- As of the close of the fiscal year 2021, the Council reported an ending fund balance of \$419,591 a decrease of \$9,286 from the prior year. \$419,591 of this amount is available for spending at the Council's discretion.
- For the year ended September 30, 2022, total revenues increased \$111,608 in comparison to the prior year. The increase in revenue was substantially due to an increase in grant and contract funding. Total expenses increased \$161,516, in comparison to the prior year. The increase in expenses was related to costs of related grant funded projects.
- For the year ended September 30, 2021, total revenues decreased \$404 in comparison to the prior year. The decrease in revenue was substantially due to the withdrawal of funding by member governments. Total expenses decreased \$311,479, in comparison to the prior year. The decrease in expenses was related to less employees and projects.
- During the year ended September 30, 2020, the Council terminated its office space lease and moved into space donated by the United Way of Lee County. The Council continued to operate from this location during fiscal years 2021 and 2022.
- Effective June 15, 2015, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 68 "*Accounting and Financial Reporting for Pensions*" (Statement No. 68). The implementation of this accounting standard required the Council to report its actuarially determined net pension liability of \$179,958 and \$534,556 in the government-wide financial statements as of September 30, 2021 and 2022, respectively.
- Effective September 30, 2018, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 75 "*Accounting and Financial Reporting for Post Employment Benefits Other Than Pensions (OPEB)*" (Statement No. 75). This was \$8,232 and \$3,030 in the government-wide financial statements of the Council as of September 30, 2021 and 2022, respectively.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Management's Discussion and Analysis

Government-Wide Financial Statements

Government-wide financial statements (statement of net position and statement of activities found on pages 5 and 6, respectively) are intended to provide readers with a broad overview of the Council's finances and financial health in a manner similar to a private sector business. They are prepared using the full accrual method of accounting, (revenue is recognized when earned and expenses are recognized when incurred. Amounts expended for capital assets are capitalized rather than expensed).

The *Statement of Net Position* (page 5) presents information on all of the Council's assets and liabilities, with the difference between the two reported as net position. The Council's capital assets, equipment, furniture and fixtures, and vehicles) are included in this statement and are reported at historical cost, or fair market value at the date of donation if they were donated to the Council, net of their accumulated depreciation.

The *Statement of Activities* (page 6) presents revenue and expense information showing how the Council's net assets changed during the fiscal year.

Governmental Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain financial control over resources that have been segregated for specific activities or objectives. Fund financial statements explain how the Council's services were paid for as well as what remains for future spending. Fund financial statements report the Council's operations in more detail than the government-wide financial statements by providing information about the Council's funds.

Governmental funds financial statements (found on pages 7 and 9) are prepared on the modified accrual basis using the current financial resources measurement focus. Under the modified accrual basis of accounting, revenues are recognized when they become measurable and available as net current assets.

Notes to the Financial Statements

The notes to the financial statements provide additional information so that a reader may more fully understand the information provided in the basic financial statements. The information contained in the notes is essential to a full understanding of the government-wide and fund financial statements. The notes begin on page 11.

Supplementary information consists of more detailed information on the budget to actual revenues and expenditures.

Government-Wide Financial Analysis

The government-wide financial statements were designed so that the user could determine if the Council is in a better or worse financial condition from the prior year. The net position may serve, over time, as a useful indicator of the Council's financial position.

The net investment in capital assets are used by the Council to provide services and consequently these assets are not available to liquidate liabilities and are not available for other spending.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

The following table reflects a Summary of Net Position for fiscal years 2021 and 2022:

Southwest Florida Regional Planning Council			
Summary of Net Position			
September 30			
	<u>2021</u>	<u>2022</u>	<u>Change</u>
Assets:			
Current assets	\$ 521,447	\$ 499,282	\$ 22,165
Capital assets, net	-	-	-
Total assets	<u>521,447</u>	<u>499,282</u>	<u>22,165</u>
Deferred outflows of resources	<u>155,552</u>	<u>177,829</u>	<u>(22,277)</u>
Liabilities:			
Current liabilities	101,856	45,705	(56,151)
Noncurrent liabilities	<u>229,495</u>	<u>586,917</u>	<u>357,422</u>
Total liabilities	<u>331,351</u>	<u>632,622</u>	<u>301,271</u>
Deferred inflows of resources	<u>471,715</u>	<u>107,781</u>	<u>(363,934)</u>
Net Position:			
Net investment in capital assets	-	-	-
Restricted	-	-	-
Unrestricted (Deficit)	<u>(126,067)</u>	<u>(63,292)</u>	<u>62,775</u>
Total net position (Deficit)	<u>\$ (126,067)</u>	<u>\$ (63,292)</u>	<u>\$ 62,775</u>

For the fiscal year 2021, current assets are comprised of cash and cash equivalents of \$185,435, investments of \$145,944, contract and other receivables of \$31,030, due from other governments of \$154,304, and deposits and other of \$4,734.

For the fiscal year 2021, current liabilities are comprised of accounts payable and accrued expenses of \$54,325, unearned contract, grant and DRI/NOPC revenue of \$47,531. The balance of the long term liabilities consist of pension, OPEB and accrued compensation liabilities.

For the fiscal year 2021, the net investment in capital assets of \$0 is a component of net position and is comprised of equipment, furniture and fixtures, and vehicles, net of accumulated depreciation.

The fiscal year 2021 net asset (deficit) balance of (\$126,067) decreased by \$112,683 due to the current year operations.

For the fiscal year 2022, current assets are comprised of cash and cash equivalents of \$190,884, investments of \$147,186, contract and other receivables of \$14,604 and due from other governments of \$146,608.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

For the fiscal year 2022, current liabilities are comprised of accounts payable and accrued expenses of \$27,100, unearned contract, grant and DRI/NOPC revenue of \$18,605.

Long term liabilities are comprised of pension liabilities of \$534,556, OPEB liability of \$3,030 and accrued compensated absences of \$49,331 at September 30, 2022.

Long term liabilities are comprised of pension liabilities of \$179,958, OPEB liability of \$8,232 and accrued compensated absences of \$41,305 at September 30, 2021.

For the fiscal year 2022, the net investment in capital assets of \$0 is a component of net position and is comprised of equipment, furniture and fixtures, and vehicles and net of accumulated depreciation.

For the year ended September 30, 2022 the unrestricted net asset (deficit) balance of (\$63,292) increased by \$62,775 due substantially to the increase in revenue and no use of reserves.

The following schedule reports the revenues, expenses, and changes in net position for the Council for the current and previous fiscal year:

Southwest Florida Regional Planning Council Summary of Changes in Net Position Years Ended September 30			
	2021	2022	Change
Revenues:			
Program Revenues			
Charges for services – dues & fees	\$ 68,708	\$ 64,002	\$ (4,706)
Contracts, grants and contributions	738,385	856,348	117,963
General Revenues			
Interest and miscellaneous	5,211	3,562	(1,649)
Total revenues	<u>812,304</u>	<u>923,912</u>	<u>111,608</u>
Expenses:			
Project Planning			
Personnel services	254,906	339,241	(84,335)
Operating expenses	444,021	521,896	(77,875)
Depreciation	694	-	694
Interest and fiscal charges	-	-	-
Total expenses	<u>699,621</u>	<u>861,137</u>	<u>(161,516)</u>
Change in net position	112,683	62,775	<u>\$ (49,908)</u>
Net Position (Deficit) – Beginning	(238,750)	(126,067)	
Net Position (Deficit) - Ending	<u>\$ (126,067)</u>	<u>\$ (63,292)</u>	

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Budgetary Highlights

Budget versus actual comparisons are presented in the required supplementary information other than the Management's Discussion and Analysis. The significant budget variations versus actual results were due to the Council budgeting use of its reserves carryforward in the amount of \$419,591 then not having to use any reserves to cover expenditures for the year ended September 30, 2022.

Original to Final Budget Variances

The Council Members approved one budget amendment during the fiscal year ended September 30, 2022 to adjust the fund balance carryover to the FY21 audited balance.

The Council Members approved one budget amendment during the fiscal year ended September 30, 2021 to adjust the fund balance carryover to the FY20 audited balance.

Capital Assets

Non-depreciable capital assets include land. Depreciable capital assets include building, equipment, furniture and fixtures, and vehicles. The following is a schedule of the Council's capital assets as of September 30:

Southwest Florida Regional Planning Council			
Capital Assets			
Years Ended September 30			
	2021	2022	Change
Depreciable Capital Assets			
Total depreciable capital assets	\$ 43,026	\$ 43,026	\$ -
Less Accumulated Depreciation	(43,026)	(43,026)	-
Depreciable capital assets, net	-	-	-
Capital Assets, net	\$ -	\$ -	\$ -

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Debt Administration

At September 30, 2022, the Council had \$586,917 of outstanding liabilities, which is comprised as noted below. The following is a detailed schedule of the Council's outstanding liabilities as of September 30:

Southwest Florida Regional Planning Council			
Outstanding Liabilities			
Years Ended September 30			
	<u>2021</u>	<u>2022</u>	<u>Change</u>
Compensated Absences	\$ 41,305	\$ 49,331	\$ 8,026
Net OPEB Liability	8,232	3,030	(5,202)
Net Pension Liability	<u>179,958</u>	<u>534,556</u>	<u>354,598</u>
Total Outstanding Liabilities	229,495	586,917	<u>\$ 357,422</u>
Less current portion	<u>-</u>	<u>-</u>	
Noncurrent portion	<u>\$ 229,495</u>	<u>\$ 586,917</u>	

The amount reported as compensated absences represents the total amount the Council had due at the termination of all employees' employment. The net OPEB liability is the actuarially determined cost to offer retirees health, dental, and vision coverage.

Net pension liability reflects the Council's proportionate share of its FRS and HIS liability.

Future Operations

As of the year ended September 30, 2022, five (5) of its six (6) member Counties as well as certain cities have withdrawn financial support from the Council. The financial effect of such withdrawal is approximately \$435,000 annually. This loss of funding has created substantial doubt as to the Council's ability to continue as a going concern as its financial condition is tentative. It should be noted the Council has successfully applied for and received increased grant funding. Grant funding, however, provides little or no administrative funding. Administrative funding was previously provided through various charges for services and member assessments which have now significantly decreased. During the year ended September 30, 2022, the Council did not use fund balance to pay operating costs.

Request for Information

This financial report is designed to provide the reader an overview of the Council. Questions regarding any information provided in this report should be directed to: Southwest Florida Regional Planning Council, P. O. Box 60933, Fort Myers, Florida 33906-6933.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF NET POSITION
September 30, 2022

Page 5 of 65

	<u>Governmental Activities</u>
ASSETS	
Current assets:	
Cash and cash equivalents, including restricted cash	\$ 190,884
Investments	147,186
Due from other governments	146,608
Receivables - contracts and other	14,604
Deposits and other	<u>-</u>
Total current assets	<u>499,282</u>
Noncurrent assets:	
Capital assets:	
Depreciable furniture and fixtures, equipment and vehicles (net of \$43,026 accumulated depreciation)	<u>-</u>
Total noncurrent assets	<u>-</u>
 TOTAL ASSETS	 <u>499,282</u>
 DEFERRED OUTFLOWS OF RESOURCES	 <u>177,829</u>
 LIABILITIES	
Current liabilities:	
Accounts payable and accrued expenses	27,100
Unearned revenue	18,605
Current portion of long-term obligations	<u>-</u>
Total current liabilities	45,705
Noncurrent liabilities:	
Noncurrent portion of long-term obligations	586,917
Commitments and Contingencies	<u>-</u>
 TOTAL LIABILITIES	 <u>632,622</u>
 DEFERRED INFLOWS OF RESOURCES	 <u>107,781</u>
 NET POSITION (DEFICIT)	
Net investment in capital assets	-
Restricted	-
Unrestricted (deficit)	<u>(63,292)</u>
 TOTAL NET POSITION (DEFICIT)	 <u><u>\$ (63,292)</u></u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF ACTIVITIES
Year Ended September 30, 2022

Page 6 of 65

	Governmental Activities
EXPENSES	
Governmental Activities	
Project Planning:	
Personnel services	\$ 339,241
Operating expenses	521,896
Depreciation	-
Interest and fiscal charges	-
TOTAL EXPENSES - GOVERNMENTAL ACTIVITIES	861,137
PROGRAM REVENUES	
Charges for services:	
Assessments and fees	50,524
NOPC & DRI fees	13,478
Contract ans local grants	79,930
Operating grants and contributions	776,418
TOTAL PROGRAM REVENUES	920,350
NET PROGRAM REVENUES (EXPENSES)	59,213
GENERAL REVENUES (LOSS)	
Loss on disposition of capital assets	-
Interest and miscellaneous	3,562
TOTAL GENERAL REVENUES (LOSS)	3,562
INCREASE (DECREASE) IN NET POSITION	62,775
NET POSITION (DEFICIT) - Beginning of the year	(126,067)
NET POSITION (DEFICIT) - End of the year	\$ (63,292)

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
BALANCE SHEET - GOVERNMENTAL FUND
September 30, 2022

Page 7 of 65

	General Fund	Total Governmental Fund
ASSETS		
Cash and cash equivalents, including restricted cash	\$ 190,884	\$ 190,884
Investments	147,186	147,186
Due from other governments	146,608	146,608
Receivables - contracts and other	14,604	14,604
Deposits and other	-	-
TOTAL ASSETS	\$ 499,282	\$ 499,282
LIABILITIES AND FUND BALANCE		
LIABILITIES		
Accounts payable and accrued expenses	\$ 27,100	\$ 27,100
Due to other governments	-	-
Unearned revenue	18,605	18,605
TOTAL LIABILITIES	45,705	45,705
FUND BALANCE		
Nonspendable	-	-
Restricted	-	-
Assigned	453,577	453,577
Unassigned	-	-
TOTAL FUND BALANCE	453,577	453,577
TOTAL LIABILITIES AND FUND BALANCE	\$ 499,282	\$ 499,282

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL
FUND TO THE STATEMENT OF NET POSITION
September 30, 2022

Page 8 of 65

	<u>Amount</u>	
Total fund balance for governmental funds	\$ 453,577	
Amounts reported for governmental activities in the Statement of Net Position are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the governmental funds.		
Capital assets being depreciated:		
Furniture and fixtures, equipment and vehicles	43,026	
Less accumulated depreciation	<u>(43,026)</u>	
		-
Deferred outflows and deferred inflows are applied to future periods and, therefore, are not reported in the governmental funds.		
Deferred outflows related to pensions	175,829	
Deferred outflows related to OPEB	<u>2,000</u>	
		177,829
Deferred inflows related to pensions	<u>(107,781)</u>	
		(107,781)
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.		
Net pension liability - FRS	(461,310)	
Net pension liability - HIS	(73,246)	
Compensated absences	(49,331)	
Net OPEB liability	<u>(3,030)</u>	
		<u>(586,917)</u>
Total net position (deficit) of governmental activities	<u>\$ (63,292)</u>	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUND
Year Ended September 30, 2022

Page 9 of 65

	General Fund	Total Governmental Fund
REVENUES		
Federal and state grants	\$ 776,418	\$ 776,418
Contracts and local grants	79,930	79,930
County and city assessments	50,524	50,524
NOPC & DRI fees	13,478	13,478
DRI monitoring fees	-	-
Interest and miscellaneous	3,562	3,562
TOTAL REVENUES	923,912	923,912
EXPENDITURES		
Current		
Personnel services	368,030	368,030
Operating expenditures	521,896	521,896
Capital outlay	-	-
Debt service	-	-
TOTAL EXPENDITURES	889,926	889,926
EXCESS OF REVENUES		
OVER (UNDER) EXPENDITURES	33,986	33,986
OTHER FINANCING SOURCES (USES)		
Operating transfers in	-	-
Operating transfers out	-	-
TOTAL OTHER FINANCING		
SOURCES (USES)	-	-
NET CHANGE IN FUND BALANCE	33,986	33,986
FUND BALANCE - Beginning of the year	419,591	419,591
FUND BALANCE - End of the year	\$ 453,577	\$ 453,577

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCE -
GOVERNMENTAL FUND TO THE STATEMENT
OF ACTIVITIES**

Page 10 of 65

Year Ended September 30, 2022

	<u>Amount</u>
Net change (revenues and other financing sources (uses) in excess (under) of expenditures) in fund balance - total governmental funds	\$ 33,986

The increase (decrease) in net position reported for governmental activities in the Statement of Activities is different because:

Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.

Plus: expenditures for capital assets	-
Less: current year depreciation	-
Less: proceeds from disposition of capital assets	-
Less: loss on disposition of capital assets	-
	<u>-</u>

Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds.

(Increase) decrease in net pension liability - FRS	(370,329)
(Increase) decrease in net pension liability - HIS	15,731
Increase (decrease) in deferred outflow - Pensions	24,657
(Increase) decrease in deferred inflow - Pensions	363,934
Net decrease (increase) in compensated absences	(8,026)
Net (increase) decrease in net OPEB liability	5,202
Increase (decrease) in deferred outflow - OPEB	<u>(2,380)</u>
	<u>28,789</u>

Increase (decrease) in net position of governmental activities	<u><u>\$ 62,775</u></u>
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The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 11 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Southwest Florida Regional Planning Council (the "Council") is a governmental agency, created on November 8, 1973 via interlocal agreements as provided by Florida Statutes, Chapters 163.01 and 163.02, as amended, to assist other governmental and private agencies in the planning of projects in the Southwest Florida area under Florida Statutes, Chapter 186.504. The Council acts as a regional planning agency and exercises its rights and duties pursuant to Florida Statutes Chapters 23, 160, 163, 186 and 380. By Florida Statute, the Council's principal member entities consist of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties, although certain cities within these counties are participating entities as well. The Council's Board Members are appointed per statutory requirement. By Florida Statute the Council is funded through member assessments determined by interlocal agreement, various fees, and multiple federal, state, and local grants and contracts. Five (5) of the six (6) of the Council's member counties have ceased paying the annual assessments which has resulted in the Council having to secure alternative sources of funding. See further discussion in Note O.

Specifically, the Council's mission is:

1. To make the most efficient use of its powers to promote cooperation for mutual advantage in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources, and other factors influencing the needs and development of local communities within its six county region;
2. To serve as a regional coordinator for the local governmental units comprising the region;
3. To exchange information on and review programs of regional concerns;
4. To promote communication between the local governments for the conservation and compatible development of the Southwest region;
5. To cooperate with Federal, State, and local government and non-government agencies to accomplish regional objectives; and
6. To do all things authorized for a Regional Planning Agency under Chapters 163, 186 and 380 of the Florida Statutes and other applicable Florida, Federal, State, and local laws, rules, and regulations.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 12 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Summary of Significant Accounting Policies

The following is a summary of the significant accounting policies used in the preparation of these basic financial statements.

The basic financial statements of the Council are comprised of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the financial statements

Reporting Entity

The Council has adopted Governmental Accounting Standards Board (GASB) Statement Number 14, "Financial Reporting Entity" (GASB 14), as amended by GASB Statement Number 39, "Determining Whether Certain Organizations Are Component Units" (GASB 39) and GASB Statement Number 61, "The Financial Reporting Entity: Omnibus - An Amendment of GASB Statements No. 14 and No. 34" (GASB 61). These Statements require the financial statements of the Council (the primary government) to include its component units, if any. A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Based on the criteria established in GASB Statement 14, as amended, there are no component units included or required to be included in the Council's financial statements.

The Council assisted in the creation and establishment of Southwest Florida Resource Conservation and Development Council, Inc. ("Conservation"), an independent Florida not-for-profit corporation. Conservation's mission is to develop a resource conservation plan for its service area, as well as to act as a clearinghouse for other conservation groups and efforts.

The Council provides no direct support to Conservation and does not have authority to exercise economic control over Conservation. The Council, however, provides Conservation with bookkeeping services free of charge. The Council cannot appoint or remove the Board members of Conservation. Therefore, Conservation is not considered a component unit of the Council, and its financial activity is not included within these financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 13 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Council and do not emphasize fund types. These governmental activities comprise the primary government. General governmental and intergovernmental revenues support the governmental activities. The purpose of the government-wide financial statements is to allow the user to be able to determine if the Council is in a better or worse financial position than the prior year.

Government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement 33, "Accounting and Financial Reporting for Nonexchange Transactions."

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as liabilities in the government-wide financial statements, rather than as other financing sources. Amounts paid to reduce long-term indebtedness of the reporting government are reported as a reduction of the related liability in the government-wide financial statements, rather than as expenditures.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operational or capital improvements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 14 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-wide Financial Statements, continued

Program revenues are considered to be revenues generated by services performed and/or by fees charged such as dues, assessments, fees, and operating grants and contracts.

Fund Financial Statements

The Council adheres to GASB Number 54, "Fund Balance Reporting and Governmental Fund Type Definitions," that required a change in the reporting format of fund balances in the governmental fund statements.

The accounts of the Council are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity or retained earnings, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. Fund financial statements for the Council's governmental funds are presented after the government-wide financial statements. These statements display information about major funds individually and nonmajor funds, in aggregate, for governmental funds.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period.

The Council's major funds are presented in separate columns on the governmental fund financial statements. The definition of a major fund is one that meets certain criteria set forth in GASB Statement Number 34, "Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments". The funds that do not meet the criteria of a major fund are considered non-major funds and are combined into a single column on the governmental fund financial statements.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported in separate columns on the fund financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 15 of 65

**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Measurement Focus and Basis of Accounting

Basis of accounting refers to when revenues and expenditures, or expenses, are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period and soon enough thereafter to pay liabilities of the current period. For this purpose, the Council considers tax revenues to be available if they are collected within sixty days of the end of the current fiscal period.

Revenues susceptible to accrual are interest on investments and intergovernmental revenues. Interest on invested funds is recognized when earned. Intergovernmental revenues that are reimbursements for specific purposes or projects are recognized when all eligibility requirements are met.

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this general rule include: (1) principal and interest on the long-term debt, if any, which is recognized when due; and (2) expenditures are generally not divided between years by the recording of prepaid expenditures.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 16 of 65

**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Measurement Focus and Basis of Accounting, continued

The Council adheres to the provisions of Government Accounting Standards Board Statement No. 68 "Accounting and Financial Reporting for Pensions" (GASB 68), which requires the Council to report its proportionate share of the actuarially determined net pension liability of defined benefit plans in the statement of net position, in the Council's financial statements. The Council participates in the FRS defined benefit pension plan and the HIS defined benefit plan administered by the Florida Department of Management Services, Division of Retirement.

Non-current Government Assets/Liabilities

GASB 34 requires non-current governmental assets, such as land and buildings, and non-current governmental liabilities, such as notes payable and capital leases to be reported in the governmental activities column in the government-wide Statement of Net Position.

Major Funds

The Council reports the following major governmental fund:

The General Fund is the Council's primary operating fund. It accounts for all financial resources of the Council.

Budgetary Information

The Council has elected to report budgetary comparison of major funds as required supplementary information (RSI).

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 17 of 65

**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Investments

The Council adheres to the requirements of Governmental Accounting Standards Board (GASB) Statement Number 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools," in which all investments are reported at fair value, with the exception of the Local Government Surplus Funds Investment Pool Trust Fund (State Board of Administration), an external 2a7-like investment pool. The Local Government Surplus Funds Investment Pool Trust Fund's shares are stated at amortized cost (otherwise known as fluctuating net asset value or "NAV"), which approximates fair value.

Investments, including restricted investments (if any), may consist of the State of Florida Local Government Surplus Funds Trust Fund and Certificates of Deposit held at local depositories.

Capital Assets

Capital assets, which include furniture and fixtures, equipment, and vehicles, are reported in the government-wide financial statements in the Statement of Net Position.

The Council follows a capitalization policy which calls for capitalization of all fixed assets that have a cost or donated value of \$1,000 or more and have a useful life in excess of one year.

All capital assets are valued at historical cost, or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Public domain (infrastructure) capital assets consisting of certain improvements other than building, including curbs, gutters, and drainage systems, are not capitalized, as the Council generally does not acquire such assets. No debt-related interest expense is capitalized as part of capital assets in accordance with GASB Statement Number 34.

Maintenance, repairs, and minor renovations are not capitalized. The acquisition of land and construction projects utilizing resources received from Federal and State agencies are capitalized when the related expenditure is incurred.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 18 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Capital Assets, continued

Expenditures that materially increase values, change capacities, or extend useful lives are capitalized. Upon sale or retirement, the cost is eliminated from the respective accounts.

Expenditures for capital assets are recorded in the fund statements as current expenditures. However, such expenditures are not reflected as expenditures in the government-wide statements, but rather are capitalized and depreciated.

Depreciable capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset</u>	<u>Years</u>
Improvements Other Than Buildings	7-15
Furniture & Fixtures	7
Equipment	3-7
Vehicles	3

Budgets and Budgetary Accounting

The Council has adopted an annual budget for the General Fund.

The Council follows these procedures in establishing budgetary data for the General Fund.

1. During the summer of each year but no later than August 15, the Council management submits to the Board a proposed operating budget for the fiscal year commencing on October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain public comments.
3. The budget is adopted by approval of the Board Members no later than August 15 each year.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 19 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Budgets and Budgetary Accounting, continued

4. The budget for the General Fund is, generally, adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget transfers can be made throughout the year between expenditure accounts by approval of the Board Members. The level of control for appropriations is exercised at the fund level.
6. Budget amounts, as shown in these basic financial statements, are as originally adopted or as amended by the Board Members.
7. Appropriations lapse at year-end.
8. The Board Members approved one budget amendment to decrease total ~~budgeted revenues and expenditures~~ by \$73,788 during the fiscal year ended September 30, 2022.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed by the Council because it is, at present, not necessary to assure effective budgetary control or to facilitate effective cash planning and control.

Compensated Absences

The Council's employees accumulate leave based on various criteria including the number of years of continuous service and job classification.

Leave which is requested and approved prior to the day in which it is taken by the employee (vacation) shall be considered to be scheduled leave. At September 30, 2022 any scheduled leave accrued above 160 hours shall be used or forfeited except for the Executive Director which is limited to 240 hours. Any employee who is separated from the Council staff by layoff, resignation, death, disability, or other cause shall be paid for the number of working hours of unused scheduled (vacation) leave accrued, not to exceed 160 hours.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 20 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Compensated Absences, continued

Leave not requested/approved prior to the day it is taken (sick time) shall be considered unscheduled. Unscheduled leave may be accumulated to a total of 200 hours. There is no reimbursement for unscheduled leave accrual at the time of an employee's termination from the Council and therefore, not accrued.

Due From Other Governments

No allowances for losses on uncollectible accounts has been recorded since the Council considers all amounts to be fully collectible.

Management Estimates

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires the Council to make estimates and assumptions that affect the reported amounts of assets, liabilities, fund equity, and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Net Position

In the government-wide financial statements no net assets have been identified as restricted. Restricted net assets are those net assets that have constraints as to their use externally imposed by creditors, through debt covenants, by grantors, or by law.

Fund Balances

The governmental fund financial statements the Council maintains include nonspendable, assigned, and unassigned fund balances. Nonspendable balances are those that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Criteria include items that are not expected to be converted into cash, for example prepaid expenses and deposits.

The Council's assigned balances are a result of the Council's Board approval of actions prior to October 1, 2021. The Council's intent and policy is to maintain a

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 21 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Fund Balances, continued

minimum assigned fund balance level between four (4) to six (6) months of prior year total expenditures. This assigned fund balance will serve as the Council's operational and capital reserve as well as its disaster reserve. At September 30, 2022, the entire fund balance is classified as assigned since the balance is less than the Council's minimum target fund balance. Any use of the fund balance requires the Council's Board approval.

New Accounting Standard - Leases

During the year ended September 30, 2022, the Council adopted GASB Statement No. 87 - Leases (GASB 87). This statement required the recognition of certain lease assets and liabilities in the Statement of Net Position for leases that previously were classified as operating leases. The Council, however, determined that its current office equipment lease agreements to be immaterial, therefore, do not meet the criteria of GASB 87 at September 30, 2022.

Pensions

In the government-wide statement of net position, liabilities are recognized for the Council's proportionate share of each pension plan's net pension liability. For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System (FRS) and the Health Insurance Subsidy (HIS) defined benefit plan and additions to/deductions from fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments, (including refunds of employees contributions) are recognized when due and payable in accordance with the benefit terms.

The Council's retirement plans and related amounts are described in a subsequent note.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The deferred amount on pensions and OPEB is

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 22 of 65

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Deferred Outflows/Inflows of Resources, continued

reported in the government-wide statement of net position. The deferred outflows of resources related to pensions and OPEB are discussed in a subsequent note.

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The deferred amount on pensions and OPEB is reported only in the government-wide statement of net position. A deferred amount on pension results from the difference in the expected and actual amounts of experience, earnings, and contributions. This amount is deferred and amortized over the service life of all employees that are provided with pensions and OPEB through these plans except earnings which are amortized over five to seven years.

Subsequent Events

Subsequent events have been evaluated through March 21, 2023, which is the date the financial statements were available to be issued.

NOTE B - CASH AND CASH EQUIVALENTS

Cash was \$190,884, including cash on hand of \$200 and restricted cash of \$18,605 (unearned revenue) at September 30, 2022.

Deposits

The Council's deposit policy allows deposits to be held in demand deposits and money market accounts. All Council depositories are institutions designated as qualified depositories by the State Treasurer at September 30, 2022.

The Council's deposits consist of the following at September 30, 2022:

	Bank Balance	Carrying Amount
Depository Accounts	\$ 211,066	\$ 190,684

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 23 of 65

NOTE B - CASH AND CASH EQUIVALENTS, CONTINUED

Deposits, continued

These deposits were entirely covered by federal depository insurance or by collateral pursuant to the Public Depository Security Act (Florida Statute 280) of the State of Florida. Bank balances approximate market value. Depository accounts are fully insured and/or collateralized.

NOTE C - INVESTMENTS

Florida Statutes and the Council's investment policy authorize investments in the Local Government Surplus Funds Trust Fund (SBA) administered by the State Board of Administration, and certificates of deposit held in financial institutions.

At September 30, 2022, the Council's investments consist of the following:

	Cost Basis	Fair Value (NAV)/ Carrying Amount
<u>General Fund</u>		
Local Government Surplus Trust Fund (SBA)		
Fund "A" (Florida PRIME)	\$ 147,186	\$ 147,186
Total Investments	<u>\$ 147,186</u>	<u>\$ 147,186</u>

The Local Government Surplus Funds Trust Fund (Florida PRIME (formerly Fund "A")) is an external 2a7-like investment pool, administered by the Florida State Board of Administration. The Local Government Surplus Funds Investment Pool Trust Fund is not categorized as it is not evidenced by securities that exist in physical or book entry form. The Local Government Surplus Trust Funds Investment Pool's shares are stated at amortized cost (NAV), which approximates fair value. These investments are subject to the risk that the market value of an investment, collateral protecting a deposit or securities underlying a repurchase agreement, will decline. The Council's investment in the Fund represented less than 1% of the Fund's total investments. Investments held in the Fund include, but are not limited to, short-term federal agency obligations, treasury bills, repurchase agreements and commercial paper. These short-term investments are stated at cost, which approximates market. Investment income is recognized as earned and is allocated to participants of the Fund based on their equity participation.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 24 of 65

NOTE C - INVESTMENTS, CONTINUED

At September 30, 2022, the Council reported SBA investments of \$147,186 for amounts held in Florida PRIME. Florida PRIME carried a credit rating of AAAM by Standard and Poors and had a weighted average days to maturity (WAM) of 21 days at September 30, 2022. The weighted average life (WAL) of Florida PRIME at September 30, 2022 was 72 days. Rule 2a7 allows funds to use amortized cost to maintain a constant NAV of \$1.00 per share. Accordingly, the Council's investment in Florida PRIME is reported at the account balance (pooled shares), which is considered fair value.

The Council adheres to GASB Statement No. 79 which requires the following disclosures related to its Florida PRIME investment:

Redemption Gates: Chapter 218.409(8)(a), Florida Statutes, states that "The principal, and any part thereof, of each account constituting the trust fund is subject to a payment at any time from the moneys in the trust fund. However, the Executive Director of the fund may, in good faith, on the occurrence of an event that has a material impact on liquidity or operations of the trust fund, for 48 hours limit contributions to or withdrawals from the trust fund to ensure that the Board can invest moneys entrusted to it in exercising its fiduciary responsibility. Such action must be immediately disclosed to all participants, the Trustees, the Joint Legislative Auditing Committee, the Investment Advisory Council and the Participant Local Government Advisory Council. The Trustees shall convene an emergency meeting as soon as practicable from the time the Executive Director has instituted such measures to review the necessity of those measures. If the Trustees are unable to convene an emergency meeting before the expiration of the 48-hour moratorium on the contributions and withdrawals, the Executive Director may extend the moratorium until the Trustees are able to meet to review the necessity for the moratorium. If the Trustees agree with such measures, the Trustees shall vote to continue the measures for up to an additional 15 days. The Trustees must convene and vote to continue any such measures before the expiration of the time limit set, but in no case may the time limit set by the Trustees exceed 15 days."

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 25 of 65

NOTE C - INVESTMENTS, CONTINUED

Liquidity Fees: Florida Statute 218.409(4) provides authority for the SBA to impose penalties for early withdrawal, subject to disclosures in the enrollment materials of the amount and purpose of such fees. At September 30, 2022, no such disclosure has been made.

Redemption Fees: As of September 30, 2022, there were no redemption fees (gates) or maximum transaction amounts, or any other requirements that serve to limit a participant's daily access to 100 percent of their account value.

Fair Value: The carrying value of cash, cash equivalents, and investments held by the Council is reported at amortized cost which approximates fair value.

Foreign Currency: Florida PRIME was not exposed to foreign currency risk during the period October 1, 2021 to September 30, 2022.

Securities Lending: Florida PRIME did not participate in securities lending program during the period October 1, 2021 through September 30, 2022.

Separate financial statements for Florida PRIME are available from Florida PRIME as of and for the year ended June 30, 2022.

NOTE D - DUE FROM OTHER GOVERNMENTS

Due from other governments-grants receivable consisted of the following at September 30, 2022:

	<u>Amount</u>
<u>Federal</u>	
U.S. Economic Development Administration - Planning	\$ 39,271
U.S. Environmental Protection Agency - Brownsfield	25,178
U.S. Department of Agriculture - Planning	416
<u>Other</u>	
FL Department of Economic Opportunity - CDBG	32,588
FL Department of Emergency Management - LEPC	9,800
FL Department of Emergency Management - HMEP	<u>39,355</u>
Total due from other governments	<u>\$ 146,608</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 26 of 65

NOTE D - DUE FROM OTHER GOVERNMENTS, CONTINUED

The due from other governments grants receivable balances as of September 30, 2022, are considered by management to be fully collectible.

NOTE E - CAPITAL ASSETS ACTIVITY

The following is a summary of changes in capital assets activity for the year ended September 30, 2022:

	Balance October 1 2021	Increases/ Additions	Decreases/ Deletions	Adjustments/ Reclassifications	Balance September 30 2022
Capital Assets					
Being Depreciated:					
Furniture & Fixtures	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment	43,026	-	-	-	43,026
Vehicles	-	-	-	-	-
Total Capital Assets					
Being Depreciated	43,026	-	-	-	43,026
Less Accumulated					
Depreciation:					
Furniture & Fixtures	-	-	-	-	-
Equipment	(43,026)	-	-	-	(43,026)
Vehicles	-	-	-	-	-
Total Accumulated Depreciation	(43,026)	-	-	-	(43,026)
Total Capital Assets Being Depreciated, Net	-	-	-	-	-
Capital Assets, Net	\$ -	\$ -	\$ -	\$ -	-
Related debt					-
Net investment in capital assets					\$ -

Depreciation expense was charged to the following functions during the year ended September 30, 2022:

	Amount
General Government	\$ -
Total Depreciation Expense	\$ -

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 27 of 65

NOTE F - UNEARNED REVENUE

Unearned revenue (by type) consisted of the following at September 30, 2022:

	<u>Amount</u>
Grants	\$ -
DRI's & NOPC's	<u>18,605</u>
	<u>\$ 18,605</u> (1)

(1) offset by restricted cash

NOTE G - LONG-TERM LIABILITIES

The following is a summary of changes in long-term liabilities for the year ended September 30, 2022:

	Balance October 1 2021	Additions	Retirements / Adjustments	Balance September 30 2022	Amounts Due Within One Year
Net Pension Liability - FRS	\$ 90,981	\$ 370,329	\$ -	\$ 461,310	\$ -
Net Pension Liability - HIS	88,977	-	(15,731)	73,246	-
Compensated absences	41,305	8,026	-	49,331	-
Net OPEB liability	<u>8,232</u>	<u>-</u>	<u>(5,202)</u>	<u>3,030</u>	<u>-</u>
	<u>\$ 229,495</u>	<u>\$ 378,355</u>	<u>\$ (20,933)</u>	<u>\$ 586,917</u>	<u>\$ -</u>

The following is a summary of the long-term liabilities at September 30, 2021:

	<u>Amount</u>
Net pension obligation - FRS pension plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	\$ 461,310
Net pension obligation - HIS plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	73,246
Non-current portion of compensated absences. Employees of the Council are entitled to paid scheduled (vacation) leave based on length of service and job classification.	49,331
Net OPEB liability - actuarially determined - GASB No. 75.	<u>3,030</u>
	<u>\$ 586,917</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 28 of 65

NOTE H - OPERATING LEASE COMMITMENTS

The Council adopted GASB Statement Number 87 "Leases" during the year ended September 30, 2022. The Council, however, determined its equipment leases were immaterial. Therefore, no intangible asset or liability was recorded.

The Council leases a copier under an agreement classified as operating leases. Lease expense was \$3,990 for the year ended September 30, 2022.

Future minimum lease payments under the copier lease is as follows:

Years Ending September 30	Amount
2023	2,786
2024	464
	\$ 3,250

The lease for office space was terminated on September 30, 2020. The Council now receives donated office space from a third party not-for-profit organization. The value of the rent received is not recorded as the amounts are determined to be immaterial.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN

General Information about the Florida Retirement System

The Florida Retirement System ("FRS") was created in Chapter 121, Florida Statutes. The FRS was created to provide a defined benefit pension plan ("Pension Plan") for participating public employees. All Council employees are participants in the Statewide Florida Retirement System (FRS) under authority of Article X, Section 14 of the State Constitution and Florida Statutes, Chapters 112 and 121. The FRS was amended in 1998 to add the Deferred Retirement Option Program ("DROP") under the defined benefit plan and amended in 2000 to provide an integrated defined contribution plan alternative to the defined benefit plan for FRS members effective July 1, 2002. This integrated defined contribution pension plan is the FRS Investment Plan. Chapter 112, Florida Statutes, established the Retiree Health Insurance Subsidy (HIS) Program, a separate cost-sharing, multiple-employer defined benefit pension plan to assist retired members of any State-administered retirement system in paying the costs of health insurance.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 29 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

General Information about the Florida Retirement System, continued

Essentially all regular employees of the Council are eligible to enroll as members of the State-administered FRS. Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. Such provisions may be amended at any time by further action from the Florida Legislature. The FRS is a single retirement system administered by the Florida Department of Management Services, Division of Retirement, and consists of two cost-sharing, multiple-employer defined benefit plans (Pension and HIS Plans) and other nonintegrated programs. A comprehensive annual financial report of the FRS, which includes its financial statements, required supplementary information, actuarial report, and other relevant information dated June 30, 2022, is available from the Florida Department of Management Services' Website (www.dms.myflorida.com).

The Council's total pension expense was \$32,106 for the year ended September 30, 2022, is recorded in the government-wide financial statements. Total Council retirement actual contribution expenditures were \$66,099, \$61,588 and \$45,416 for the years ended September 30, 2022, 2021 and 2020, respectively. The Council contributed 100% of the required contributions.

FRS Pension Plan

Plan Description. The FRS Pension Plan ("Plan") is a cost-sharing, multiple-employer defined benefit pension plan, with a Deferred Retirement Option Program (DROP) for eligible employees. The general classes of membership are as follows:

Regular Class - Members of the FRS who do not qualify for membership in the other classes.

Senior Management Service Class (SMSC) - Members in senior management level positions.

Special Risk Class - Members who are employed as law enforcement officers and meet the criteria to qualify for this class.

Elected Officials - Members who are elected by the voters within the District boundaries.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 30 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service, except for those members classified as special risk who are eligible for normal retirement benefits at age 55 or at any age after 25 years of service. All members enrolled in the Plan on or after July 1, 2011, once vested, are eligible for normal retirement benefits at age 65 or any time after 33 years of creditable service, except for members classified as special risk who are eligible for normal retirement benefits at age 60 or at any age after 30 years of service. Members of both Plans (Pension and HIS) may include up to 4 years of credit for military service toward creditable service. The Plan also includes an early retirement provision; however, there is a benefit reduction for each year a member retires before his or her normal retirement date. The Plan provides retirement, disability, death benefits, and annual cost of living adjustments to eligible participants.

DROP, subject to provisions of Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The net pension liability does not include amounts for DROP participants, as these members are considered retired and are not accruing additional pension benefits.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 31 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Benefits Provided. Benefits under the Plan are computed on the basis of age, and/or years of service, average final compensation, and credit service. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for the members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on retirement plan and/or the class to which the member belonged when the service credit was earned. Members are eligible for in-line-of-duty or regular disability and survivors' benefits. The following chart shows the percentage value of each year of service credit earned:

<u>Class, Initial Enrollment, and Retirement Age/Years of Service</u>	<u>%Value</u>
Regular Class and elected members initially enrolled before July 1, 2011	
Retirement up to age 62, or up to 30 years of service	1.60
Retirement at age 63 or with 31 years of service	1.63
Retirement at age 64 or with 32 years of service	1.65
Retirement at age 65 or with 33 or more years of service	1.68
Regular Class and elected members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement at age 66 or with 34 years of service	1.63
Retirement at age 67 or with 35 years of service	1.65
Retirement at age 68 or with 36 or more years of service	1.68
Special Risk Regular	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Senior Management Service Class	2.00
Elected Officers' Class	3.00

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 32 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of-living adjustment is 3 percent per year. If the member is initially enrolled before July 1, 2011, and has service credit on or after July 1, 2011, there is an individually calculated cost-of-living adjustment. The annual cost-of-living adjustment is a proportion of 3 percent determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3 percent. Plan members initially enrolled on or after July 1, 2011, will not have a cost-of-living adjustment after retirement.

Contributions. The Florida Legislature establishes contribution rates for participating employers and employees. Contribution rates during the year ended September 30, 2022 were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	11.91	10.82
Florida Retirement System, Senior Management Service	3.00	31.57	29.01
Florida Retirement System, Special Risk	3.00	27.83	25.89
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	18.60	18.34
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	57.00	51.42

Notes:

- (1) Employer rates include 1.66 percent for the post employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/22 - 6/30/23.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/21 - 6/30/22.

* As defined by the Plan.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 33 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the Pension Plan. At September 30, 2022, the Council reported a net pension liability of \$461,310 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2022. The Council's proportionate share of the net pension liability was based on the Council's 2021-22 fiscal year contributions relative to the total 2021-22 fiscal year contributions of all participating members. At September 30, 2022, the Council's proportionate share was .001239813 percent, which was an increase of .000035388 percent from its proportionate share measure as of September 30, 2021.

For the year ended September 30, 2022, the Council recognized FRS pension expense of \$27,611. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to the pension from the following sources at September 30, 2022:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 21,910	\$ -
Change of assumptions	56,813	-
Net difference between projected and actual earnings on pension plan investments	30,460	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	42,294	43,976
Council contributions subsequent to the measurement date	<u>13,477</u>	<u>-</u>
Total	<u>\$ 164,954</u>	<u>\$ 43,976</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 34 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The deferred outflows of resources related to the FRS pension, totaling \$13,477 resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to the pension will be recognized in pension expense over the remaining service period of 5.5 years as follows:

Fiscal Years Ending September 30	Amount
2023	\$ 24,736
2024	24,736
2025	24,736
2026	24,736
2027	17,121
Thereafter	(8,564)
Total	<u>\$ 107,501</u>

Actuarial Assumptions. The total pension liability in the July 1, 2022, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Valuation date	July 1, 2022
Measurement date	June 30, 2022
Inflation	2.40 percent
Real payroll growth	0.85 percent
Salary increases	3.25 percent, average, including inflation
Investment rate of return	6.70 percent, net of pension plan investment expense, including inflation
Actuarial cost method	Individual entry age

Mortality rates were based on the Generational PUB-2010 with Projection Scale MP-2018.

The actuarial assumptions used in the July 1, 2022, valuation were based on the results of an actuarial experience study for the period July 1, 2013 through June 30, 2018.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 35 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The long-term expected rate of return on pension plan investments was not based on historical returns, but instead is based on a forward-looking capital market economic model. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes an adjustment for the inflation assumption. The target allocation and best estimates of arithmetic and geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation (1)	Annual Arithmetic Return	Compound Annual (Geometric) Return	Standard Deviation
Cash	1.0%	2.6%	2.6%	1.1%
Fixed income	19.8%	4.4%	4.4%	3.2%
Global equity	54.0%	8.8%	7.3%	17.8%
Real estate (property)	10.3%	7.4%	6.3%	15.7%
Private equity	11.1%	12.0%	8.9%	26.3%
Strategic investments	3.8%	6.2%	5.9%	7.8%
Total	<u>100%</u>			
Assumed inflation - Mean		2.40%		1.30%

(1) As outlined in the Plan's investment policy

Money-Weighted Rate of Return. The annual money-weighted rate of return (loss) on the FRS Pension Plan investments was (7.2)% for the Plan year ended June 30, 2022.

Discount Rate. The discount rate used to measure the total pension liability was 6.70 percent. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 36 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net pension liability calculated using the discount rate of 6.70 percent, as well as what the Council's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.70 percent) or 1-percentage-point higher (7.70 percent) than the current rate:

	1% Decrease (5.70%)	Current Discount Rate (6.70%)	1% Increase (7.70%)
Council's proportionate share of the net pension liability	\$ 797,804	\$ 461,310	\$ 179,961

Pension Plan Fiduciary Net Position. Detailed information about pension plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Systems Annual Comprehensive Financial Report (FRS ACFR) dated June 30, 2022.

The FRS ACFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
 Division of Retirement
 Bureau of Research and Member Communications
 P.O. Box 9000
 Tallahassee, FL 32315-9000
 850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2022, the Council reported a payable of \$198 for the outstanding amount of contributions in the pension plan required for the year ended September 30, 2022.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 37 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan

Plan Description. The Health Insurance Subsidy Plan ("HIS Plan") is a cost-sharing, multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. The benefit is a monthly payment to assist retirees of State-administered retirement systems in paying their health insurance costs and is administered by the Division of Retirement within the Florida Department of Management Services.

Benefits Provided. For the year ended September 30, 2022, eligible retirees and beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by \$5. The payments are at least \$30 but not more than \$150 per month, pursuant to Section 112.363, Florida Statutes. To be eligible to receive a HIS Plan benefit, a retiree under a State-administered retirement system must provide proof of health insurance coverage, which can include Medicare.

Contributions. The HIS Plan is funded by required contributions from FRS participating employers as set by the Florida Legislature. Employer contributions are a percentage of gross compensation for all active FRS members. For the year ended September 30, 2022, the contribution rate ranged between 1.66 percent and 1.66 percent of payroll pursuant to Section 112.363, Florida Statutes. The Council contributed 100 percent of its statutorily required contributions for the current and preceding three years. HIS Plan contributions are deposited in a separate trust fund from which HIS payments are authorized. HIS Plan benefits are not guaranteed and are subject to annual legislative appropriation. In the event the legislative appropriation or available funds fail to provide full subsidy benefits to all participants, benefits may be reduced or cancelled.

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the HIS Plan. At September 30, 2022, the Council reported a HIS net pension liability of \$73,246 for its proportionate share of the net HIS Plan's net pension liability. The net pension liability was measured as of June 30, 2022, and the total pension liability was used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2022. The Council's proportionate share of the net HIS liability was based on the District's 2021-22 fiscal year contributions relative to the total 2021-22 fiscal

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 38 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

year contributions of all participating members. At September 30, 2022, the Council's proportionate share was .000691551 percent, which was a decrease of .000033816 percent from its proportionate share measured as of June 30, 2022.

For the fiscal year ended September 30, 2022, the Council recognized HIS expense (income) of \$4,495. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 2,223	\$ 322
Change of assumptions	4,197	11,331
Net difference between projected and actual earnings on pension plan investments	106	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	3,313	52,152
Council contributions subsequent to the measurement date	<u>1,036</u>	<u>-</u>
Total	<u>\$ 10,875</u>	<u>\$ 63,805</u>

The deferred outflows of resources related to HIS, totaling \$1,036, resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2023. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense of the remaining service period of 6.4 years as follows:

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 39 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

Fiscal Years Ending September 30	Amount
2023	\$ (9,986)
2024	(9,986)
2025	(9,986)
2026	(9,988)
2027	(10,013)
Thereafter	(4,007)
Total	<u>\$ (53,966)</u>

Actuarial Assumptions. The total pension liability in the July 1, 2022, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.40 percent
Real Payroll Growth	0.85 percent
Salary Increases	3.25 percent, average, including inflation
Municipal Bond Rate	3.54 percent
Actuarial Cost Method	Individual entry age

Mortality rates were based on the Generational PUB-2010 with Projected Scale MP-2018.

Because the HIS Plan is funded on a pay-as-you-go basis, no experience study has been completed for this plan.

Discount Rate. The discount rate used to measure the total HIS liability was increased from 2.16% to 3.54%. In general, the discount rate for calculating the total HIS liability is equal to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date. Because the HIS benefit is essentially funded on a pay-as-you-go basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the plan sponsor. The Bond Buyer General Obligation 20-Bond Municipal Bond Index was adopted as the applicable municipal bond index.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 40 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

Sensitivity of the District's Proportionate Share of the Net HIS Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net HIS liability calculated using the discount rate of 3.54 percent, as well as what the Council's proportionate share of the net HIS liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.54 percent) or 1-percentage-point higher (4.54 percent) than the current rate:

	1% Decrease (2.54%)	Current Discount Rate (3.54%)	1% Increase (4.54%)
Council's proportionate share of the net HIS liability	\$ 83,800	\$ 73,246	\$ 64,514

Pension Plan Fiduciary Net Position. Detailed information about the HIS plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Annual Comprehensive Financial Report (FRS ACFR) dated June 30, 2022.

The FRS ACFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
 Division of Retirement
 Bureau of Research and Member Communications
 P.O. Box 9000
 Tallahassee, FL 32315-9000
 850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2022 the Council reported a payable of \$32 for the outstanding amount of contributions to the HIS plan required for the fiscal year ended September 30, 2022.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 41 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan

The SBA administers the defined contribution plan officially titled the FRS Investment Plan (Investment Plan). The Investment Plan is reported in the SBA's annual financial statements and in the State of Florida Annual Comprehensive Financial Report.

As provided in Section 121.4501, Florida Statutes, eligible FRS members may elect to participate in the Investment Plan in lieu of the FRS defined benefit plan. Council employees participating in DROP are not eligible to participate in the Investment Plan. Employer and employee contributions, including amounts contributed to individual member's accounts, are defined by law, but the ultimate benefit depends in part on the performance of investment funds. Benefit terms, including contribution requirements, for the Investment Plan are established and may be amended by the Florida Legislature. The Investment Plan is funded with the same employer and employee contribution rates that are based on salary and membership class (Regular Class, Elected County Officers, etc.) as the FRS defined benefit plan. Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Costs of administering the plan, including FRS Financial Guidance Program, are funded through an employer contribution of 0.06 percent of payroll and by forfeited benefits of plan members. Allocations to the investment member's accounts during the 2021-22 fiscal year were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	11.91	10.82
Florida Retirement System, Senior Management Service	3.00	31.57	29.01
Florida Retirement System, Special Risk	3.00	27.83	25.89
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	18.60	18.34
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	57.00	51.42

Notes:

- (1) Employer rates include 1.66 percent for the post employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/22 - 6/30/23.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/21 - 6/30/22.

* As defined by the Plan.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 42 of 65

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan, continued

For all membership classes, employees are immediately vested in their own contributions and are vested after 1 year of service for employer contributions and investment earnings. If an accumulated benefit obligation for service credit originally earned under the FRS Pension Plan is transferred to the Investment Plan, the member must have the years of service required for FRS Pension Plan vesting (including the service credit represented by the transferred funds) to be vested for these funds and the earnings on the funds. Nonvested employer contributions are placed in a suspense account for up to 5 years. If the employee returns to FRS-covered employment within the 5-year period, the employee will regain control over their account. If the employee does not return within the 5 year period, the employee will forfeit the accumulated account balance. For the fiscal year ended September 30, 2022, the information for the amount of forfeitures was unavailable from the SBA; however, management believes that these amounts, if any, would be immaterial to the Council.

After termination and applying to receive benefits, the member may rollover vested funds to another qualified plan, structure a periodic payment under the Investment Plan, receive a lump-sum distribution, leave the funds invested for future distribution, or any combination of these options. Disability coverage is provided; the member may either transfer the account balance to the FRS Pension Plan when approved for disability retirement to receive guaranteed lifetime monthly benefits under the FRS Pension Plan, or remain in the Investment Plan and rely upon that account balance for retirement income.

The Council's Investment Plan pension expense totaled \$38,254 for the fiscal year ended September 30, 2022 and is included as part of total FRS contributions.

Payables to the Investment Plan. At September 30, 2022, the Council reported a payable of \$0 for the outstanding amount of contributions to the Plan required for the fiscal year ended September 30, 2022.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022**

Page 43 of 65

NOTE J - COMMITMENTS/CONTINGENCIES

Grants

The Council is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency. The grantor agency may at times disallow expenditure amounts associated with a contract based on the outcome of an audit. These amounts would constitute a contingent liability of the Council. The Council has not, as of September 30, 2022, been notified of any existing contingent liabilities related to prior grants or the grants currently in process. The Council has not had any special compliance audits conducted by grantor agencies or any disallowed costs during the year ended September 30, 2022. The management of the Council does not believe contingent liabilities, if any exist, to be material.

NOTE K - ECONOMIC DEPENDENCE

The Council's operations are substantially dependent on the receipt of revenue from grantor and contract agencies. Loss of these funds and/or large decreases in this type of funding would have a material effect on the financial position of the Council and a negative impact on overall operations. For the fiscal year ended September 30, 2022, approximately 93% of total revenue is attributable to funds received from grantor and contract agencies.

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB)

Plan Description

The Council's single employer defined benefit OPEB Plan provides the opportunity to obtain health insurance, pharmacy, dental and vision benefits to its retired employees and their dependents. The year ended September 30, 2018 was the Council's transition year and as such, the Council implemented GASB No. 75 "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions". GASB No. 75 requires the Council to annually its actuarially determined total OPEB liability.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 44 of 65

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Plan Description, continued

All retired full-time employees are eligible for OPEB benefits if actively employed by the Council immediately before retirement. As of September 30, 2022, there were zero (0) retirees receiving benefits. At September 30, 2022, there were three (3) active Council employees. The benefits are provided both with contractual or labor agreements. The benefits may require contribution from the retirees, depending on certain specified criteria and, in particular, length of creditable employment. The minimum retirement age is 62. The minimum years of service requirement is 8 years.

The retiree's premiums for these benefits totaled \$0 during the year ended September 30, 2022, of which the Council paid \$0.

Funding Policy

The Council's OPEB benefits are unfunded. The retiree is eligible for benefits under the Council's health, pharmacy dental and vision plan, but is obligated to reimburse the Council for 100% of the cost of the retiree's health coverage. As such, the Council has no ultimate obligation (explicit subsidy) for the retiree's health insurance premium. The Council acts as agent for the retiree on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due. The Council does, however, incur the cost of premium rate being increased on its active employees due to providing coverage to its retirees (implicit subsidy). The Council has not determined if a separate trust fund or equivalent arrangement will be established into which the Council would make contributions to advance-fund the obligation. Therefore, no separate financial statement is issued. All required disclosures are presented herein. The Plan's measurement date was September 30, 2021 for the October 1, 2021 - September 30, 2022 reporting period. September 30, 2020 was the valuation date.

The retiree pays 100% of the retiree health only coverage less the FRS health insurance subsidy (HIS) reimbursement amount until age 65. The retiree may purchase dependent coverage through the Council. At age 65 the retiree then must move to Medicare but may continue to purchase dental and vision coverage through the Council. The Council finances the benefits on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 45 of 65

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Funding Policy, continued

The Council subsidizes the premium rates paid by retirees by allowing them to participate at blended premium rates for both active and retired employees. These rates provide an implicit subsidy for retirees because, on an actuarial basis, retiree claims are expected to result in higher costs to the plan on average than those of active employees.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multiyear trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

Actuarial Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

At September 30, 2022, the Council's Net OPEB Liability of \$3,030 was measured as of September 30, 2021 and was determined by an actuarial valuation as of September 30, 2020 using the alternate measurement method. The change from the prior year was immaterial and therefore not recorded. The following actuarial assumptions and other inputs were applied to all periods included in the measurement:

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 46 of 65

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Actuarial Methods and Assumptions, continued

The following simplifying assumptions were made:

Mortality - Life expectancies were based on Pub-2010 Mortality Tables projected to the valuation date using MP-2019.

Annual healthcare cost trend using the Society of Actuaries Long-Run Medical Cost Trend Model baseline assumptions with an initial rate of 7.0% per year trending to 4.0% by 2075. Years to ultimate 56.

Turnover - Non-group-specific age-based turnover data from GASB Statement 45 were used as the basis for assigning active members a probability of remaining employed until the assumed retirement age and for developing an expected future working lifetime assumption for purposes of allocating to periods the present value of total benefits paid.

Amortization Period: Rolling 20 year amortization

Funding Method: entry age cost method (level percent of payroll)

The discount rate was (3.58% for 2021) (4.18% for 2020) (4.18% for 2019) (3.64% for 2018) and was based on the 20 Year Municipal Bond Rate with AA/Aa or higher.

Retirement Rate	100% at age 58
Inflation Rate	2.50%
Salary Increases	2.50%
Discount Rate	2.43%
Valuation Date	September 30, 2020
Measurement Date	September 30, 2021

The FRS salary scale was used

Participation percentage: 25%

The actuarial assumptions used in the September 30, 2020 valuation were based on results of an actuarial experience study performed for the FRS Retirement Plan.

The rationales for selecting each of the assumptions used in the financial accounting valuation and for the assumptions changes summarized above are to best reflect the current market conditions and recent plan experience.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 47 of 65

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED

Changes in the Net OPEB Liability

	<u>Amount</u>
Balance at September 30, 2020	\$ 8,232
Changes for the Year:	
Service Cost	476
Interest Cost on Total OPEB Liability	359
Change in Benefit Terms	-
Difference Between Expected and Actual Experience	(4,135)
Changes in Assumptions	(1,222)
Benefit Payments	(680)
Net Changes	(5,202)
Balance at September 30, 2021	\$ 3,030

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using a discount rate that is 1 percent higher or 1 percent lower than the current discount rate.

	1% Decrease	Current Rate	1% Increase
	<u>1.43%</u>	<u>2.43%</u>	<u>3.43%</u>
Net OPEB Liability	\$ 3,497	\$ 3,030	\$ 2,627

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using healthcare trend rates that are 1 percent higher or 1 percent lower than the current healthcare trend rate.

	1% Decrease	Healthcare Trend Rate	1% Increase
	<u>3.00-6.00%</u>	<u>4.00-7.00%</u>	<u>5.00-8.00%</u>
Net OPEB Liability	\$ 2,547	\$ 3,030	\$ 3,603

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 48 of 65

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Changes in the Net OPEB Liability, continued

For the year ended September 30, 2022, the Council recognized OPEB expense (revenue) of \$3,851. At September 30, 2022, the Council reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources*	Deferred Inflows of Resources*
Differences Between Expected and Actual Experience	\$ -	\$ -
Changes in Assumptions	-	-
Net difference between projected and actual earnings	-	-
Employer contribution subsequent to measurement date	2,000	-
Total	<u>\$ 2,000</u>	<u>\$ -</u>

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

	Amount*
2023	\$ 2,000
2024	-
2025	-
2026	-
2027	-
Total Thereafter	-
	<u>\$ 2,000</u>

*Per GASB No. 75 paragraph 43(a) since the Council used the alternative measurement method the effects of assumptions are recognized immediately. As such, since the Plan holds no assets their deferred inflows/outflows are zero except employer contribution.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 49 of 65

NOTE M - RISK MANAGEMENT

The Council is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters.

Insurance programs for general/professional liability, automobile, and property are through commercial insurance carriers. The Council retains the risk of loss, on insured claims, up to a deductible amount (depending on the type of loss) with the risk of loss in excess of this amount transferred to the insurance carrier. The Council is third party insured for employee health as well as workers' compensation. There were no claims paid in excess of insurance coverage during the past three (3) fiscal years.

NOTE N - FUND BALANCE

Fund balance was classified for the following purposes at September 30, 2022:

Assigned fund balance - General Fund	Amount
Operating reserves	\$ 453,577
	<u>\$ 453,577</u>

NOTE O - CONTINGENCY

As of September 30, 2022, the Council had been informed by five (5) of the six (6) member Counties as well as two (2) cities of their respective intent to withdraw financial support from the Council. The Council estimated the financial effect of such withdrawal to be approximately \$435,000 of unrestricted revenue annually.

During the year ended September 30, 2022, the Council has secured alternate federal and state funding to replace the lost member government revenue. As such, the Council believes it will continue operations at least until September 30, 2025.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2022

Page 50 of 65

NOTE P - DEFERRED COMPENSATION PLAN

The Council offers the employees the opportunity to participate in a IRC 457 deferred compensation plan. This Plan has a third party trustee/custodian that holds 100% of Plan assets. The Plan is 100% third party administered. The Plan only accepts employee contributions.

NOTE Q - DEFICIT UNRESTRICTED NET POSITION (NET ASSETS)

During the year ended September 30, 2022, the Council's unrestricted net position (net assets) balance was a deficit of \$(63,292), due substantially to recording the current year actuarially determined net pension liability of \$534,556. The Council's total available fund balance at September 30, 2022 remains approximately equal to six (6) months of actual expenditures. However, the Board assigned all available fund balance to fund future operations.

During the year ended September 30, 2021, the Council's unrestricted net position (deficit) net assets balance was a deficit of (\$126,067), due substantially to recording the reduced current year actuarially determined net pension liability of \$179,958. The Council's total available fund balance at September 30, 2021 was \$419,591, equal to six (6) months of actual expenditures. However, the Board assigned all available fund balance to fund future operations.

**REQUIRED SUPPLEMENTARY
INFORMATION
OTHER THAN MD&A**

DRAFT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET-AND ACTUAL - GENERAL FUND -
SUMMARY STATEMENT
Year Ended September 30, 2022

Page 51 of 65

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 885,257	\$ 798,955	\$ 776,418	\$ (22,537)
Contracts and local grants	61,500	64,983	79,930	14,947
County and city assessments	50,523	50,523	50,524	1
DRI fees	-	-	13,478	13,478
DRI monitoring fees	-	-	-	-
Interest and miscellaneous	2,000	15,606	3,562	(12,044)
Fund balance carryforward	276,590	419,591	-	(419,591)
TOTAL REVENUES	<u>1,275,870</u>	<u>1,349,658</u>	<u>923,912</u>	<u>(425,746)</u>
EXPENDITURES				
Current				
Personnel services	379,029	368,030	368,030	-
Operating expenditures	896,841	981,628	521,896	459,732
Capital outlay	-	-	-	-
Debt service	-	-	-	-
TOTAL EXPENDITURES	<u>1,275,870</u>	<u>1,349,658</u>	<u>889,926</u>	<u>459,732</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>-</u>	<u>-</u>	<u>33,986</u>	<u>33,986</u>
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>33,986</u>	<u>\$ 33,986</u>
FUND BALANCE, October 1, 2021			<u>419,591</u>	
FUND BALANCE, September 30, 2022			<u>\$ 453,577</u>	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -
DETAILED STATEMENT
Year Ended September 30, 2022

Page 52 of 65

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 885,257	\$ 798,955	\$ 776,418	\$ (22,537)
Contracts and local grants	61,500	64,983	79,930	14,947
County and city assessments	50,523	50,523	50,524	1
DRI fees	-	-	13,478	13,478
DRI monitoring fees	-	-	-	-
Interest and miscellaneous	2,000	15,606	3,562	(12,044)
Fund balance carryforward	276,590	419,591	-	(419,591)
TOTAL REVENUES	1,275,870	1,349,658	923,912	(425,746)
EXPENDITURES				
Current				
Personnel services				
Salaries	256,131	251,169	251,169	-
Fringe benefits:				
FICA	19,594	19,081	19,081	-
Retirement	61,112	66,099	66,099	-
Health insurance	40,848	30,708	30,708	-
Workers compensation/unemployment	1,344	973	973	-
Total personnel services	379,029	368,030	368,030	-
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	94,724	15,691	15,593	98
Grant/Consulting expense	412,313	423,097	425,037	(1,940)
Audit fees	25,000	26,500	26,500	-
Telephone, rent, supplies, etc:				
Office supplies	600	1,807	1,807	-
Equipment rental	3,151	3,990	3,990	-
Building rental	-	-	-	-
Repairs and maintenance	-	-	-	-
Telephone	1,488	2,472	2,382	90
Miscellaneous and insurance:				
Insurance	6,220	6,511	6,511	-
Other miscellaneous	500	61	97	(36)
Computer supplies and graphics	21,668	19,187	29,757	(10,570)
Professional development/meetings:				
Professional development/dues	3,059	2,560	2,560	-
Meetings/events	2,000	123	123	-

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -
DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2022

Page 53 of 65

	General Fund			Variance Favorable (Unfavorable)
	Original Budget	Final Budget	Actual	
Operating expenditures (continued)				
Travel	1,000	4,236	5,321	(1,085)
Postage	-	-	58	(58)
Printing/reproduction	1,000	526	526	-
Utilities	-	-	-	-
Advertising/legal notices	1,600	984	984	-
Bank service charge	-	650	650	-
Reserves - operations	322,518	473,233	-	473,233
Total operating expenditures	896,841	981,628	521,896	459,732
Capital outlay				
Capital purchases	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	-	-	-	-
Debt service				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total debt service	-	-	-	-
TOTAL EXPENDITURES	1,275,870	1,349,658	889,926	459,732
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	33,986	33,986
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	-	-
NET CHANGE IN FUND BALANCE	\$ -	\$ -	33,986	\$ 33,986
FUND BALANCE, October 1, 2021			419,591	
FUND BALANCE, September 30, 2022			\$ 453,577	

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - FLORIDA RETIREMENT SYSTEM (FRS) PENSION
PLAN (1)**

	2022	2021	2020	2019
Council's proportion of the net pension liability	0.001239813%	0.001204425%	0.001039463%	0.001287928%
Council's proportionate share of the net pension liability	\$ 461,310	\$ 90,981	\$ 450,519	\$ 443,544
Council's covered-employee payroll	\$ 251,169	\$ 254,290	\$ 285,968	\$ 365,980
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	183.67%	35.78%	157.54%	121.19%
Plan fiduciary net position as a percentage of the total pension liability	82.89%	96.40%	78.85%	82.61%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -
FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN (1)**

	2022	2021	2020	2019
Contractually required contribution	\$ 56,845	\$ 52,350	\$ 37,695	\$ 38,478
Contributions in relation to the contractually required contribution	56,845	52,350	37,695	38,478
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Council's covered-employee payroll	\$ 251,169	\$ 254,290	\$ 285,968	\$ 365,980
Contributions as a percentage of covered-employee payroll	22.63%	20.59%	13.18%	10.51%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

Page 54 of 65

2018	2017	2016	2015	2014
0.001406368%	0.001383839%	0.017879380%	0.002458057%	0.003334835%
\$ 423,605	\$ 409,330	\$ 451,456	\$ 317,491	\$ 203,474
\$ 486,876	\$ 421,146	\$ 463,600	\$ 596,412	\$ 978,831
87.00%	97.19%	97.38%	53.23%	20.79%
84.26%	83.89%	84.88%	92.00%	96.09%

2018	2017	2016	2015	2014
\$ 45,435	\$ 38,956	\$ 55,506	\$ 49,187	\$ 84,553
45,435	38,956	55,506	49,187	84,553
\$ -	\$ -	\$ -	\$ -	\$ -
\$ 486,876	\$ 421,146	\$ 463,600	\$ 596,412	\$ 978,831
9.33%	9.25%	11.97%	8.25%	8.64%

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - HEALTH INSURANCE SUBSIDY (HIS) PENSION
PLAN (1)**

	2022	2021	2020	2019
Council's proportion of the net pension liability	0.000691551%	0.000725367%	0.000863608%	0.001269934%
Council's proportionate share of the net pension liability	\$ 73,246	\$ 88,977	\$ 105,445	\$ 138,401
Council's covered-employee payroll	\$ 251,169	\$ 254,290	\$ 285,968	\$ 365,980
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	29.16%	34.99%	36.87%	37.82%
Plan fiduciary net position as a percentage of the total pension liability	4.81%	3.56%	3.00%	2.63%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -
HEALTH INSURANCE SUBSIDY (HIS) PENSION PLAN (1)**

	2022	2021	2020	2019
Contractually required contribution	\$ 9,254	\$ 9,238	\$ 7,721	\$ 9,619
Contributions in relation to the contractually required contribution	9,254	9,238	7,721	9,619
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Council's covered-employee payroll	\$ 251,169	\$ 254,290	\$ 285,968	\$ 365,980
Contributions as a percentage of covered-employee payroll	3.68%	3.63%	2.70%	2.63%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

Page 55 of 65

2018	2017	2016	2015	2014
0.001424372%	0.001317335%	0.001573392%	0.002434150%	0.003320373%
\$ 150,757	\$ 140,856	\$ 183,372	\$ 248,245	\$ 310,463
\$ 486,876	\$ 421,146	\$ 463,600	\$ 596,412	\$ 978,831
30.96%	33.45%	39.55%	41.62%	31.72%
2.15%	1.64%	0.97%	0.50%	0.99%

2018	2017	2016	2015	2014
\$ 11,359	\$ 10,356	\$ 4,521	\$ 14,527	\$ 17,441
11,359	10,356	4,521	14,527	17,441
\$ -	\$ -	\$ -	\$ -	\$ -
\$ 486,876	\$ 421,146	\$ 463,600	\$ 596,412	\$ 978,831
2.33%	2.46%	0.98%	2.44%	1.78%

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION
September 30, 2022

Page 56 of 65

Changes of Assumptions

Actuarial assumptions for both cost-sharing defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS Pension Plan was for the period July 1, 2013 through June 30, 2018. Because the HIS Program is funded on a pay-as-you-go basis, no experience study has been completed for that program. The actuarial assumptions that determined the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for each cost-sharing defined benefit plan was determined using the individual entry age actuarial cost method. Inflation increases for both plans is assumed at 2.40%. Payroll growth, including inflation, for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments decreased from 6.80% to 6.70%. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

Because the HIS Program uses a pay-as-you-go funding structure, a municipal bond rate was increased from 2.16% to 3.54% to determine the total pension liability for the program (Bond Buyer General Obligation 20-Bond Municipal Bond Index). Mortality assumptions for both plans were based on the Generational PUB-2010 with Projection Scale MP-2018.

Florida Retirement System Pension Plan

There were changes in actuarial assumptions. As of June 30, 2022, the inflation rate assumption remained at 2.4 percent, the real payroll growth assumption remained at 0.85 percent, and the overall payroll growth rate assumption remained at 3.25 percent. The long-term expected rate of return was reduced from 6.80 percent to 6.70 percent.

Health Insurance Subsidy Pension Plan

The municipal rate used to determine total pension liability increased from 2.16 percent to 3.54 percent.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION
September 30, 2022

Page 57 of 65

Pension Expense and Deferred Outflows/Inflows of Resources

In accordance with GASB 68, paragraphs 54 and 71, changes in the net pension liability are recognized in pension expense in the current measurement period, except as indicated below. For each of the following, a portion is recognized in pension expense in the current reporting period, and the balance is amortized as deferred outflows or deferred inflows of resources using a systematic and rational method over a closed period, as defined below:

- Differences between expected and actual experience with regard to economic and demographic factors - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes of assumptions or other inputs - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes in proportion and differences between contributions and proportionate share of contributions - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Differences between expected and actual earnings on pension plan investments - amortized over five years

Employer contributions to the pension plans from employers are not included in collective pension expense. However, employee contributions are used to reduce pension expense.

The average expected remaining service life of all employees provided with pensions through the pension plans at June 30, 2022, was reduced from 5.7 years (FY 21) to 5.5 years (FY 22) for FRS and remained unchanged at 6.4 years for (FY22) for HIS.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND
RELATED RATIOS GASB 75**

Changes in Employer's Net OPEB Liability and Related Ratios as of September 30:

	2022	2021	2020	2019
Net OPEB Liability				
Service Cost	\$ 476	\$ 289	\$ -	\$ 526
Interest Cost on Total OPEB Liability	359	674	-	1,008
Changes in Benefit Terms	-	-	-	-
Differences Between Expected and Actual Experience	(4,135)	(6,213)	-	(6,521)
Changes in Assumptions	(1,222)	(1,501)	-	(4,520)
Benefit Payments	(680)	(1,727)	-	(1,875)
Net Change in net OPEB Liability	(5,202)	(8,478)	-	(11,382)
Net OPEB Liability - Beginning of Year	8,232	16,710	16,710	28,092
Net OPEB Liability - End of Year	<u>\$ 3,030</u>	<u>\$ 8,232</u>	<u>\$ 16,710</u>	<u>\$ 16,710</u>

NOTE: Information for FY 2017 and earlier is not available.

Plan Fiduciary Net Position as of September 30:

	2022	2021	2020	2019
Contributions - Employer	\$ 680	\$ 1,727	\$ -	\$ 1,875
Net Investment Income	-	-	-	-
Benefit Payments	(680)	(1,727)	-	(1,875)
Administrative Expense	-	-	-	-
Net Change in Fiduciary Net Position	-	-	-	-
Fiduciary Net Position - Beginning of Year	-	-	-	-
Fiduciary Net Position - End of Year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Net OPEB Liability	\$ 3,030	\$ 8,232	\$ 16,710	\$ 16,710
Fiduciary Net Position as a % of Net OPEB Liability	0.00%	0.00%	0.00%	0.00%
Covered-Employee Payroll	\$251,169	\$254,290	\$285,968	\$387,712
Net OPEB Liability as a % of Payroll	1.21%	3.25%	5.84%	4.31%

NOTE: Information for FY 2017 and earlier is not available.

Notes to the Schedule:

Benefit Changes	None
Changes of Assumptions	The discount rate was changed as follows:
9/30/17	3.06%
9/30/18	3.64%
9/30/19	4.18%
9/30/20	3.58%
9/30/21	2.14%
9/30/22	2.43%

Population covered by Plan: 3 active 0 retired

Plan has no specific trust established. \$0 assigned for OPEB.

	2018
\$	513
	911
	-
	-
	(1,729)
	(1,728)
	(2,033)
	30,125
\$	28,092

	2018
\$	1,728
	-
	(1,728)
	-
	-
	-
\$	-

\$	28,092
	0.00%

\$431,145
6.52%

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ADDITIONAL REPORTS

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL
CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT OF BASIC
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

Executive Committee and Council Members
Southwest Florida Regional Planning Council
P.O. Box 60933
Fort Myers, Florida 33906-6933

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, the basic financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents and have issued our report thereon dated March 21, 2023.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Council's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Council's financial statements will not be prevented, or detected and

corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined previously. However, material weaknesses may exist that have not been identified.

Further, we did, however, note a certain other matter that we have reported in our Report to Management dated March 21, 2023.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Southwest Florida Regional Planning Council's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under Government Auditing Standards in our Report to Management dated March 21, 2023.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 21, 2023

**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE
WITH SECTION 218.415, FLORIDA STATUTES**

Executive Committee and Council Members
Southwest Florida Regional Planning Council
P.O. Box 60933
Fort Myers, Florida 33906-6933

We have examined Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes, regarding the investment of public funds during the year ended September 30, 2022. Management is responsible for Southwest Florida Regional Planning Council's compliance with those requirements. Our responsibility is to express an opinion on Southwest Florida Regional Planning Council's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about Southwest Florida Regional Planning Council's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on Southwest Florida Regional Planning Council's compliance with specified requirements.

In our opinion, Southwest Florida Regional Planning Council complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2022.

This report is intended solely for the information and use of the Southwest Florida Regional Planning Council and the Auditor General, State of Florida, and is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 21, 2023

INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
P.O. Box 60933
Fort Myers, Florida 33906-6933

We have audited the accompanying basic financial statements of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2022 and have issued our report thereon dated March 21, 2023.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America and Chapter 10.550, Rules of the Florida Auditor General. We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards and Chapter 10.550, Rules of the Florida Auditor General. Disclosures in those reports, which are dated March 21, 2023, should be considered in conjunction with this report to management.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditor's reports:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There was a financially significant prior year comment. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.
- Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. A prior year recommendation was noted to improve financial management. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.

- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did not have any such findings.
- Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the financial statements. The Council discloses this information in the notes to the financial statements.
- Section 10.554(1)(i)5.a., Rules of the Auditor General, requires a statement be included as to whether or not the local government entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that this item is not applicable to the Council.
- Pursuant to Sections 10.554(1)(i)5.b. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures pursuant to rule 10.556(8). It is management's responsibility to monitor the Council's financial condition, and our financial condition assessment was based in part on representations made by management and the review of the financial information provided by the same. In connection with our audit, we did note a deteriorating financial condition that resulted in the inclusion of a going concern paragraph in the Auditor's Report.
- Pursuant to Section 10.554(1)(i)5b.2, Rules of the Auditor General, if a deteriorating financial condition(s) is noted then a statement is so required along with the conditions causing the auditor to make such a conclusion. We did not note a deteriorating financial condition but did include a matter of emphasis paragraph in the Auditor's Report and comment 2017-2 within this letter.
- Pursuant to Section 10.554(1)(i)5.c., Rules of the Auditor General, requires a statement indicating a failure, if any, of a component unit Special District to provide financial information necessary to a proper reporting of the component unit within the audited financial statements of this entity (F.S. Section 218.39(3)(b)). There are no known component special districts required to report within these financial statements.
- Pursuant to Section 10.554(1)(i)6, Rules of the Auditor General, requires disclosure of certain unaudited data. See Exhibit 2.
- Pursuant to Section 10.554(1)(i)7, Rules of the Auditor General, requires an independent special district that imposes ad valorem taxes to disclose certain related unaudited data. See Exhibit 2.

- Section 10.554(l)8, Rules of the Auditor General, requires an independent special district that imposes a non-ad valorem special assessment to disclose certain unaudited data. See Exhibit 2.
- Section 10.556(10)(a), Rules of the Auditor General, requires that the scope of our audit to determine the Council's compliance with the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Council complied with Section 218.415, Florida Statutes as reported in our Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes dated March 21, 2023, included herein.

PRIOR YEAR COMMENTS:

2017-2 The Board has a Fiduciary Responsibility to the Regional Planning Council

As the Board of the Regional Planning Council, per Florida Statute Section 186.505(8) (9) and (12) there is a duty of care to act in the best interest on the Regional Planning Council. While debate may exist as to the entity's mission and role, the entity is, nevertheless, created by Statute Section 186.504 and acts as an independent governmental entity under Florida Law. Its Board members are charged with all the responsibility typically assigned by Statute to a governmental entity.

As such, we recommend the Board seek all available means to satisfactorily address the issue of funding the Council in a sustainable manner.

FY 2018 Addendum

During the fiscal year ended September 30, 2018, Lee, Charlotte and Sarasota Counties as well as the City of Cape Coral and the City of Sanibel gave their notice to discontinue their respective contribution (Interlocal Agreement Section 23.019). Subsequent to year end, Hendry County gave notice to discontinue funding the Council and Collier County stopped paying their contribution without notice. The amount of lost unrestricted revenue approximates \$350,000 annually.

FY 2019 Addendum

Substantially all of the Council's member entities have resolved to cease paying the annual assessments which is resulting in the Council likely ceasing operations on or about September 30, 2021. See further discussion in Note O.

FY 2020 Addendum

Five (5) of the six (6) of the Council's member counties have ceased paying their annual member assessments. This accounts for approximately \$475,000 of annual unrestricted revenue loss. The Council continues to apply for and receive grant revenue. This revenue, however, does not provide sufficient unrestricted revenue to sustain administrative operations. Such costs are being funded through the use of fund balance.

Therefore, there is substantial doubt the Council can sustain regular operations which will likely result in the Council ceasing operation on or before September 30, 2023.

FY 2021 Addendum

In order to stay in operation the Council has continued to secure alternative revenue sources which consisted mostly of grant funds, however, the grant funds do not appear sufficient to sustain administrative operations. In addition, the Council has slashed operating costs partly by keeping a small amount of staff; this has resulted in being short staffed and due to COVID and project deadlines, foregoing vacation hours. We recommend that the Board approves the vacation hours or set a cap if the compensated absences continue to accumulate.

FY 2022 Addendum

In order to stay in operation the Council has continued to secure alternative revenue sources which consisted mostly of federal and state grant funds. The grant funds received for the ended September 30, 2022 were sufficient to sustain administrative operations. In addition, the Council has slashed operating costs partly by keeping a small amount of staff; this has resulted in being short staffed and due to COVID and project deadlines, foregoing vacation hours. We recommend that the Board approves the vacation hours or set a cap if the compensated absences continue to accumulate.

CURRENT YEAR COMMENTS:

No financially significant comments noted.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the Board of Commissioners, management, the Auditor General of the State of Florida and other federal and state agencies. This report is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 21, 2023

EXHIBIT 1

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EXHIBIT 2

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EXHIBIT 2

Page 1

**UNAUDITED
COMPLIANCE WITH REPORTING REQUIRED BY:****Auditor General Rule 10.554(1)(i)6**

For a dependent special district or an independent special district, or a local government entity that includes the information of a dependent special district as provided in Section 218.39(3)(a), Florida Statutes, the following specific information provided by management (with explanatory verbiage that the auditor provides no assurance on the information:

- a. The total number of council employees compensated in the last pay period of the council's fiscal year being reported (see information required in Section 218.32(1)(e)2.a., Florida Statutes). 3.
- b. The total number of independent contractors to whom nonemployee compensation was paid in the last month of the council's fiscal year being reported (see information required in Section 218.32(1)(e)2.b., Florida Statutes). 3.
- c. All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency (see information required in Section 218.32(1)(e)2.c., Florida Statutes). (Total wage compensation for the fiscal year being audited) \$251,169.
- d. All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency (see information required in Section 218.32(1)(e)2.d., Florida Statutes). (Amounts paid that would be reported on a Form 1099 for FYE) \$190,661
- e. Each construction project with a total cost of at least \$65,000 approved by the council that was scheduled to begin on or after October 1 of the fiscal year being reported, together with the total expenditures for such project (see information required in Section 218.32(1)(e)2.e., Florida Statutes). N/A.
- f. A budget variance report based on the budget adopted under section 189.016(4), Florida Statutes, before the beginning of the fiscal year reported if the council amends a final adopted budget under Section 189.016(6), Florida Statutes (see information required in Section 218.32(1)(e)3., Florida Statutes). If there were amendments then include budget variance (original budget vs. actual at FYE). See attached page 3.

Auditor General Rule 10.554(1)(i)7

For an independent special council that imposes ad valorem taxes, the following specific information provided by management (with explanatory verbiage that the auditor provides no assurance on the information): (see information required in Section 218.32(1)(e)4., Florida Statutes).

- a. The millage rate or rates imposed by the Council. N/A.
- b. The current year gross amount of ad valorem taxes collected by or on behalf of the Council. \$0.
- c. The total amount of outstanding bonds issued by the council and terms of such bonds. \$0.

Auditor General Rule 10.554(1)(i)8

For an independent special council that imposes non-ad valorem special assessments, the following specific information provided by management (with explanatory verbiage that the auditor provides no assurance on the information): (see information required in Section 218.32(1)(e)5., Florida Statutes).

- a. The rate or rates of such assessment imposed by the Council. .30/capita.*
- b. The total amount of special assessments collected by or on behalf of the Council. \$50,524.
- c. The total amount of outstanding bonds issued by the council and the terms of such bonds. N/A.

- * This assessment is per FS Chapter 186 and assessed to member Counties. 5 of 6 member Counties have elected to not pay the assessment levied.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
ORIGINAL BUDGET vs. ACTUAL COMPARISON REPORT - UNAUDITED -
GENERAL FUND
Year Ended September 30, 2022

	General Fund		
	Original Budget	Actual	Variance Favorable (Unfavorable)
REVENUES			
Federal and state grants	\$ 885,257	\$ 776,418	\$ (108,839)
Contracts and local grants	61,500	79,930	18,430
County and city assessments	50,523	50,524	1
DRI fees	-	13,478	13,478
DRI monitoring fees	-	-	-
Interest and miscellaneous	2,000	3,562	1,562
Fund balance carryforward	276,590	-	(276,590)
TOTAL REVENUES	1,275,870	923,912	(351,958)
EXPENDITURES			
Current			
Personnel services	379,029	368,030	10,999
Operating expenditures	896,841	521,896	374,945
Capital outlay	-	-	-
Debt service	-	-	-
TOTAL EXPENDITURES	1,275,870	889,926	385,944
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	33,986	33,986
OTHER FINANCING SOURCES (USES)			
Operating transfers in	-	-	-
Operating transfers out	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	-
NET CHANGE IN FUND BALANCE	\$ -	33,986	\$ 33,986
FUND BALANCE, October 1, 2021		419,591	
FUND BALANCE, September 30, 2022		\$ 453,577	

The accompanying notes are an integral part of this statement.

_____Agenda

_____Item

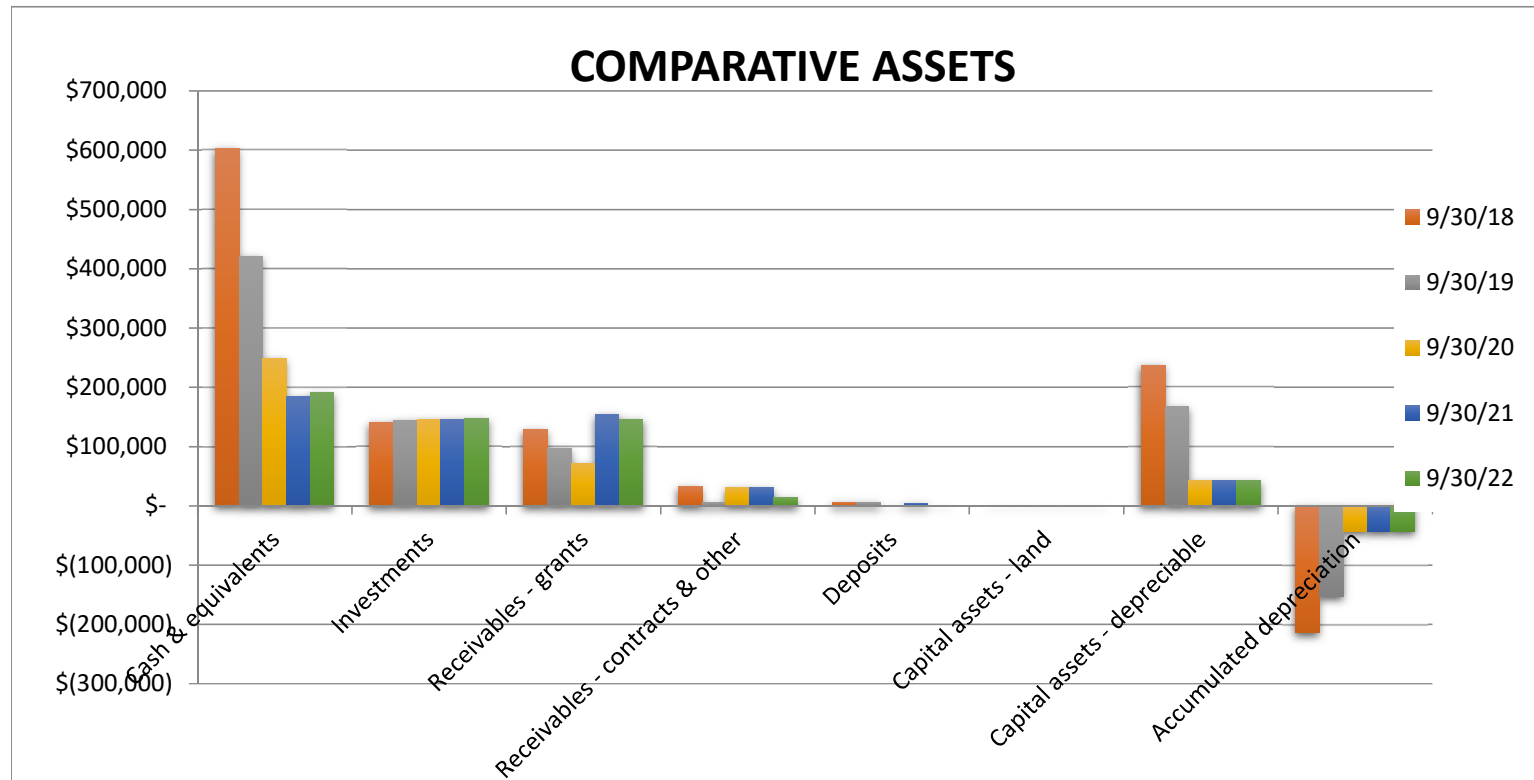
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Audit Graphs & Charts

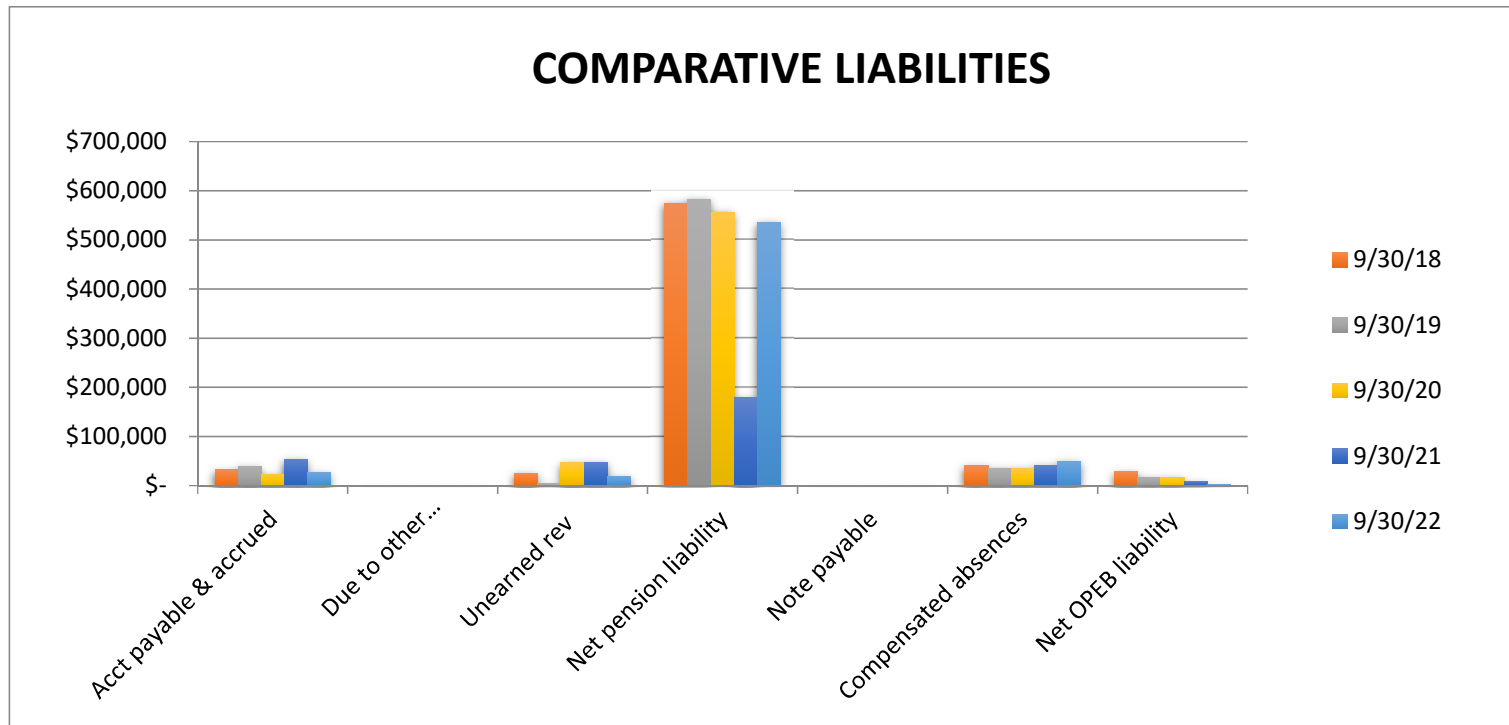
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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF ASSETS
(GOVERNMENT-WIDE STATEMENTS)
September 30, 2018, 2019, 2020, 2021 & 2022



	9/30/18	9/30/19	9/30/20	9/30/21	9/30/22	Increase (Decrease)	% Inc (Dec)
Cash & equivalents	\$ 603,015	\$ 421,164	\$ 249,126	\$ 185,435	\$ 190,884	\$ 5,449	3%
Investments	140,425	144,009	145,717	145,944	147,186	1,242	1%
Receivables - grants	129,024	96,899	72,086	154,304	146,608	(7,696)	-5%
Receivables - contracts & other	33,380	6,000	31,562	31,030	14,604	(16,426)	-53%
Deposits	6,381	6,381	-	4,734	-	(4,734)	100%
Capital assets - land	-	-	-	-	-	-	N/A
Capital assets - depreciable	237,171	167,948	43,026	43,026	43,026	-	0%
Accumulated depreciation	(213,610)	(152,154)	(42,332)	(43,026)	(43,026)	-	0%
Total Assets	\$ 935,786	\$ 690,247	\$ 499,185	\$ 521,447	\$ 499,282	\$ (22,165)	-4%

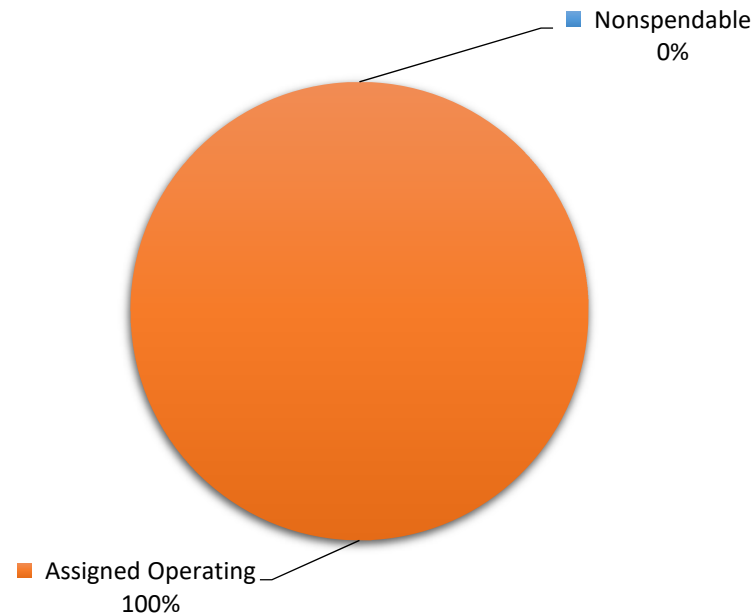
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF LIABILITIES
(GOVERNMENT-WIDE STATEMENTS)
September 30, 2018, 2019, 2020, 2021 & 2022



LIABILITIES	9/30/18	9/30/19	9/30/20	9/30/21	9/30/22	Increase (Decrease)	% Inc (Dec)
Acct payable & accrued	\$ 32,107	\$ 39,267	\$ 23,492	\$ 54,325	\$ 27,100	\$ (27,225)	-50%
Due to other governments	-	-	-	-	-	-	N/A
Unearned rev	25,648	3,772	46,122	47,531	18,605	(28,926)	-61%
Net pension liability	574,362	581,945	555,964	179,958	534,556	354,598	197%
Note payable	-	-	-	-	-	-	N/A
Compensated absences	40,634	34,713	34,713	41,305	49,331	8,026	19%
Net OPEB liability	28,092	16,710	16,710	8,232	3,030	(5,202)	-63%
Total Liabilities	\$ 700,843	\$ 676,407	\$ 677,001	\$ 331,351	\$ 632,622	\$ 301,271	91%

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - FUND BALANCE MIX
(FUND BASIS STATEMENTS)
September 30, 2022

FUND BALANCE SUMMARY



Nonspendable
Assigned Operating

	9/30/22
Nonspendable	\$ -
Assigned Operating	453,577
	<u>\$ 453,577</u>

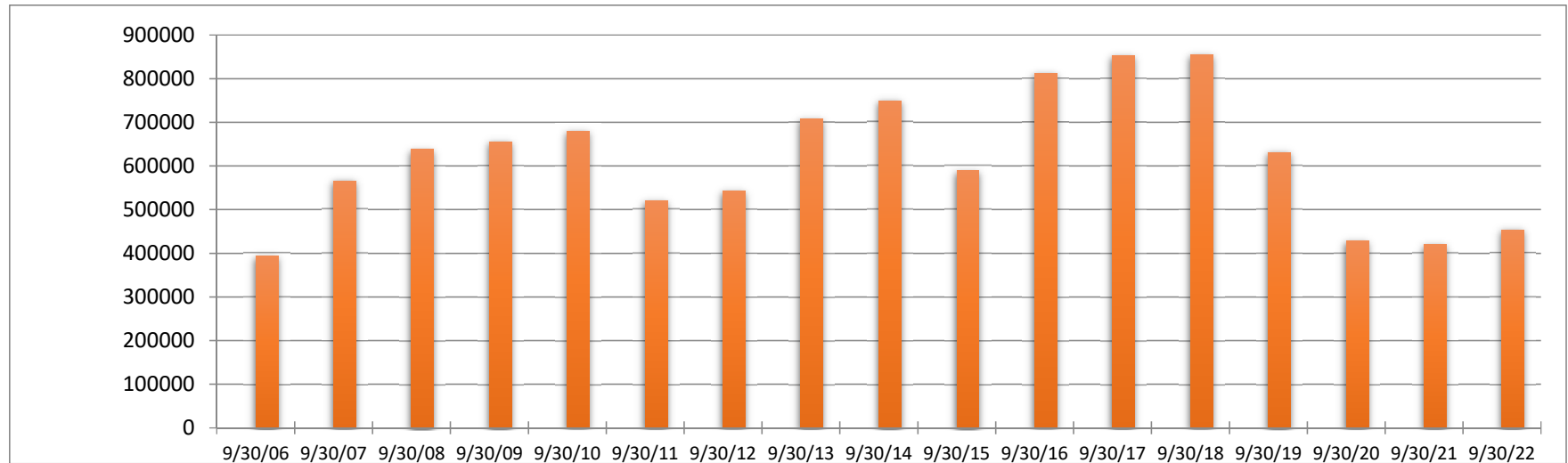
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

GRAPH - COMPARATIVE FUND BALANCE

(FUND BASIS STATEMENTS)

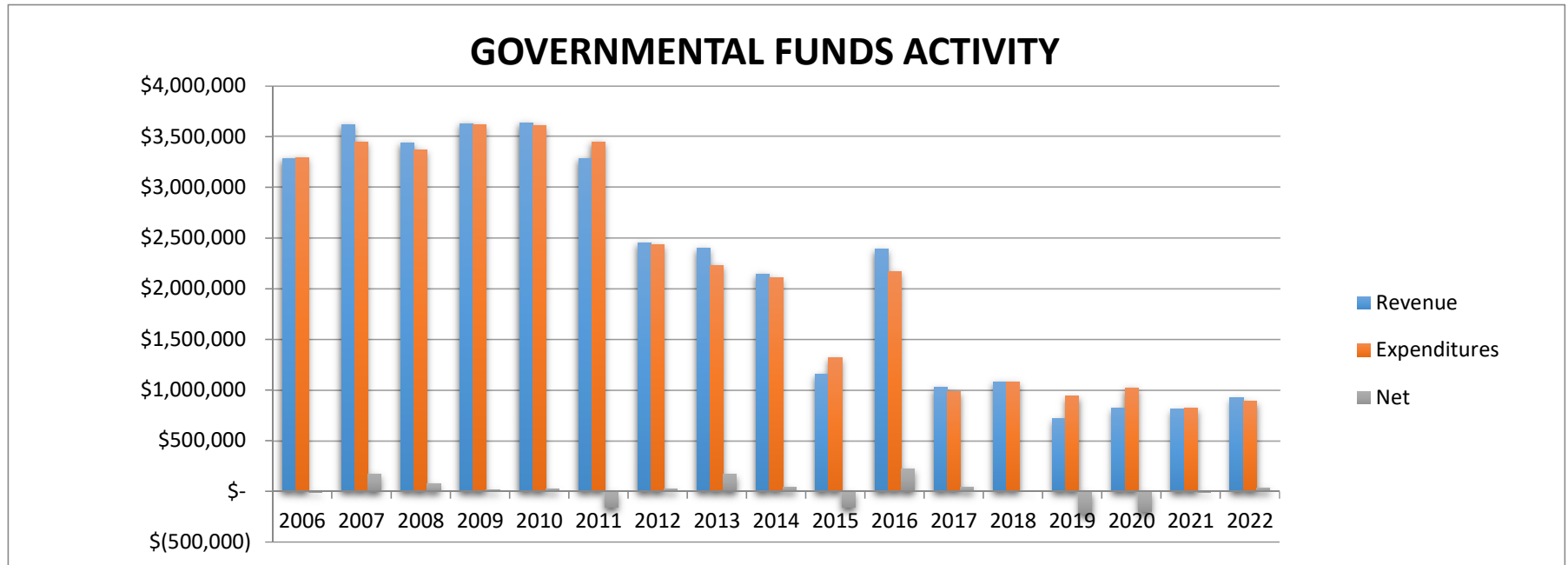
September 30, 2006 - September 30, 2022

COMPARATIVE FUND BALANCE



	Fund Balance	Increase (Decrease)	% Annual Inc (Dec)
9/30/06	\$ 392,965	\$ -	
9/30/07	565,843	172,878	44%
9/30/08	637,988	72,145	13%
9/30/09	655,716	17,728	3%
9/30/10	680,090	24,374	4%
9/30/11	519,868	(160,222)	-24%
9/30/12	542,977	23,109	4%
9/30/13	708,484	165,507	30%
9/30/14	748,896	40,412	6%
9/30/15	588,437	(160,459)	-21%
9/30/16	811,779	223,342	38%
9/30/17	852,378	40,599	5%
9/30/18	854,470	2,092	0%
9/30/19	631,414	(223,056)	-26%
9/30/20	428,877	(202,537)	-32%
9/30/21	419,591	(9,286)	-2%
9/30/22	453,577	33,986	8%

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE (FUND BASIS STATEMENTS) - ALL FUNDS
Fiscal Years Ended September 30, 2006 - September 30, 2022



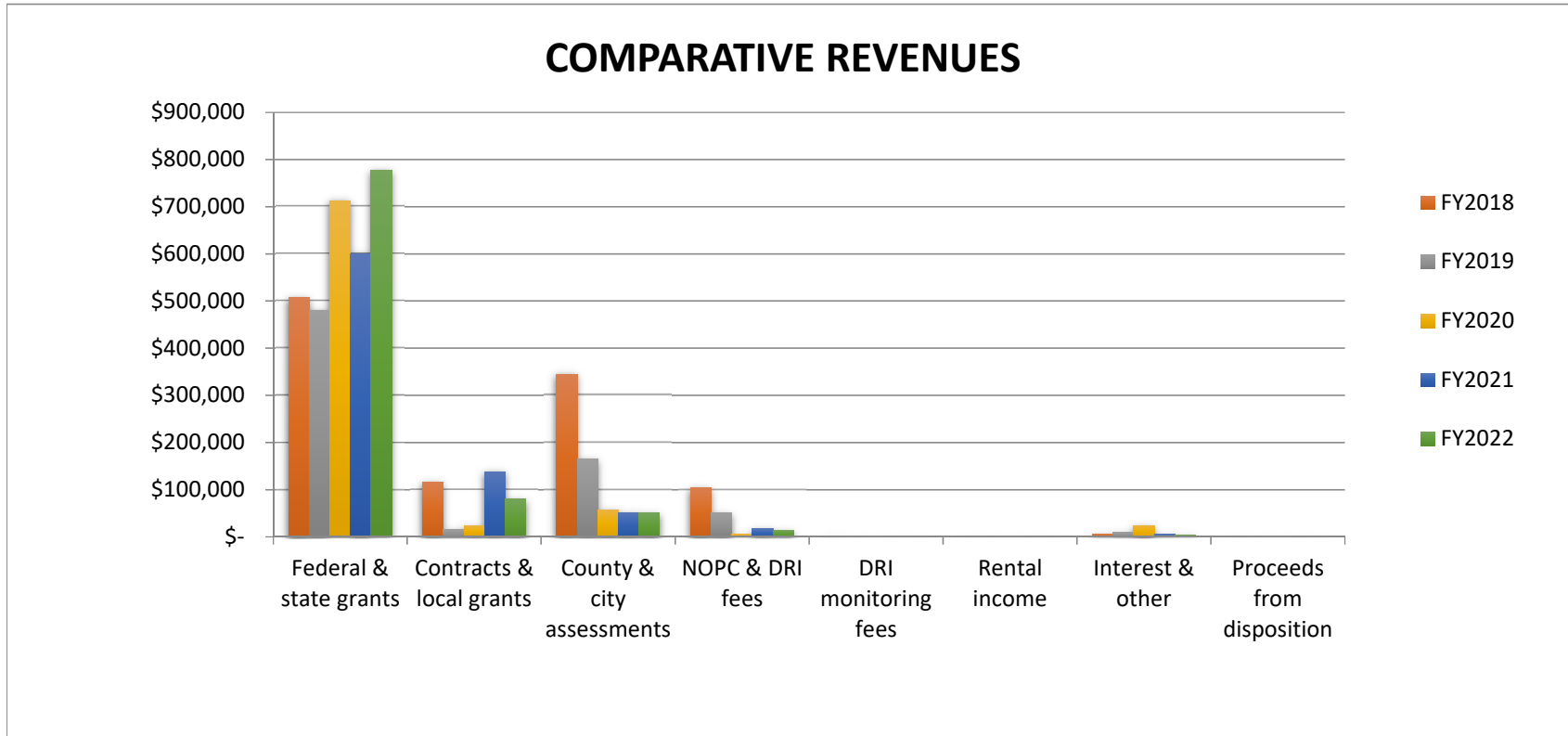
Fiscal Yr	Revenue	Expenditures	Net
2006	\$ 3,282,874	\$ 3,293,955	\$ (11,081)
2007	3,620,972	3,448,094	172,878
2008	3,439,973	3,367,828	72,145
2009	3,631,561	3,613,833	17,728
2010	3,633,853	3,609,479	24,374
2011	3,288,138	3,448,360	(160,222)
2012	2,453,411	2,430,302	23,109 ***
2013	2,397,441	2,231,934	165,507
2014	2,145,900	2,105,488	40,412
2015	1,157,034	1,317,493	(160,459) *
2016	2,388,620	2,165,278	223,342 ****
2017	1,025,345	984,746	40,599
2018	1,080,206	1,078,114	2,092
2019	719,149	942,205	(223,056)
2020	821,515	1,024,052	(202,537)
2021	812,304	821,590	(9,286)
2022	923,912	889,926	33,986

* NEP departed 10/1/14

**** includes sale of building

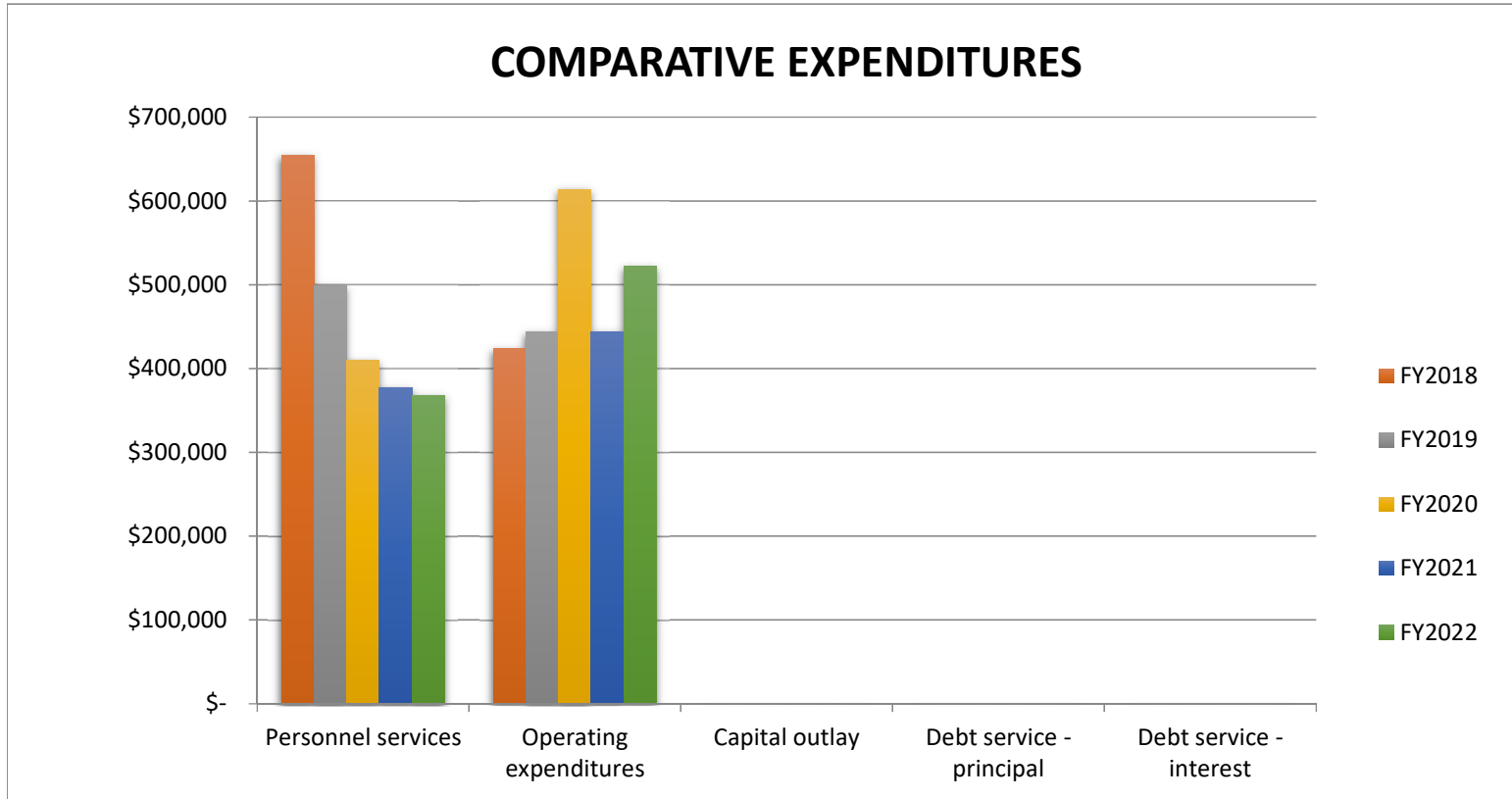
*** MPO departed

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF REVENUES
(FUND BASIS STATEMENTS) - ALL FUNDS
September 30, 2018, 2019, 2020, 2021 & 2022



	FY2018	FY2019	FY2020	FY2021	FY2022	Increase (Decrease)	% Inc (Dec)
Federal & state grants	\$ 507,177	\$ 480,039	\$ 712,720	\$ 599,958	\$ 776,418	\$ 176,460	29%
Contracts & local grants	116,151	14,900	22,912	138,427	79,930	(58,497)	-42%
County & city assessments	344,643	165,053	57,613	51,593	50,524	(1,069)	-2%
NOPC & DRI fees	104,738	50,445	4,858	16,865	13,478	(3,387)	-20%
DRI monitoring fees	1,500	-	-	250	-	(250)	100%
Rental income	-	-	-	-	-	-	N/A
Interest & other	5,997	8,712	23,412	5,211	3,562	(1,649)	-32%
Proceeds from disposition	-	-	-	-	-	-	N/A
Total Revenues	\$ 1,080,206	\$ 719,149	\$ 821,515	\$ 812,304	\$ 923,912	\$ 111,608	14%

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF EXPENDITURES
(FUND BASIS STATEMENTS) - ALL FUNDS
September 30, 2018, 2019, 2020, 2021 & 2022



	FY2018	FY2019	FY2020	FY2021	FY2022	Increase (Decrease)	% Inc (Dec)
Personnel services	\$ 654,181	\$ 498,699	\$ 409,901	\$ 377,569	\$ 368,030	\$ (9,539)	-3%
Operating expenditures	423,933	443,506	614,151	444,021	521,896	77,875	18%
Capital outlay	-	-	-	-	-	-	N/A
Debt service - principal	-	-	-	-	-	-	N/A
Debt service - interest	-	-	-	-	-	-	N/A
Total Expenses	\$ 1,078,114	\$ 942,205	\$ 1,024,052	\$ 821,590	\$ 889,926	\$ 68,336	8%

_____	Agenda	
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Consent Agenda	
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--- Agenda --- Item

8a

8a

Final Babcock Ranch Increment
III and Changes to MDO
Increment I and II Staff
Assessment

8a

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR BABCOCK RANCH INCREMENT 3 AND AMENDMENTS TO THE MASTER DEVELOPMENT ORDER AND INCREMENTS 1 AND 2 DEVELOPMENT ORDERS

BACKGROUND

The Babcock Ranch Increment 3 Development of Regional Impact (DRI) is the third and the last increment of the Babcock Ranch Community Master Development Plan. The Babcock Ranch Community Master (BRC) DRI is an approved mixed-use development located in southeastern Charlotte County, north of the Lee County Line, south of CR 74, east of SR 31, and contains approximately 13,630 acres (see Attachment I Location Map). The Babcock Ranch Community is envisioned as a sustainable, environmentally friendly self-sustained new town community that provides diverse natural and recreational experiences for its residents. The community will encourage a high-tech, energy efficient and environmentally friendly mix of residential, retail and office commercial, light industrial, civic and educational facilities, open space, parks and recreational, and institutional uses. Regulations and development standards for the Babcock Ranch Community have been established with the goal of creating an integrated community that fosters civic life, walkability, human interaction, economic health, sustainability, and preservation of the natural environment.

A three-party agreement between Charlotte County, Babcock Ranch Community Developer and the SWFRPC requires the SWFRPC to coordinate the review of the Master Babcock Ranch Community DRI. The Babcock Ranch Community Master Development Order (MDO) was approved on December 13, 2007 (last amended July 27, 2021). Total land area for the Babcock Ranch Community is 17,843 acres (Charlotte Co. 13,686 Acres, Lee Co. 4,157 Acres). The MDO approval is for 17,870 residential units, 1,400,000 SF retail, 3,500,000 SF office (general office, medical office and civic), 650,000 SF industrial, 600 hotel rooms, 177 hospital beds, 418 units of assisted living facilities, RV Parks, and 54 golf holes. Additional development includes ancillary facilities such as the educational service center, schools and university research facilities, libraries, places of worship, regional and community park sites, fire, EMS and sheriff facilities and the necessary utility infrastructure (see Attachment II). Projected buildout is 2053 with an expiration date of 2055.

The MDO requires Applications for Incremental Developmental Approval (AIDA) and questions are limited to issues identified in MDO Exhibit C and the “C” conditions in the Incremental Development Orders (IDOs) that guide development. The MDO specified that updates to the Master DRI Traffic Study (MTSU) must be undertaken no later than every five years and as such a Master Traffic Study Update was completed in 2021 during the review of Increment 2. Purpose of the MTSU is to assist the long-term planning of the DRI based on the current master development plan in Charlotte County and includes development proposed in Lee County. The portion of Babcock Ranch in Lee County (Babcock MPD) is not part of the BRC DRI in Charlotte County. The approved Babcock MPD is being developed independently and is reflected in the master planning of Babcock Ranch in both counties that will total 19,500 residential units and 6 million square feet of nonresidential uses (see Attachment III).

Increment 1 was originally approved December 15, 2009, and amended May 26, 2020, to include 5,000 residential dwelling units (3,000 single family units and 2,000 multi-family units), non-residential 1,220,000 S.F. (870,000 SF retail and 350,000 SF office), 600 hotel rooms, 18 golf holes, and assisted living 100 units (see Attachment IV). All approved uses are subject to use of equivalency matrix and Increment 1 is almost built out. Buildout is 2037 with an expiration date of 2044.

Increment 2 was originally approved July 27, 2021, to include 6,457 residential dwelling units (4,434 single family units and 2,023 multi-family units), 1,225,000 S.F non-residential (297,250 SF retail and 727,750 SF office), 200,000 SF industrial, 100 assisted living units, parks, golf course, and ancillary (see Attachment V). All approved uses are subject to use of equivalency matrix. Increment 2 buildout is 2035 with an expiration date of 2042. Increment 1 and 2 transportation proportionate share mitigation of \$50,761,263 includes expanding existing 2-Lane SR31 to a 4-Lane divided highway from SR78 to Horseshoe Road/Lake Babcock Drive with infrastructure and grading provided for 6-Lane expansion.

The current development status is completion of FPL Solar Array- Two 74.5 MW facilities, trails/parks, Founder's Square Businesses, Crescent B Commons, Babcock Neighborhood School, Babcock Ranch Community Independent Special District and SR 31 expansion (See Attachment VI). Environmental mitigation for Babcock Ranch is to connect on-site preservation to off-site conservation lands and completion of Comprehensive Mitigation Plan and Mitigation Phasing Plan as defined by South Florida Water Management District (SFWMD) Environmental Resource Permits (ERP). Mitigation comprised of Phases A through K with mitigation to be implemented prior to or concurrent with development. Total mitigation implemented as of the application date was 7,370.13 acres (3,237.89 acres onsite 4,132.24 acres offsite) with recorded conservation easements over 4,145.71 acres (See Attachment VII).

INCREMENT 3 APPLICATION FOR INCREMENTAL DEVELOPMENT APPROVAL (AIDA)

Project Description

Increment 3 area is approximately 4,535 acres and generally east of Increment 2. Proposed Increment 3 encompasses three separate areas within BRC. Increment 3 North A is located at the northwest property boundary west of Increment 1 North. Proposed Increment 3 North B is located south of Increment 1 North and directly north of Increment 2. Proposed Increment 3 South is located east of Increment 2 and directly north of the Lee County line. (See Attachments VIII, IX and X).

Increment 3 will include extensive open space, will preserve, and enhance critical environmental areas including extended contiguous wetland corridors that contribute to the natural beauty of this area, and will positively improve the quality of life for the residents. Increment 3 will include 3,562 single family residential units; 280,000 square feet of nonresidential development (200,000 retail and 80,000 office); 10,000 square feet for a church; and 57-acres of park. Construction is anticipated to begin in 2023. The anticipated buildout is 2038.

This AIDA is supported by an Equivalency Matrix (Exhibit H in MDO), which proposes a set of alternate land uses, density and intensity levels for Increment 3. The methodology for the BRC Increment 3 Equivalency Matrix is consistent with the methodology used for the Increment 1 and 2 Equivalency Matrix. The purpose of the BRC Increment 3 Equivalency Matrix is to provide a framework for simultaneously increasing/decreasing development levels to meet market demand. The Equivalency Matrix provides for an exchange between these uses, densities and intensities while ensuring that the level of service (LOS) standards for traffic, potable water, wastewater, and solid waste are not exceeded. The exchange rate is based on the ITE peak PM two-way traffic count for each of the proposed land uses. The traffic counts are used to construct threshold limits for the LOS standards of the other infrastructure elements.

REGIONAL STAFF ANALYSIS

On June 16, 2022, the SWFRPC approved the AIDA questionnaire checklist for Increment 3 which is consistent with Exhibit “C” of the MDO that dictates the questions to be addressed in the AIDA. The SWFRPC staff submitted the AIDA for sufficiency review to the South Florida Water Management District (SFWMD), Florida Department of Environmental Regulation (FDEP), Florida Department of Transportation (FDOT), Florida Fish and Wildlife Conservation Commission (FWC), United State Fish and Wildlife Service (FWS) and the Army Corps of Engineers (ACOE). Charlotte County development review staff reviewed all information provided in the review process. Final comments were received from review agencies and their concerns were addressed adequately during the sufficiency review rounds. The Council staff assessment only addresses the following regional issues and is based on information provided in the AIDA. The local issues will be addressed by Charlotte County.

Affordable Housing

The Applicant and Master Development Order commit to providing affordable housing which are ongoing efforts within BRC. Based on recent discussions with Charlotte County, the Applicant proposes specific changes to address the needs of the community consistent with local affordable housing County objectives. The conditions stipulate that BRC is committed to providing workforce housing to people whose annual household incomes does not exceed 140 percent of the area median income, adjusted for family size. The condition changed from providing affordable housing to providing workforce housing.

Excerpt from Charlotte County Staff Report:

The applicant is proposing to amend Conditions 3.A.(1) through (4), and Conditions 3.A.(6) through (9), to replace “affordable housing” with “workforce housing”. This DRI is approved for a mixture of residential and non-residential development and is required to provide various housing options including workforce housing for the existing and future residents within this development. This development is located in the East County area. The applicant would like to ensure that workforce housing will be provided within the Babcock Ranch Community, and at the same time the requirement of a “Determination of Adequate Need” analysis for housing in the Babcock Ranch Community remains the same, due to the following:

- *The unique location which is in the East County area and surrounded by State-owned preserved land and development in Lee County to the south.*
- *Lack of a public transportation system in Charlotte County.*
- *The intent and vision of this development is to create a well-planned new community in the County to provide various housing options, jobs, and protect and preserve the environment.*

Staff has no objections to the proposed amendments.

Wildlife Management

The Threatened and Endangered Species Management Plan (T&E) for the BRC was originally approved with SFWMD Environmental Resource Permit (ERP) issued in 2010. As part of modifications to the referenced permits (2020 Babcock Modification), the T&E plans were modified to (i) address changes in the listing status of several wading bird species, (ii) include the Florida bonneted bat (FBB) which was listed as federally endangered in November 2013, (iii) address the presence of nesting caracara within approved development pods that were not present at time of original review, and (iv) include a component to address human-wildlife coexistence (see Attachments XI and XII, Wildlife and Plant Map for Increment 3 North and South). The BRC Listed Species Management Plans & Human-Wildlife Coexistence Plan (most recently updated February 2022 to identify new permit numbers) (“February 2022 T&E Plan”) was included as Appendix 12-1 of the AIDA. This plan addresses the following listed species and management issues: American Alligator, Gopher Tortoise, Eastern Indigo Snake, Sandhill Crane, colonial nesting wading birds, Burrowing Owl, Crested Caracara, Florida Scrub Jay, Red-cockaded Woodpecker, Florida Bonneted Bat, Florida Black Bear, Florida Panther, Beautiful Pawpaw, prescribed fire, wildlife crossings and fencing, human-wildlife coexistence plan, community signage and education plan. The February 2022 T&E Plan is otherwise consistent with the previously approved plan for the MDO and discusses the associated management plans for each species, including their upland habitats. Increment 3 will comply with the February 2022 T&E Plan, as approved through the referenced SFWMD ERP and State 404 Permit obtained in late 2021 for the 2020 Babcock Plan.

Within Increment 3 there are four (4) proposed small mammal crossings where future spine roads bisect internal preserve corridors. They are located within the Increment 3 South polygon, where proposed spine roads will pass from the eastern side of Increment 2 into Increment 3. These

crossings were contemplated during prior reviews. The small mammal crossings in Increment 3 will be constructed with their associated spine roads following construction level approvals. Details of the surface material, lighting, signage, and access for the road crossings will be finalized as part of the construct/operate permit for each roadway segment. However, the cross sections as shown in June 2021 BRC Mitigation Plan in the AIDA provide a typical section for this type of roadway/preserve crossing. The speed limit within the wildlife corridors within Increment 3 during the nighttime hours (sunset to sunrise) will be decreased by 10 miles per hour below the posted speed limit, but in no event will the nighttime speed limit be less than 25 miles per hour.

Wetlands Impact Mitigation

The BRC Mitigation Plan approved with the 2010 ERP and ACOE permit was previously determined to protect on-site wetlands and compensate for unavoidable wetland impacts associated with the development of the BRC. The 2010 Mitigation Plan consisted of 12,700± acres comprising a combination of off-site and on-site mitigation and included wetland creation, wetland enhancement and preservation, and upland enhancement, restoration, and preservation. The BRC Mitigation Plan, which includes the Increment 3 area, was designed and approved to be phased concurrent with the mitigation requirements for phased development. As permits for each phase of construction are approved by the SFWMD, an appropriate phase of mitigation is implemented.

With the site plan modifications that occurred with the 2020 Babcock Modification, the entire BRC will necessitate approximately 530 acres of direct wetland impacts (±19%) and approximately 17 acres (±18%) of direct surface water impacts. The ±530 acres of direct wetland impacts associated with the updated BRC site design necessitate ±334 UMAM (Uniform Mitigation Assessment Method) functional units of mitigation (100 forested credits and 234 herbaceous credits). Of these impacts, approximately 322 acres of direct wetland impacts (±214 UMAM functional loss) have already been implemented/mitigated through December 2021 with a specific SFWMD construct/operate permit associated with Increment 1. There are additional construct and operate ERP applications currently in process with the SFWMD for development within Increment 2.

There have been no wetland impacts within the Increment 3 boundary to date. The Increment 3 boundary contains a total of 951± acres of wetlands, of which 142± acres are proposed for impact and 809± acres are part of the BRC mitigation plan which will be placed under conservation easement (see Attachments XIII and XIV, Increment 3 Greenways & Trails Maps North and South). Conservation easements have been placed over approximately 4,146 acres of onsite BRC mitigation areas, of which 2,637± acres are located in Charlotte County and 1,509± acres are located in Lee County. Mitigation activities which occur offsite in the Babcock Ranch Preserve are not placed under conservation easement, as it is State-owned land.

The June 2021 BRC Mitigation Plan includes approximately 12,981 acres, with ±7,141 acres located in the on-site mitigation areas and ±5,840 acres located in the off-site mitigation lands. Table 12-1 provides an overview of acreage changes between the 2010 and June 2021 BRC Mitigation Plans, with details of the current plan contained within the June 2021 BRC Mitigation Plan and associated June 2021 Mitigation Plan Set included as Appendix 12-2 in the AIDA. The UMAM analysis demonstrates that the ±12,981 acres of mitigation generate ± 3,248 UMAM

functional units upon meeting full mitigation success (2,391 forested credits and 857 herbaceous credits), which far exceeds wetland mitigation needs.

Table 12-1. Overview of Acreage Changes between the 2010 and the June 2021 BRC Mitigation Plans

Mitigation Area	2010 Acreage	June 2021 Acreage	Acreage Difference
A	879.38	848.16	-31.22
B	1,783.45	1,783.45	0.00
C	2,808.30	2,807.96	-0.34*
D	1,248.38	1,248.38	0.00
E	1,346.18	1,687.80	+341.62
F	1,065.35	983.72	-81.63
G	906.79	671.98	-234.81
H	410.13	442.48	+32.35
I	240.32	210.39	-29.93
J	1,202.14	1,196.31	-5.83
K	814.27	1,100.77	+286.50
Total	12,704.69	12,981.40	+276.71

* Represents the acreage of the FWC hunt camp in Mitigation Area C (Curry Preserve) that is being removed with the September 2020 BRC Mitigation Plan.

Stormwater Management and Floodplains

The design of the Increment 3 surface water management system will comply with the “Stormwater Plan” outlined in Subsection A and B in Condition 4 of the MDO. The FEMA floodplain maps for Babcock Ranch for lands within Increment 3 do not have an established FEMA Base Flood Elevations. Previously modified and FEMA-accepted revisions do not include Increment 3. A proposed floodplain map revision is currently under review at FEMA. A draft of the FEMA floodplain map revision is found in Exhibit 16-1 of the AIDA. Should future floodplain map amendments be proposed, updated FEMA maps will be provided to the County with the applicable biennial report to the MDO.

Transportation Mitigation

A comparison summary of the Master and Incremental (to-date) DRI development parameters, as well as the Lee County Babcock MPD parameters, is presented below in Table 21-2. A draft development order for the transportation section of Increment 3 has been provided and it indicates that the cumulative (with Increment 1, 2 and 3) proportionate share of the improvements, as shown on Exhibit K, has been calculated consistent with F.S. 163.3180. The proportionate share calculation was based on **5,869 pm peak hour two-way net new trips** assigned to the external road network established by the AIDA traffic analysis. The calculated cumulative proportionate share for the Incremental DRI with all Increments 1, 2 and 3 is **\$50,937,226** based upon the proportionate share percentages as calculated per mile for each roadway improvement and intersection improvements as shown on Exhibit K. The proportionate share percentages and dollar

amounts have been accepted by Charlotte County and FDOT for Increments 1, 2 and 3, recognizing that the actual costs may increase, or decrease based upon the final actual costs of the agreed upon improvements.

Table 21-2 BRC Increment 3 (2022) Babcock Ranch Proposed Development Parameters Summary							
Land Use Type	Unit	BRC DRI					Babcock MPD ⁽²⁾
		Master DRI ⁽⁶⁾	Incremental DRI				
			Increment 1	Increment 2	Increment 3	Cumulative Increments	
Total Residential ⁽¹⁾	d.u.	17,870	5,056	9,252	3,562	17,870	1,630
Single-Family	d.u.	-	3,056	5,817	3,562	12,435	980
Multifamily	d.u.	-	2,000	3,435	0	5,435	650
Total Non-Residential ⁽¹⁾	sq. ft.	6,000,000	1,199,000	1,864,000	280,000	3,343,000	1,530,000
Total Commercial (Retail + Gen./Med. Office) ⁽²⁾	sq. ft.	4,900,000	840,000	1,380,000	280,000	2,500,000	1,170,000
Retail ^(1,2)	sq. ft.	1,400,000	470,000	730,000	200,000	1,400,000	870,000
Office (Gen./Med.) ^(1,2)	sq. ft.	3,500,000	370,000	650,000	80,000	1,100,000	300,000
General	sq. ft.	-	330,000	500,000	40,000	870,000	257,000
Medical	sq. ft.	-	40,000	150,000	40,000	230,000	43,000
Government Office ⁽¹⁾	sq. ft.	-	50,000	24,000	0	74,000	0
Hotel ^(1,3)	rooms	600	0	600	0	600	600
	sq. ft.	360,000	0	360,000	0	360,000	360,000
Industrial ⁽¹⁾	sq. ft.	650,000	200,000	0	0	200,000	0
Hospital ^(1,4)	beds	177	0	0	0	0	0
	sq. ft.	265,500	0	0	0	0	0
ALF ^(1,5)	beds	418	218	200	0	418	0
	sq. ft.	209,000	109,000	100,000	0	209,000	0
Golf Course	holes	54	18	18	0	36	0
Elementary School	students	-	536	500	500	1,536	0
Middle School	students	-	330	0	0	330	0
High School	students	-	600	0	0	600	0
Church	sq. ft.	-	15,000	15,000	10,000	40,000	0
Library	sq. ft.	-	0	12,000	0	12,000	0
Park	acres	-	58	110	57	225	48
Recreation Center	sq. ft.	-	40,600	0	0	40,600	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, university facilities, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + general/medical office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Approved BRC MDO entitlements. Ancillary land uses not limited by MDO include schools, church, library, park, and recreation center.

The findings and conclusions of Increment 3 (2022) AIDA transportation assessment are as follows.

1. The proposed Increment 3 includes 3,562 residential units and 280,000 square feet of non-residential uses with buildout anticipated in year 2038. The proposed amendments for Increments 1 and 2 will provide a net increase of 2,851 residential units, 50,470 square feet of commercial office and retail uses, and 218 ALF units.
2. Roadway improvements attributed to the cumulative Increments coincident with buildout at year 2038 include the following road segments.
 - SR 31 from SR 78 to Cypress Parkway
 - SR 31 From Lake Babcock Drive to Greenway Boulevard

- SR 78 from Pritchett Parkway to SR 31
3. Off-site intersection improvements attributed to the cumulative Increments coincident with buildout at year 2038 include the following intersections.
 - SR 78/ I-75
 - SR 80/ Orange River Boulevard
 - SR 80/ SR 31
 - SR 31/ SR 78
 - SR 31/ North River Road
 4. The widening of SR 31 from the committed interim build alternative to the ultimate build alternative is attributed to the DRI. Intersection improvements of the ultimate build alternative are also attributed to the DRI.
 5. Consistent with the previous DRI traffic assessments, the modeling methodology used for this traffic assessment does not utilize the “With and Without” (AKA “Net Impact”) modeling method described in the FDOT 2019 Transportation Site Impact Handbook. Instead, the special generator and link volume factor methods are used for the “without BRC DRI” and “with BRC DRI” scenarios.
 6. Completed and on-going roadway improvement efforts of the MPO LRTP and the FDOT include the following.
 - SR 31 SEIR/PD&E Study (SR 78 to Cook Brown Road)
 - SR 31 widening from SR 78 to Lake Babcock Drive
 - SR 78 PD&E Study (I-75 to SR 31)
 - SR 31 PD&E Study (SR 80 to SR 78)
 7. BRC will continue to mitigate its off-site impacts through the payment of proportionate share as outlined in the DRI Master Development Order (MDO) and Incremental Development Order (IDO). The incremental DRI’s proportionate share for impacted roadways and intersections will be calculated after the final transportation review comments have been addressed.
 8. Babcock Ranch will continue to work with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.
 9. BRC will continue to provide for site-related improvements at the Project’s planned access points on SR 31.

PROPOSED CHANGES TO INCREMENT 1

An amendment to this Increment 1 IDO is proposed, primarily, to update entitlements, revise conditions to be consistent with Increment 2 and Increment 3, and update Exhibit D to be consistent with the MDO. The proposed amendments to the IDO are presented in this narrative.

Amendments to Increment 1 include the following:

- Update entitlements as follows:
 - Increase residential units from 5,000 to 5,056
 - Move 600 Hotel Rooms from Increment 1 to Increment 2
 - Amend retail floor area from 870,000 to 470,000 square feet
 - Increase office from 350,000 to 370,000 square feet
 - Add 200,000 square feet of industrial floor area
 - Increase assisted living facility beds from 100 to 218
 - Updating supporting community facilities to include clubhouses and similar neighborhood amenities
 - Remove reference to maximum density requirement as it is already established in the Master Development Order
- Revise Stormwater Management conditions to delete stipulations 3 and 4, in order to maintain consistency across increments, and update stipulation 6 to add the SFWMD permit number
- Amend the Transportation section, Condition 4, to remove specific site-related improvements, Exhibit J and K and instead refer to Exhibit G of the Master Development Order for the Cumulative Incremental Transportation Conditions
- Update Vegetation, Wildlife and Wetlands stipulations 2, 3, 5 and 7 to recognize FDEP assumption of federal wetland permitting and update permit numbers, accordingly.
- Revise the Wastewater Management and Water Supply section by updating Condition 6 to be consistent with SFWMD approved permits
- Revise the Education section, Condition 7, to reflect compliance with Babcock Ranch School Site Dedication Agreement
- Update Police and Fire stipulation 1 to reflect what has been provided and constructed.
- Update Open Space and Parks stipulation 7 to remove the mini parks requirement, to be consistent with recent amendments to Exhibit D and Increments 2 and 3.
- Update Mining Operations to revise Condition 21.A to eliminate the condition, because all mining operations have ceased.
- Update Project Buildout, based on recent legislative extensions.
- Update Expiration Date, based on recent legislative extensions.
- Update Exhibits B-1, B-2, B-4, B-5, F, G, H1, H2, and I to reflect updated entitlements (B-1) and be consistent with permitted Conservation Easements and Greenway configurations, and updates to roadway alignments.
- Update Exhibit C – Babcock Ranch Community Increment 1 Equivalency Matrix [to be provided under separate cover]
- Update Exhibit D – Updated Summary of Land Dedications and Facilities Construction, in order to ensure consistency with the MDO.
- Update Exhibit E – Babcock Ranch Community Increment 1 Parameters to be consistent with revised development parameters.
- Other changes for internal consistency and updates to statutory references.

PROPOSED CHANGES TO INCREMENT 2

Amendments to Increment 2 include the following:

- Update entitlements to reflect the following:
 - Increase of residential units from 6,457 to 9,252

- Transfer of 600 Hotel Rooms from Increment 1 to Increment 2
- Increase retail from 297,250 to 730,000 square feet
- Reduce office from 727,750 to 650,000 square feet
- Increase Assisted Living Facility Beds from 100 to 200
- Amend the Stormwater Management, Water Quality, and Flood Plains section by revising Condition 3 to reflect the current permit information
- Amend the Transportation section, Condition 4 to remove specific site-related improvements, Exhibit J, Exhibit K and instead refer to Exhibit G of the Master Development Order for the Cumulative Incremental Transportation Conditions
- Update Vegetation, Wildlife, and Wetlands to reflect new permits, to remove stipulation 2 and renumber the stipulations.
- Revise the Education section, Condition 7, to reflect compliance with Babcock Ranch School Site Dedication Agreement
- Amend Projected Buildout to reflect new date.
- Amend Expiration Date to reflect new date.
- To update Exhibits B, E, F, G, H, and I to reflect permitted conservation areas and updated roadway alignments.
- Other changes for internal consistency and updates to statutory references.

PROPOSED CHANGES TO MASTER DEVELOPMENT ORDER

With this amendment, the Master Development Plan (Map H) is being amended to reflect Increment 3. The internal roadways have also been updated to be consistent with proposed development. Conservation Easements that have been recorded are now shown on Map H. Other amendments to the greenways are also reflected with this amended map, consistent with a concurrent Environmental Resource Permit (ERP) Modification and FDEP 404 Permit Modification. The amendments will connect on-site preservation to off-site conservation lands. These modifications will also provide contiguous wetland corridors enhancing the environmental features within the community.

Amendments to the MDO include the following:

- Update Whereas clauses to reflect current status
- Update Finding of Facts and Conclusions of Law to acknowledge use of a Land Use Equivalency Matrix and increased density that is allowed, consistent with the Comprehensive Plan.
- Update Affordable Housing Conditions to modify housing provided to be at the workforce housing Annual Median Income (AMI) of 140% or lower.
- Update Stormwater Management and Flood Plains section by revising Conditions B.1 to acknowledge platted easements and/or tracts, consistent with development practices; update B.14 to reflect current permit approvals; Condition B.15 to describe State assumption of Section 404 permitting by the Florida Department of Environmental Protection; and B.16 to recognize that the Condition is now completed.
- Update the Transportation section and Exhibits "F", "J" and "K"; and add Exhibit "G": Babcock Ranch DRI Cumulative Incremental Transportation Conditions to reflect the cumulative Babcock Ranch Traffic Conditions

- Update Vegetation, Wildlife, and Wetlands stipulations to reflect updated permit numbers; and update B.5 to describe State assumption of section 404 permitting by the Florida Department of Environmental Protection.
- Update Education to reflect compliance with Babcock Ranch School Site Dedication Agreement.
- Update Police and Fire to reflect what has been completed and constructed.
- Update Hurricane Preparedness to remove reference to American Red Cross publication.
- To update Hospitals and Healthcare to delete Condition C – requirement to provide a certificate of need, as State Statutes have been amended to eliminate such a requirement.
- Update Exhibit “B”: Master Concept Plan (Map H) to be consistent with approved entitlements and to include new Increment 3 area, overall greenway and conservation easements amended to be consistent with FDEP and South Florida Water Management (SFWMD) permitted plans, and roadway configurations that have been updated to reflect built condition.
- Update Exhibit “D”: Updated Summary of Land Dedications and Facilities Construction by amending Note# 5 to allow the co-location of the helicopter landing site and the mosquito control pre-fab building, reflecting the completion of the EMS vehicle, and removing the school requirements as those are set forth in the School Site Dedication Agreement.
- To update Projected Buildout to reflect new date.
- To update Expiration Date to reflect new date.
- To add new Exhibit “H”: MDO Land Use Equivalency Matrix (LUEM) (to be provided under separate cover).
- Other changes for internal consistency and updates to statutory references.

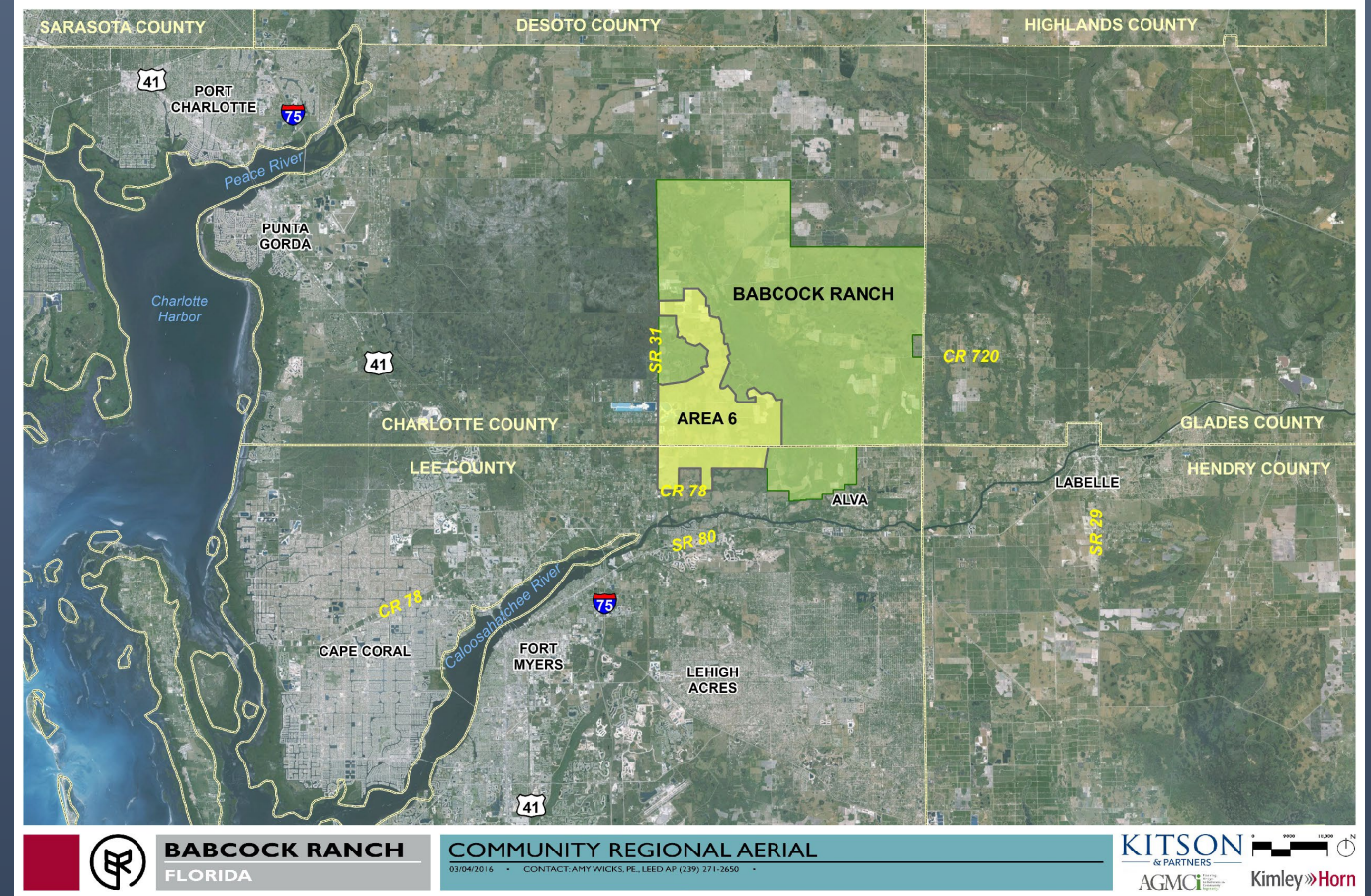
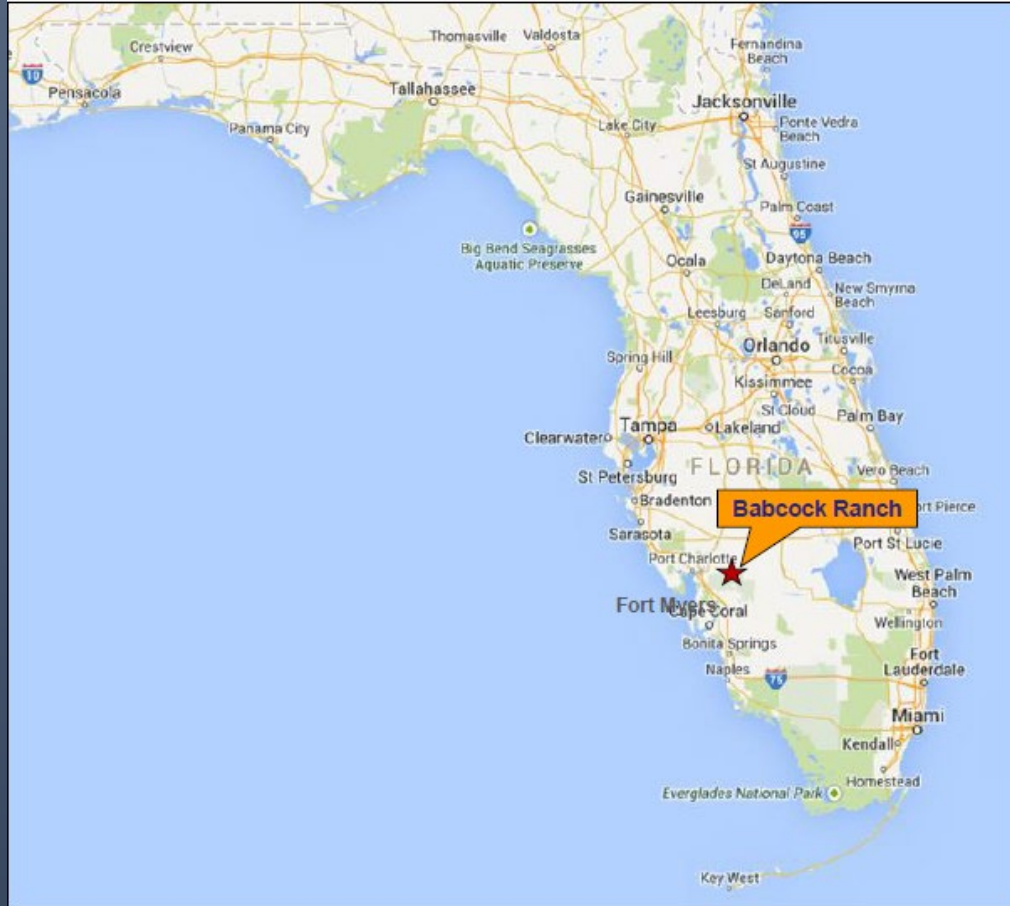
ACCEPTANCE OF THE PROPOSED MDO, INCREMENTS 1, 2 & 3 DEVELOPMENT ORDERS

The applicant has provided acceptable drafts for the MDO and IDOs for Increments 1, 2 to address the proposed changes and Increment 3 development impact on regional resources and facilities consistent with the requirements of the MDO.

- RECOMMENDED ACTIONS:**
1. Notify Charlotte County and the applicant that the proposed changes to the MDO, Increments 1, 2 and new Increment 3 IDOs are acceptable to address impacts on regional resources and facilities.
 2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO, Increments 1, 2 and 3 IDOs.

April 6, 2023

Overview



Master DRI Development Order

17,870 residential units

1,400,000 SF retail

3,500,000 SF office (general office, medical office and civic)

650,000 SF Industrial

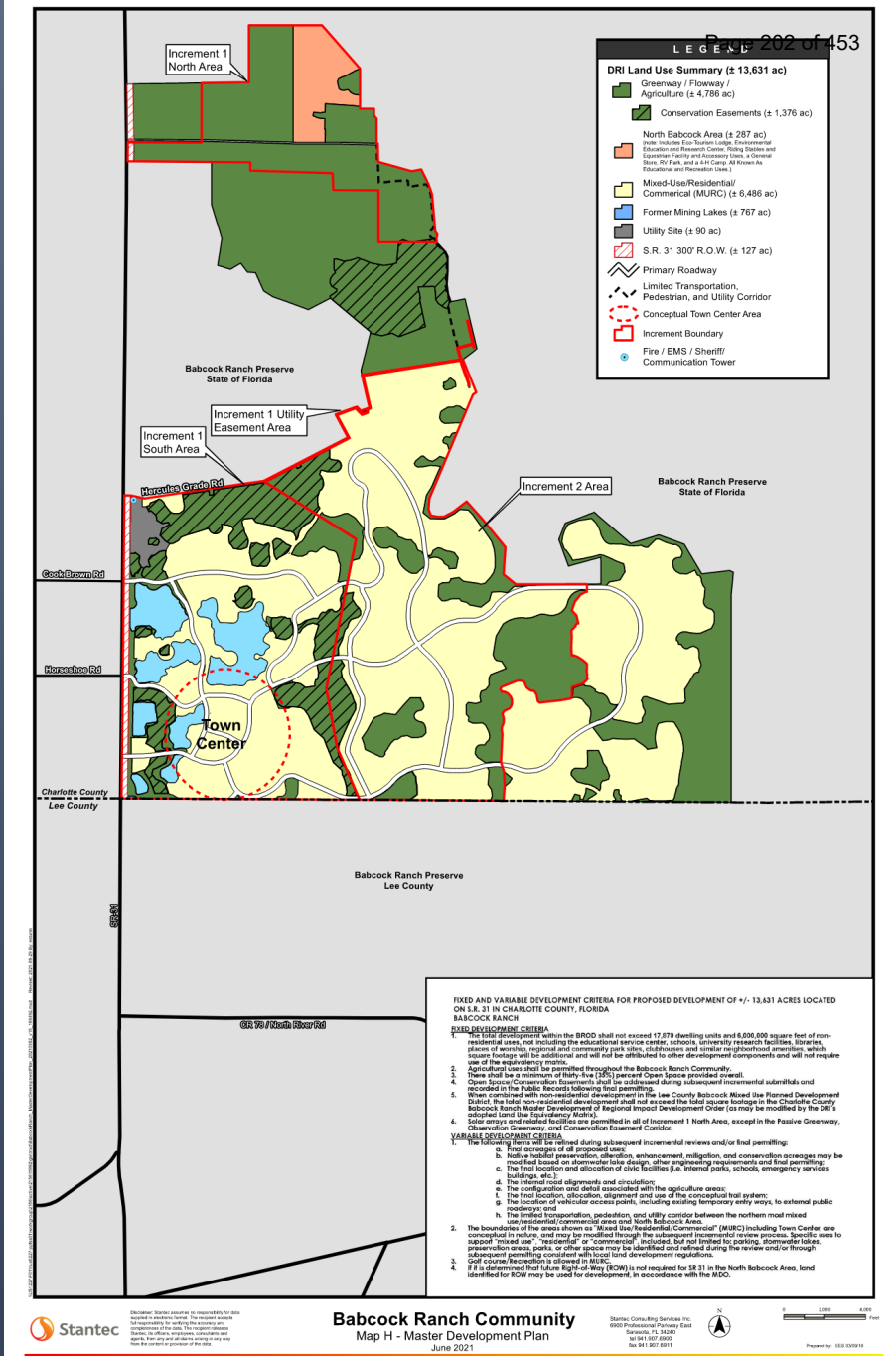
600 hotel rooms

177 hospital beds

418 units of assisted living facilities

54 golf holes

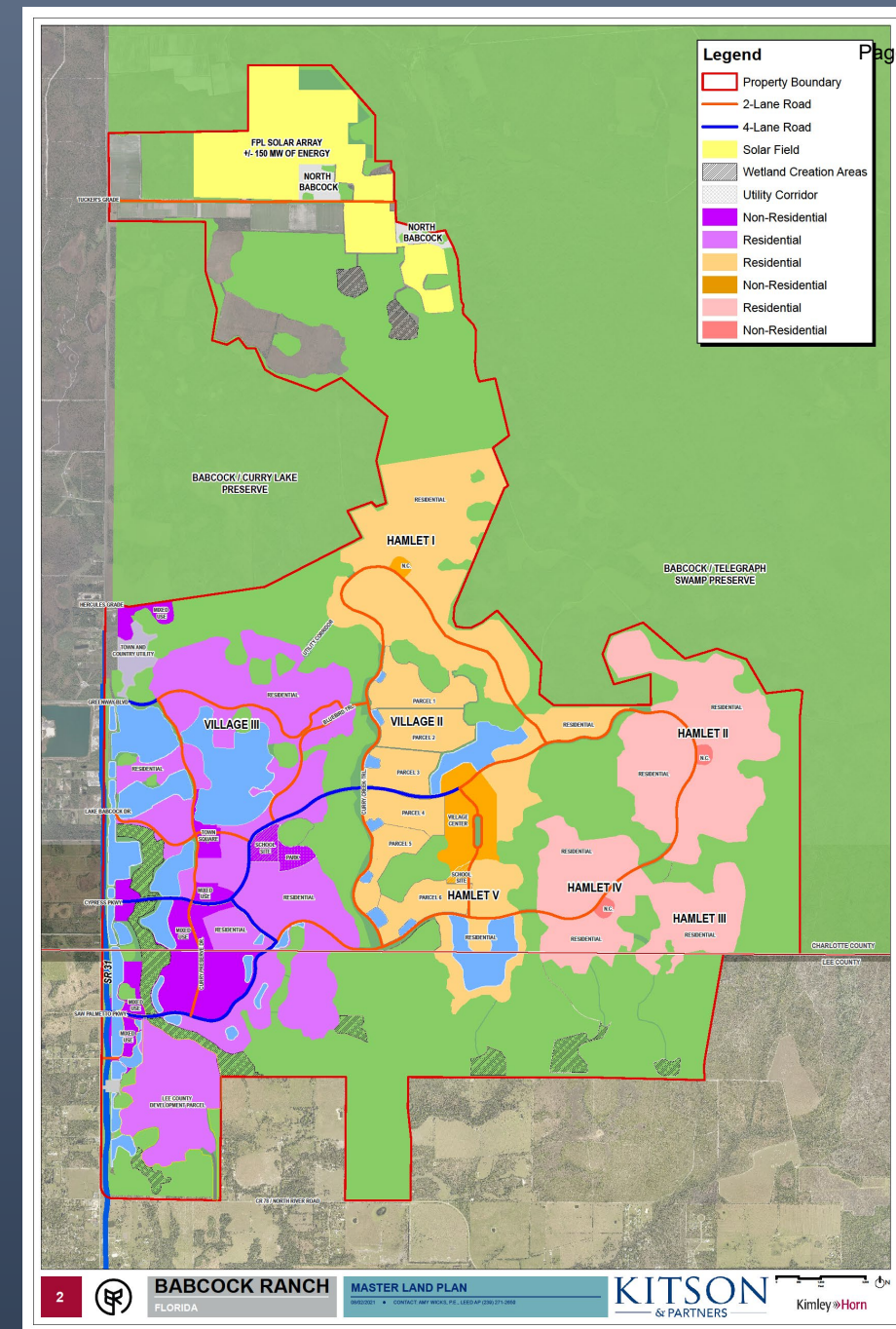
Ancillary facilities



Total Entitlements

*Charlotte and Lee Counties

- Residential Dwelling Units – 19,500
- Non-Residential Uses – 6M S.F.

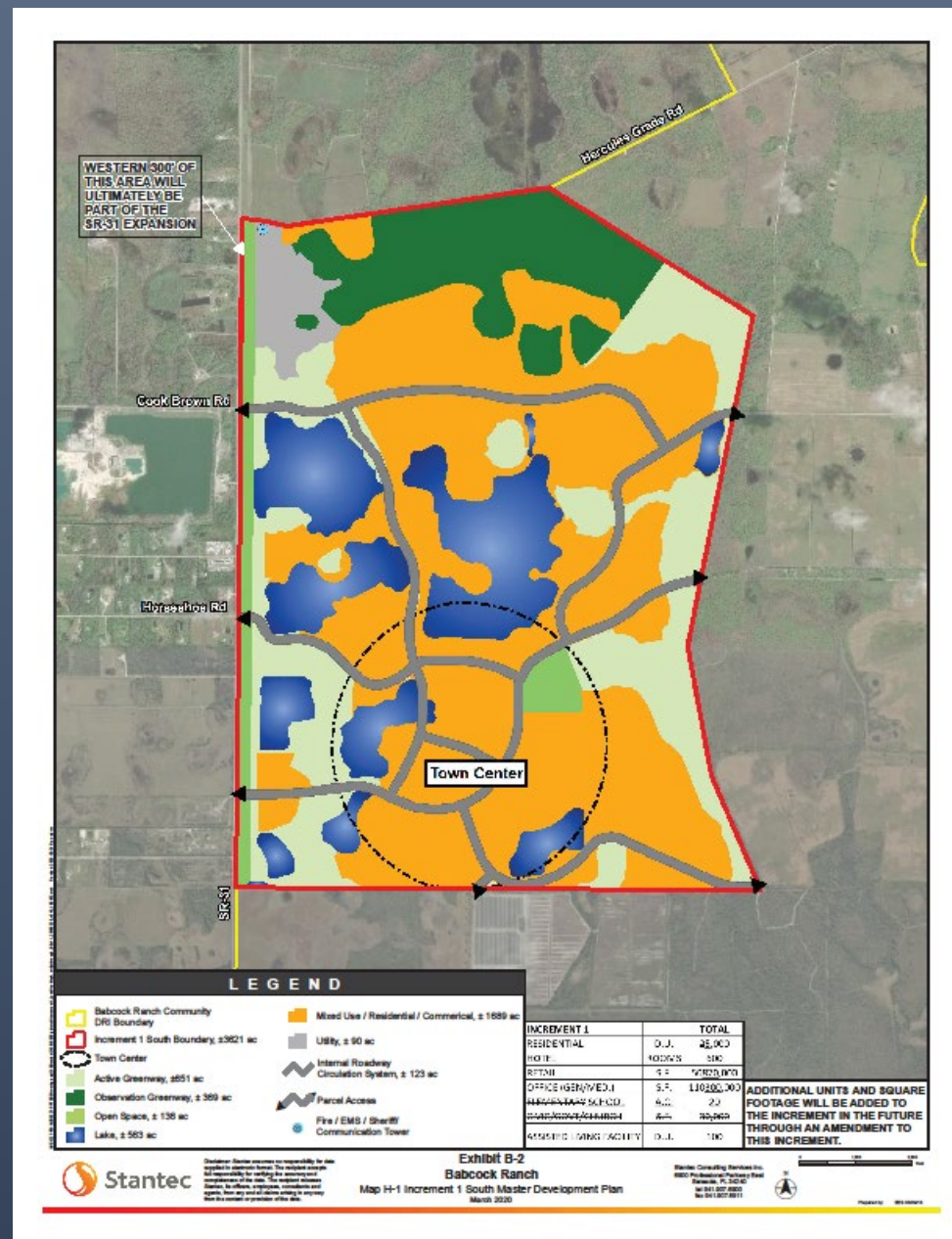


- Originally approved December 15, 2009
- Amended May 26, 2020

- Residential Dwelling Units – 5,000 *
 - 3,000 single family units
 - 2,000 multi-family units
- Non-Residential – 1,220,000 S.F.*
 - 870,000 SF Retail
 - 350,000 SF Office
- 600 Hotel Rooms*
- 18 Golf Holes*
- Assisted Living – 100 Units*

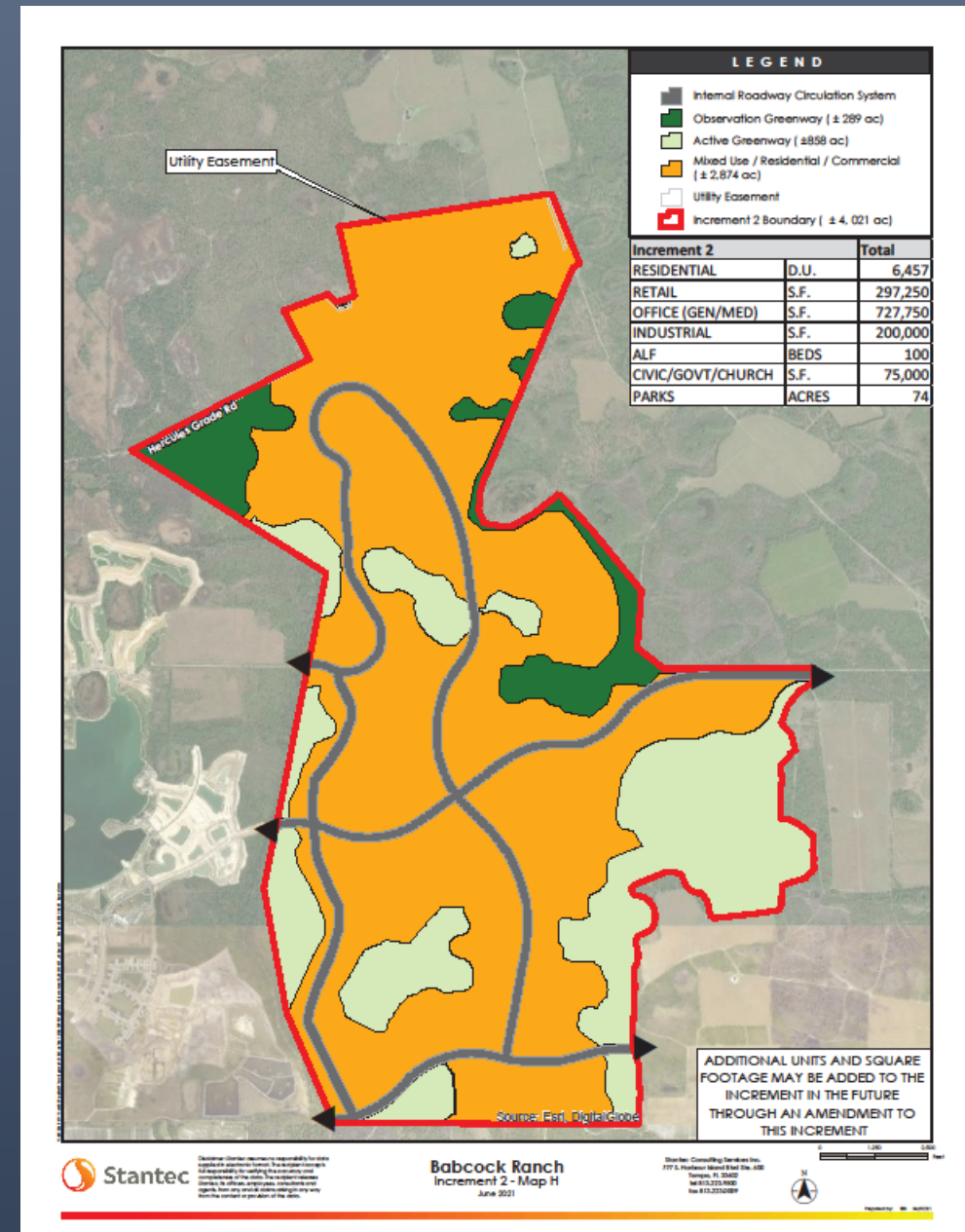
- Buildout- 2037
- Expiration Date- 2044

* Subject to use of equivalency matrix



Increment 2 (IDO-2)

- Originally approved July 27, 2021
- Residential Dwelling Units – 6,457 *
 - 4,434 single family units
 - 2,023 multi-family units
- Non-Residential – 1,225,000 S.F.*
 - 297,250 SF Retail
 - 727,750 SF Office
 - 200,000 SF Industrial
- Assisted Living – 100 Units*
- Parks, golf course, ancillary
- Buildout- 2034
- Expiration Date- 2041



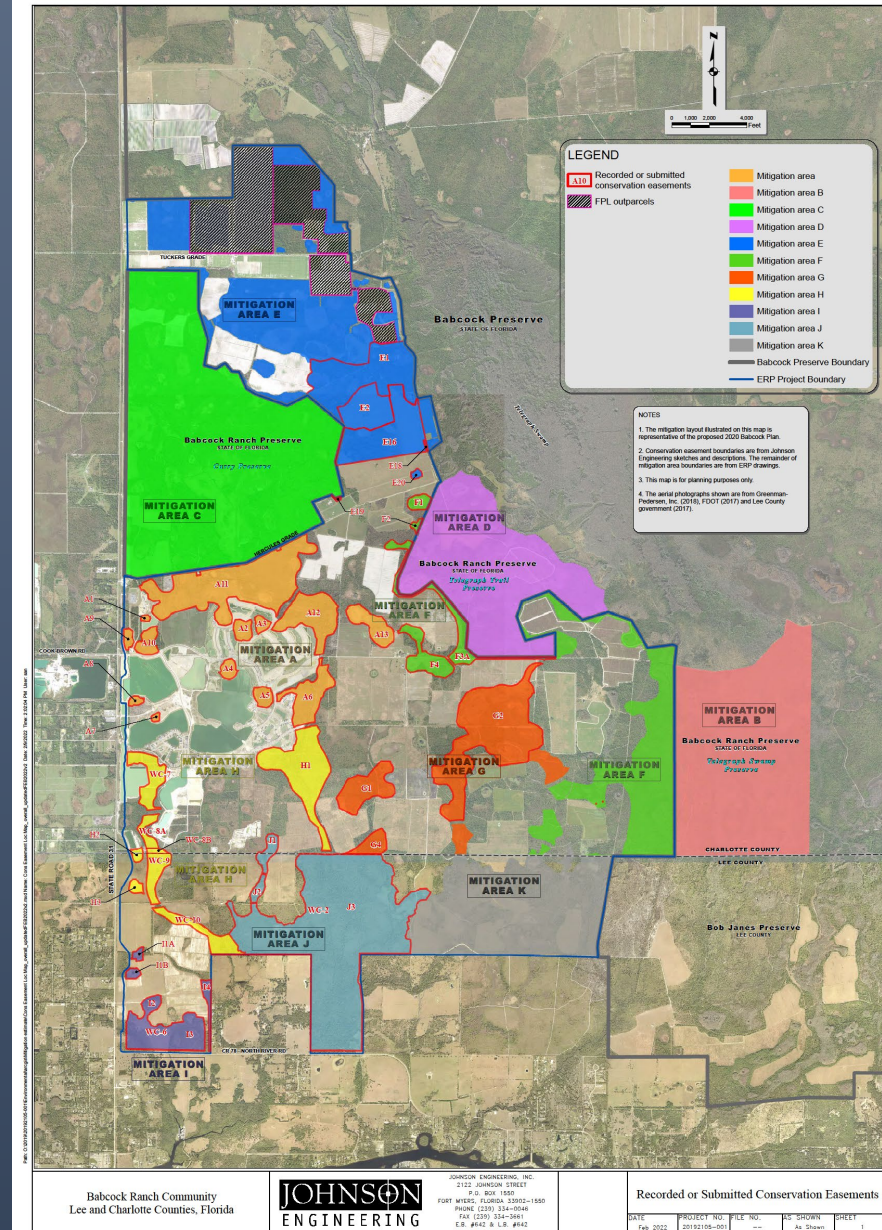
* Subject to use of equivalency matrix

- FPL Solar Array- Two 74.5 MW facilities
- Trails/parks
- Founder's Square Businesses
- Crescent B Commons
- Babcock Neighborhood School
- Babcock Ranch Community Independent Special District
- SR 31 Expansion



Mitigation Implemented to Date

- 7,370.13 acres TOTAL mitigation implemented to date
 - 3,237.89 acres ONSITE
 - 4,132.24 acres OFFSITE
- Recorded conservation easements over 4,145.71 acres



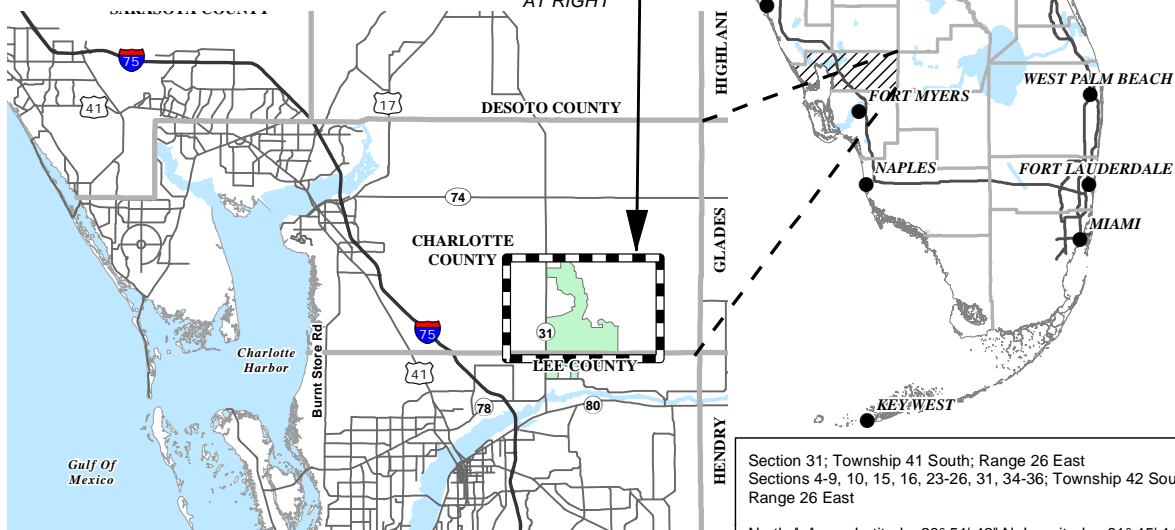
STATE OF FLORIDA

NOTES

1. These drawings are for permitting purposes only and are not intended for construction use.
2. The aerial photographs shown were provided by FDOT and were taken in 2020.

Project Vicinity

SEE STREET MAP & VICINITY AERIAL AT RIGHT

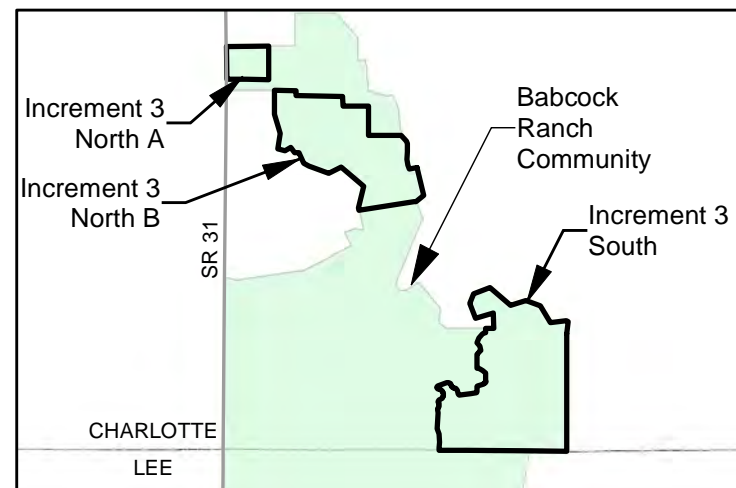


CHARLOTTE COUNTY

N.T.S.

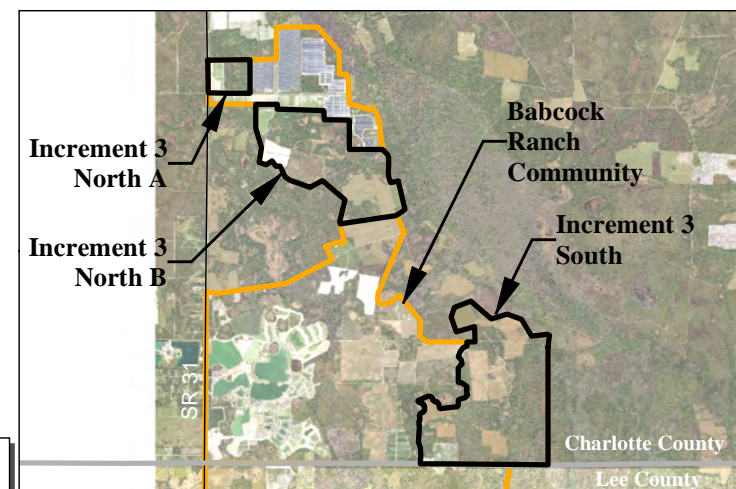
Section 31; Township 41 South; Range 26 East
Sections 4-9, 10, 15, 16, 23-26, 31, 34-36; Township 42 South;
Range 26 East

North A Area - Latitude: 26° 51' 42" N, Longitude: 81° 45' 14" W
North B Area - Latitude: 26° 50' 30" N, Longitude: 81° 43' 39" W
South Area - Latitude: 26° 47' 6" N, Longitude: 81° 41' 2" W



STREET MAP

N.T.S.



VICINITY AERIAL

N.T.S.

Babcock Ranch Community
Charlotte County, Florida








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ENGINEERING

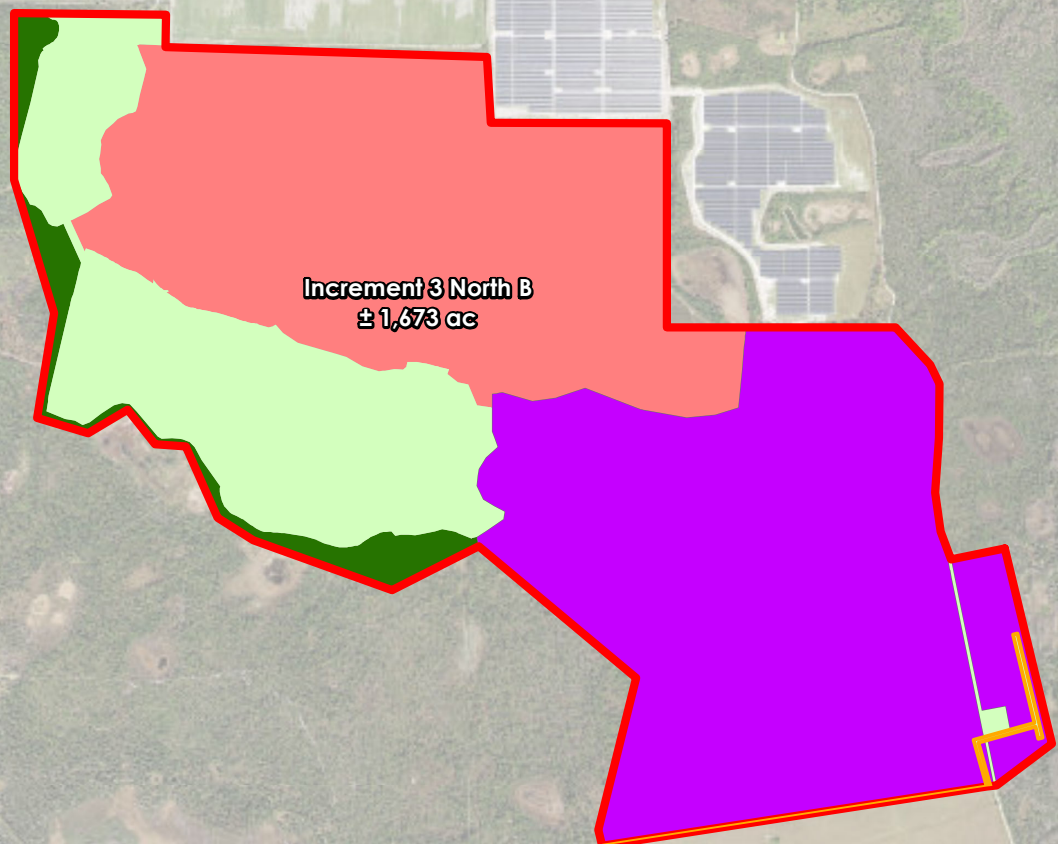
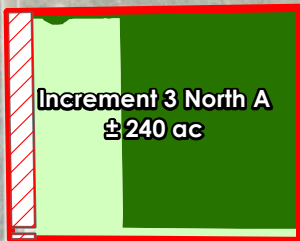
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

Increment 3
Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2022	20129205-006		Not to Scale	MAP A

LEGEND

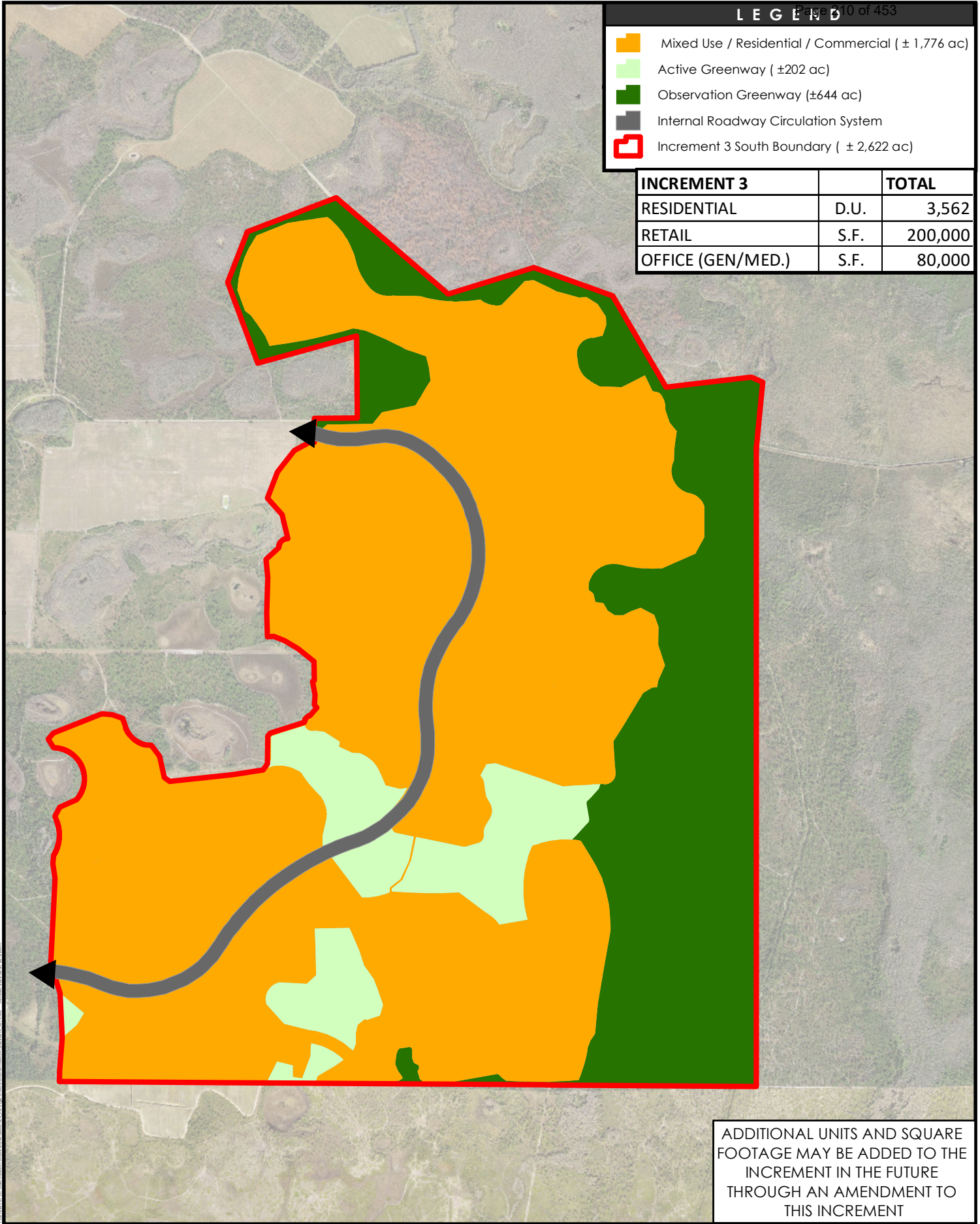
-  S.R. 300' ROW (± 19 ac)
-  Utility Easement
-  Increment 3 North Overall Boundary ($\pm 1,913$ ac)
-  Active Greenway (± 414 ac)
-  Corridor Greenway (± 689 ac)
-  Observation Greenway (± 204 ac)
-  Passive Greenway (± 586 ac)



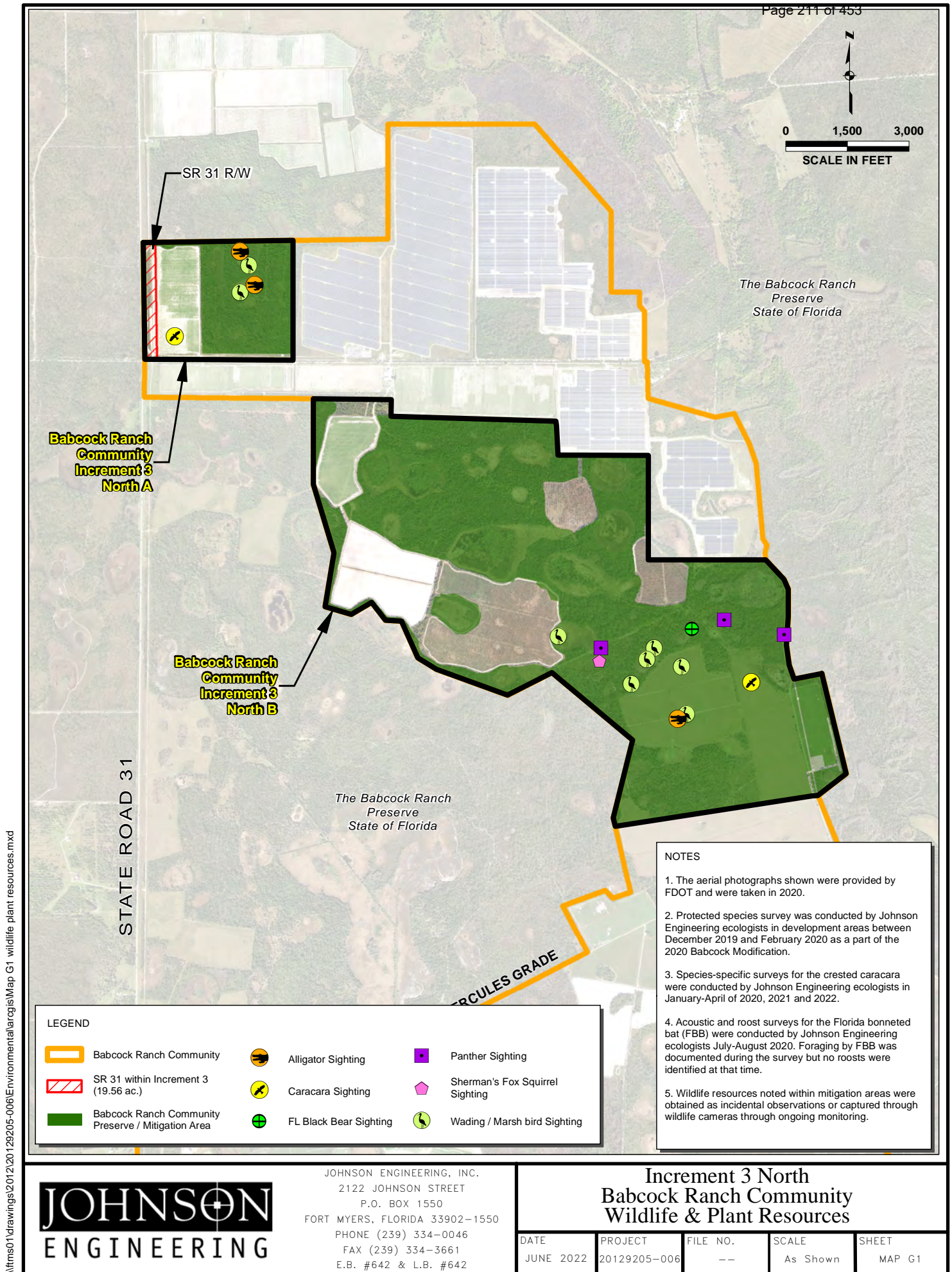
ADDITIONAL UNITS AND SQUARE
FOOTAGE MAY BE ADDED TO THE
INCREMENT IN THE FUTURE
THROUGH AN AMENDMENT TO
THIS INCREMENT

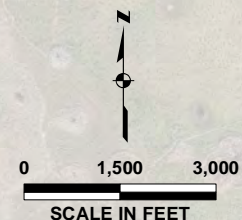
- LEGEND**
- Mixed Use / Residential / Commercial (± 1,776 ac)
 - Active Greenway (±202 ac)
 - Observation Greenway (±644 ac)
 - Internal Roadway Circulation System
 - Increment 3 South Boundary (± 2,622 ac)

INCREMENT 3		TOTAL
RESIDENTIAL	D.U.	3,562
RETAIL	S.F.	200,000
OFFICE (GEN/MED.)	S.F.	80,000



ADDITIONAL UNITS AND SQUARE FOOTAGE MAY BE ADDED TO THE INCREMENT IN THE FUTURE THROUGH AN AMENDMENT TO THIS INCREMENT





The Babcock Ranch
Preserve
State of Florida







Babcock Ranch Community
Increment 2

The Babcock Ranch
Preserve
State of Florida

Babcock Ranch
Community
Increment 3
South

Babcock Ranch
Community
Future Development

LEGEND

- | | |
|--|--|
|  Babcock Ranch Community |  Bald Eagle Sighting |
|  SR 31 within Increment 3 (19.56 ac.) |  Caracara Sighting |
|  Babcock Ranch Community Preserve / Mitigation Area |  Gopher Tortoise Burrow |
| |  Unknown Nest Structure |

NOTES

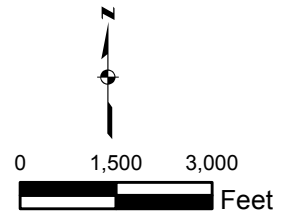
1. The aerial photographs shown were provided by FDOT and were taken in 2020.
2. Protected species survey was conducted by Johnson Engineering ecologists in development areas between December 2019 and February 2020 as a part of the 2020 Babcock Modification.
3. Species-specific surveys for the crested caracara were conducted by Johnson Engineering ecologists in January-April of 2020, 2021 and 2022.
4. Acoustic and roost surveys for the Florida bonneted bat (FBB) were conducted by Johnson Engineering ecologists July-August 2020. Foraging by FBB was documented during the survey but no roosts were identified at that time.
5. Wildlife resources noted within mitigation areas were obtained as incidental observations or captured through wildlife cameras through ongoing monitoring.

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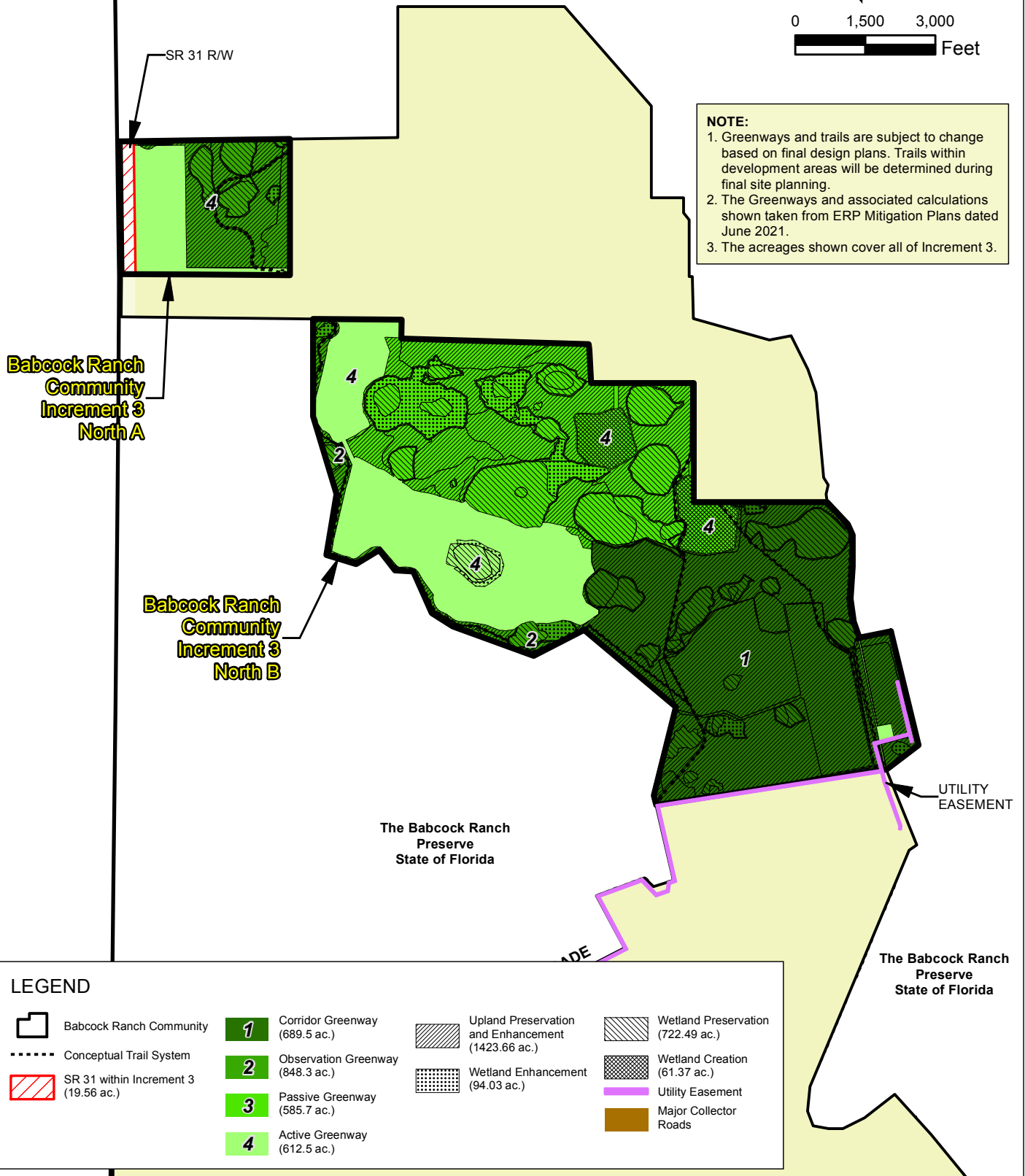
JOHNSON ENGINEERING, INC.
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FAX (239) 334-3661
E.B. #642 & L.B. #642

Increment 3 South Babcock Ranch Community Wildlife & Plant Resources

DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2022	20129205-006	--	As Shown	MAP G2

**NOTE:**

1. Greenways and trails are subject to change based on final design plans. Trails within development areas will be determined during final site planning.
2. The Greenways and associated calculations shown taken from ERP Mitigation Plans dated June 2021.
3. The acreages shown cover all of Increment 3.

**LEGEND**

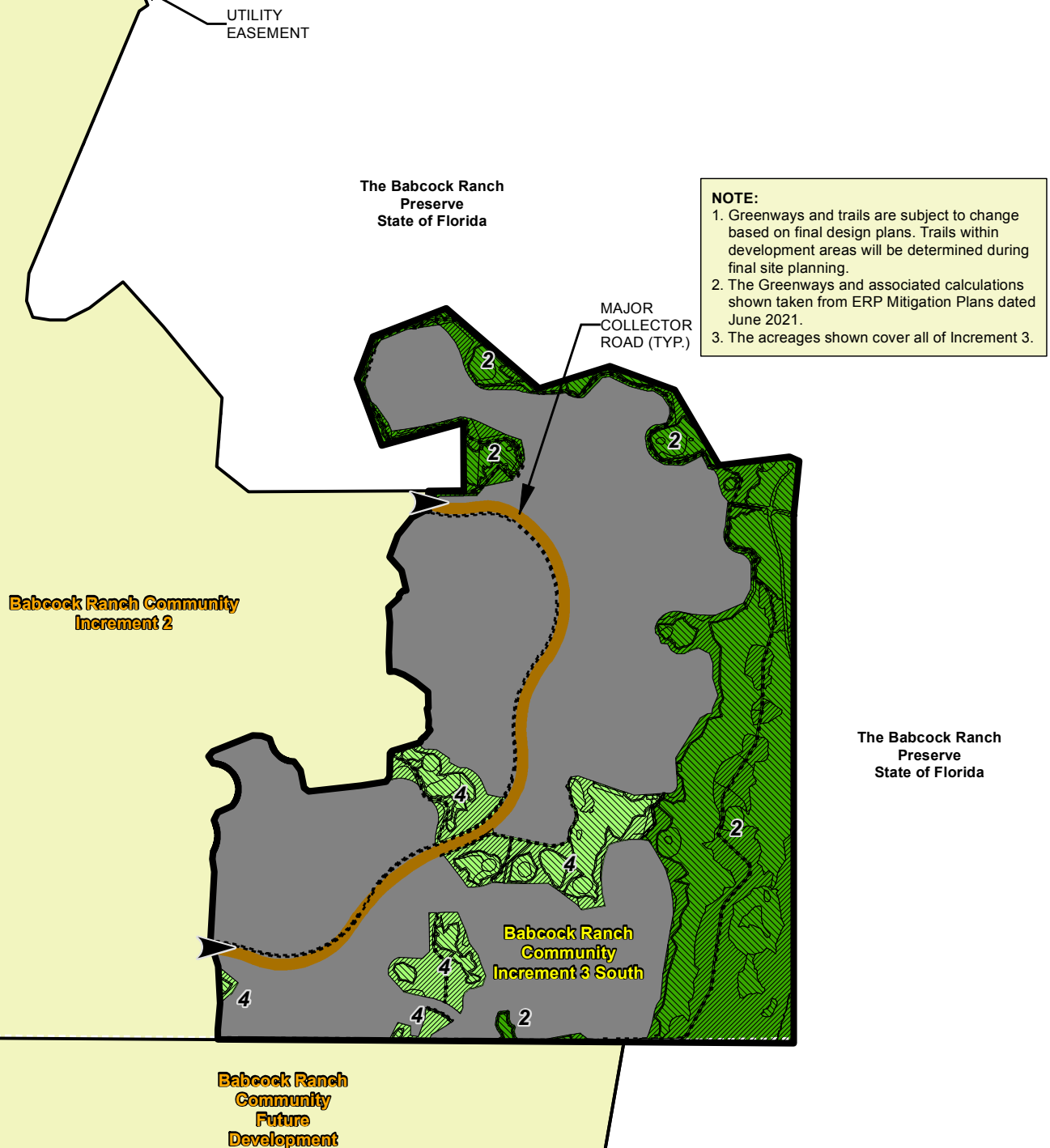
	Babcock Ranch Community		1 Corridor Greenway (689.5 ac.)		Upland Preservation and Enhancement (1423.66 ac.)		Wetland Preservation (722.49 ac.)
	Conceptual Trail System		2 Observation Greenway (848.3 ac.)		Wetland Enhancement (94.03 ac.)		Wetland Creation (61.37 ac.)
	SR 31 within Increment 3 (19.56 ac.)		3 Passive Greenway (585.7 ac.)		Major Collector Roads		
			4 Active Greenway (612.5 ac.)				

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FAX (239) 334-3661
E.B. #642 & L.B. #642

**Increment 3 North
Babcock Ranch Community
Primary Greenways & Trails**

DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2022	20129205-006	--	As Shown	EXH. H1

**NOTE:**

1. Greenways and trails are subject to change based on final design plans. Trails within development areas will be determined during final site planning.
2. The Greenways and associated calculations shown taken from ERP Mitigation Plans dated June 2021.
3. The acreages shown cover all of Increment 3.

LEGEND

	Babcock Ranch Community		1 Corridor Greenway (689.5 ac.)		Upland Preservation and Enhancement (1423.66 ac.)		Wetland Preservation (722.48 ac.)
	Conceptual Trail System		2 Observation Greenway (848.3 ac.)		Wetland Enhancement (94.03 ac.)		Wetland Creation (61.37 ac.)
	SR 31 within Increment 3 (19.56 ac.)		3 Passive Greenway (585.7 ac.)		Utility Easement		Major Collector Roads
			4 Active Greenway (612.5 ac.)				

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ENGINEERING

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FAX (239) 334-3661
E.B. #642 & L.B. #642

**Increment 3 South
Babcock Ranch Community
Primary Greenways & Trails**

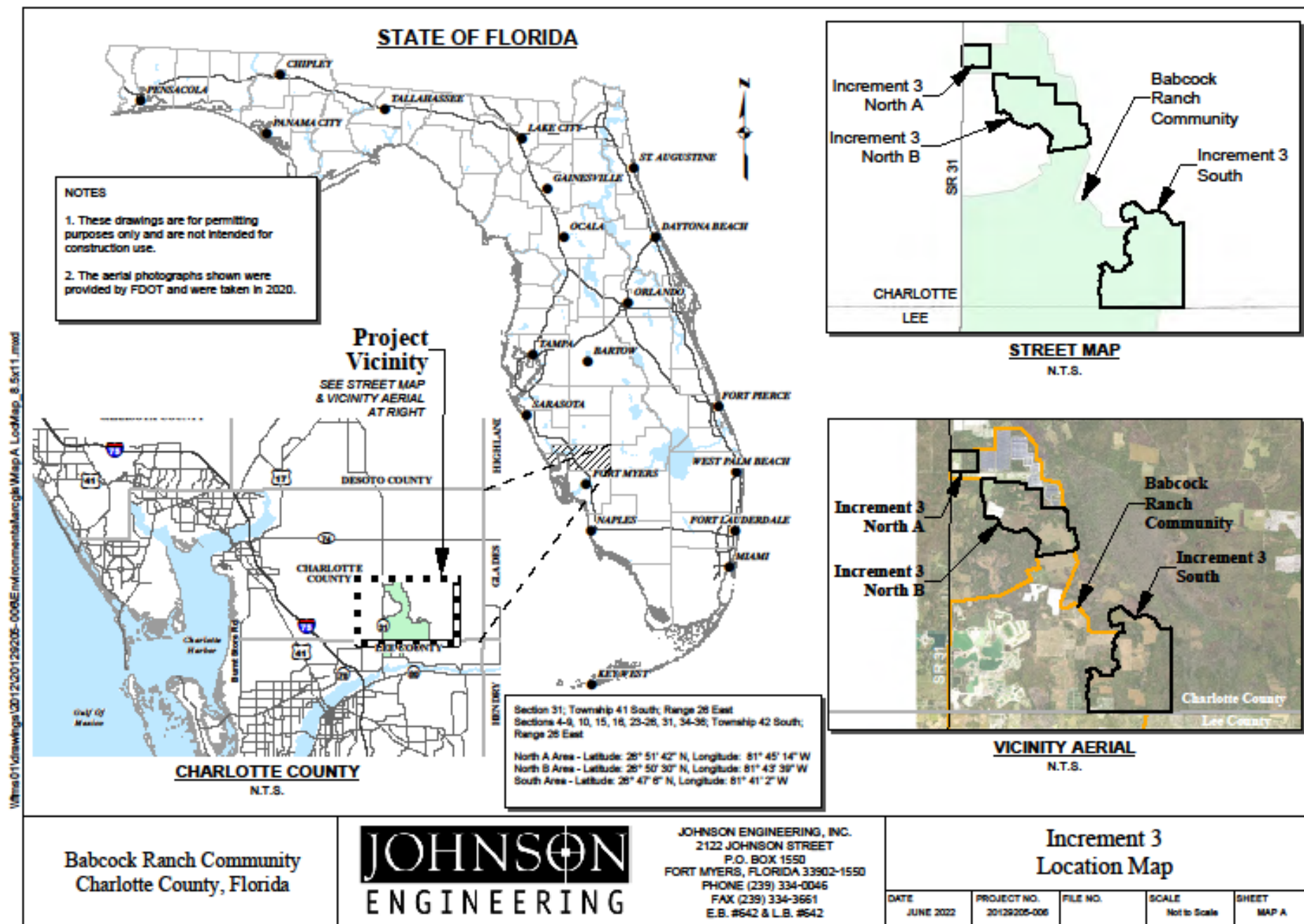
DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2022	20129205-006	--	As Shown	EXH. H2

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR BABCOCK RANCH INCREMENT III AND CHANGES TO MASTER DEVELOPMENT ORDER (MDO), INCREMENTS I AND II (IDOs)

Page 215 of 453

Project Description

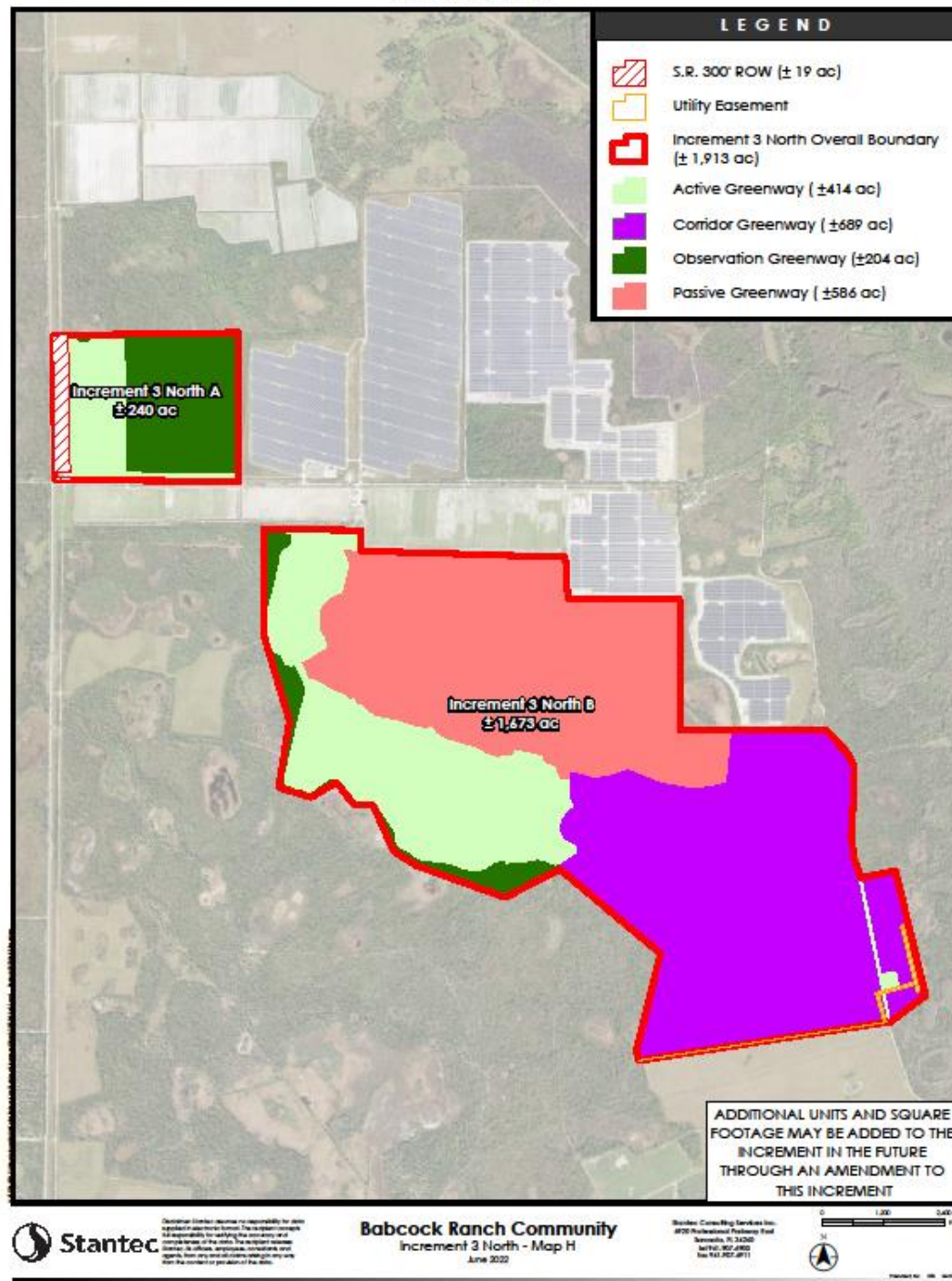
- Increment 3 contains approximately 4,535 acres and encompasses three separate areas within BRC and is generally east of Increment 2 and will include extensive open space, will preserve and enhance critical environmental areas including extended contiguous wetland corridors that contribute to the natural beauty of this area, and will positively improve the quality of life for the residents (see Increment 3 Location Map).
- Increment 3 will include 3,562 single family residential units; 280,000 square feet of nonresidential development (200,000 retail and 80,000 office); 10,000 square feet for a church; and 57-acres of park.
- Construction is anticipated to begin in 2023. The anticipated buildout is 2038.

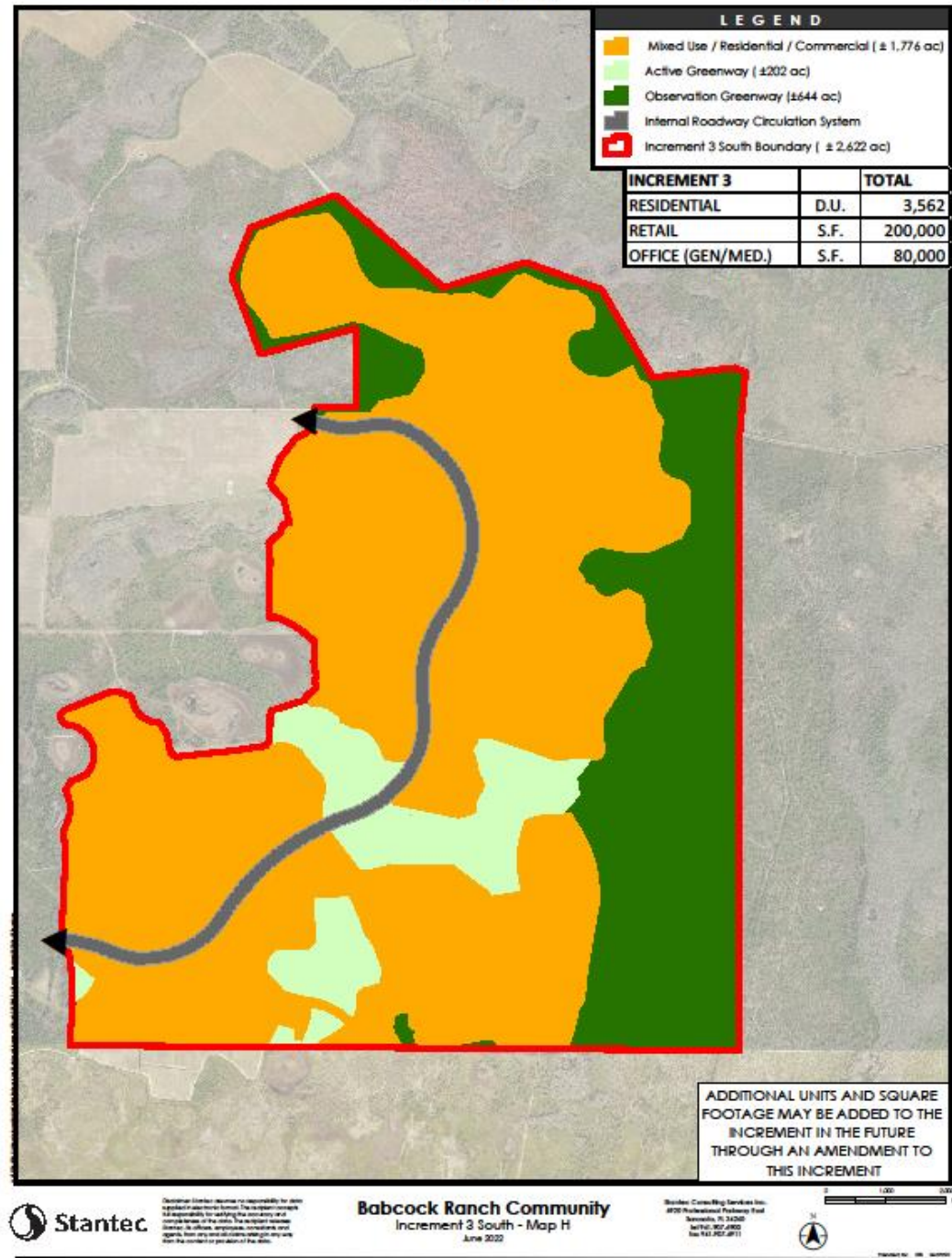












- This AIDA is supported by an Equivalency Matrix (EM), which proposes a set of alternate land uses, density and intensity levels for Increment 3.
- The purpose is to provide a framework for simultaneously increasing/decreasing development levels to meet market demand.
- The EM provides for an exchange between these uses, densities and intensities while ensuring that the level of service (LOS) standards for traffic, potable water, wastewater and solid waste are not exceeded.

REGIONAL STAFF ANALYSIS

- On June 16, 2022, the SWFRPC approved the AIDA questionnaire checklist for Increment 3 which is consistent with Exhibit “C” of the MDO that dictates the questions to be addressed in the AIDA. The AIDA was submitted for sufficiency review to the applicable state, federal and local agencies.

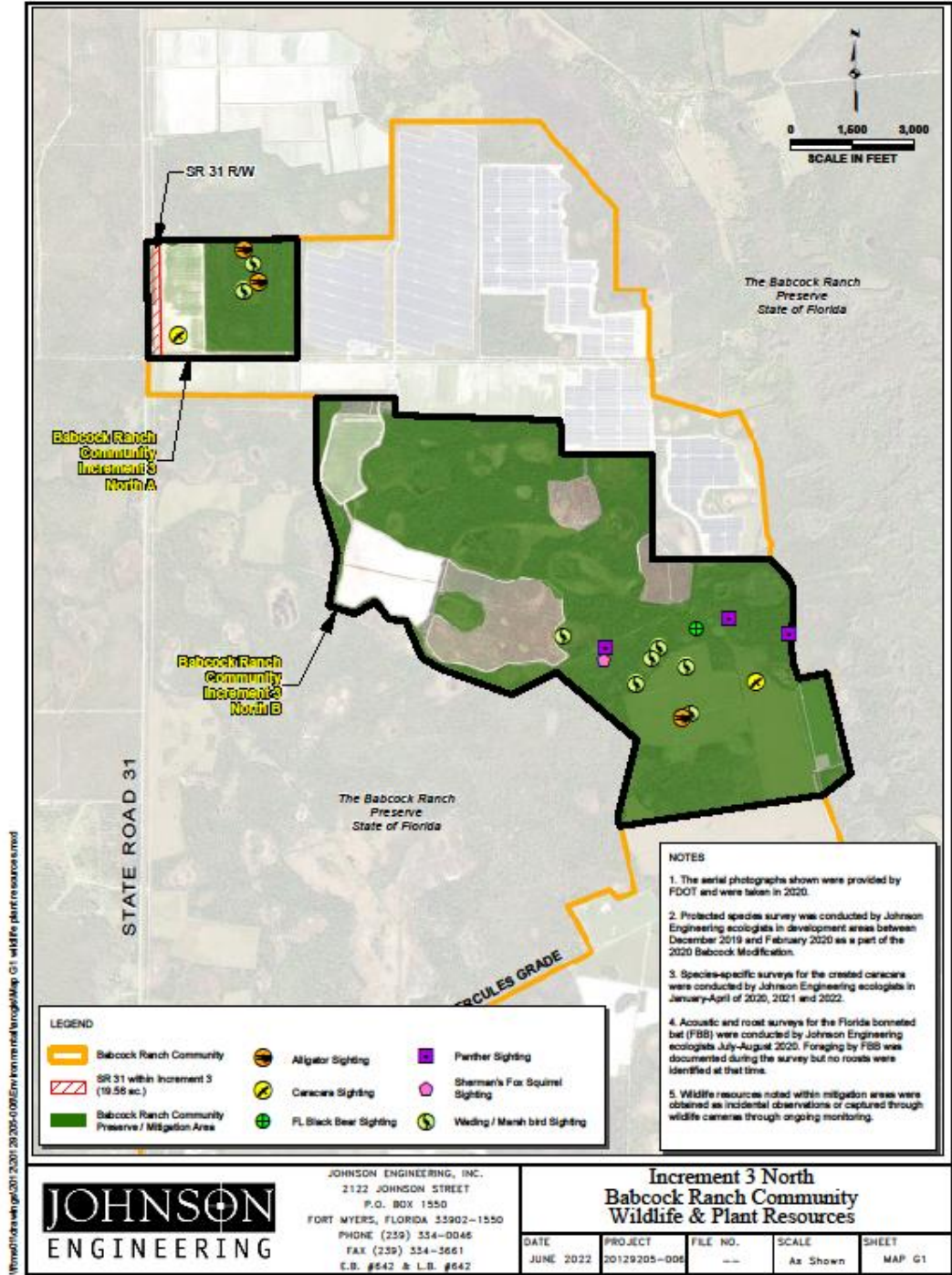
- The Council staff assessment only addresses the following regional issues and is based on information provided in the AIDA. The local issues will be addressed by Charlotte County.

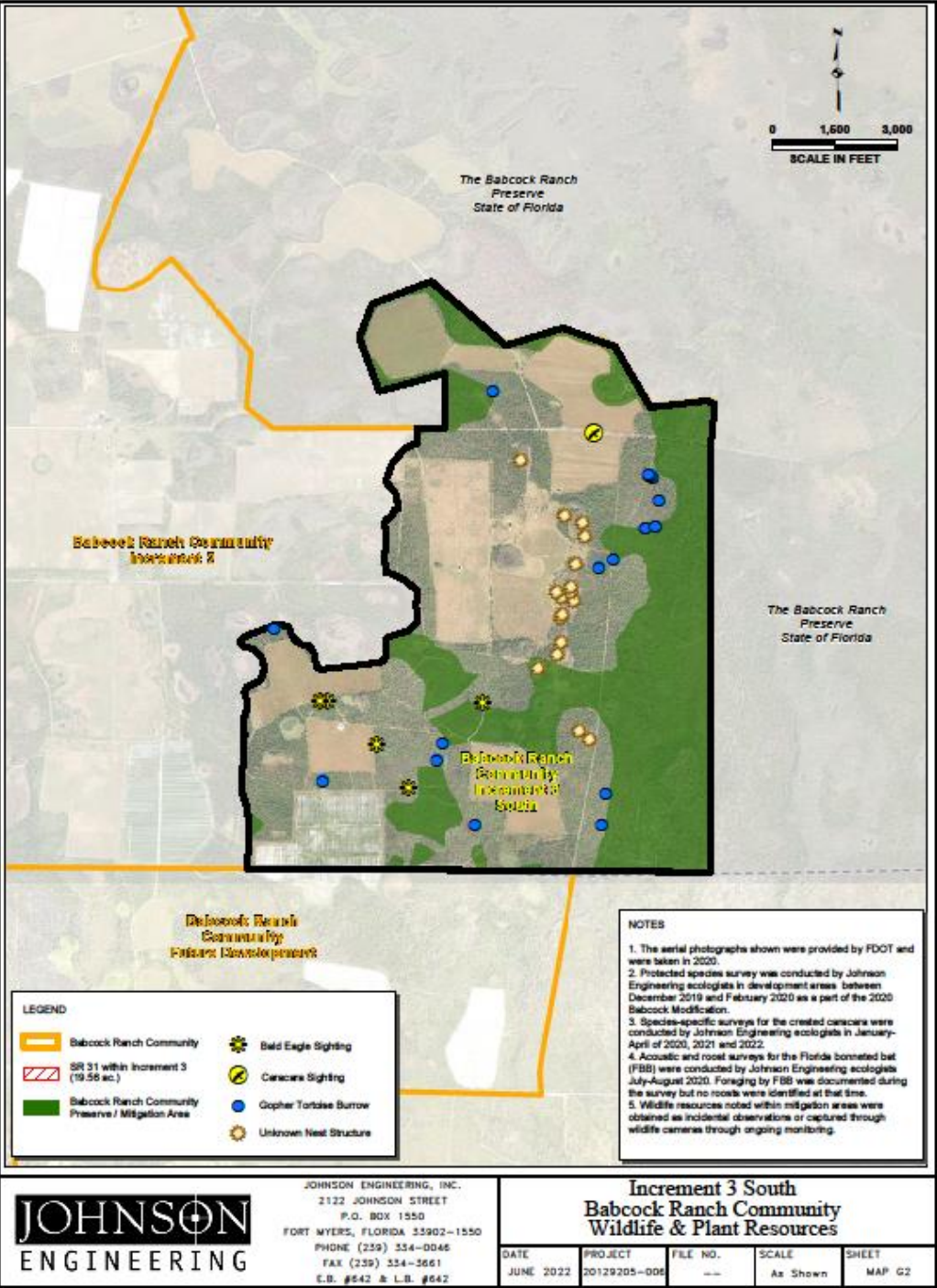
Wildlife Management

The Threatened and Endangered Species Management Plan (T&E) for the Babcock Ranch Community (BRC) was originally approved with SFWMD Environmental Resource Permit (ERP) issued in 2010.

The T&E plans are being modified to include:

- (i) address changes in the listing status of several wading bird species,
- (ii) include the Florida bonneted bat (FBB) which was listed as federally endangered in November 2013,
- (iii) address the presence of nesting caracara within approved development pods that were not present at time of original review, and
- (iv) includes a component to address human-wildlife coexistence (see Wildlife and Plant Maps for Increment 3).





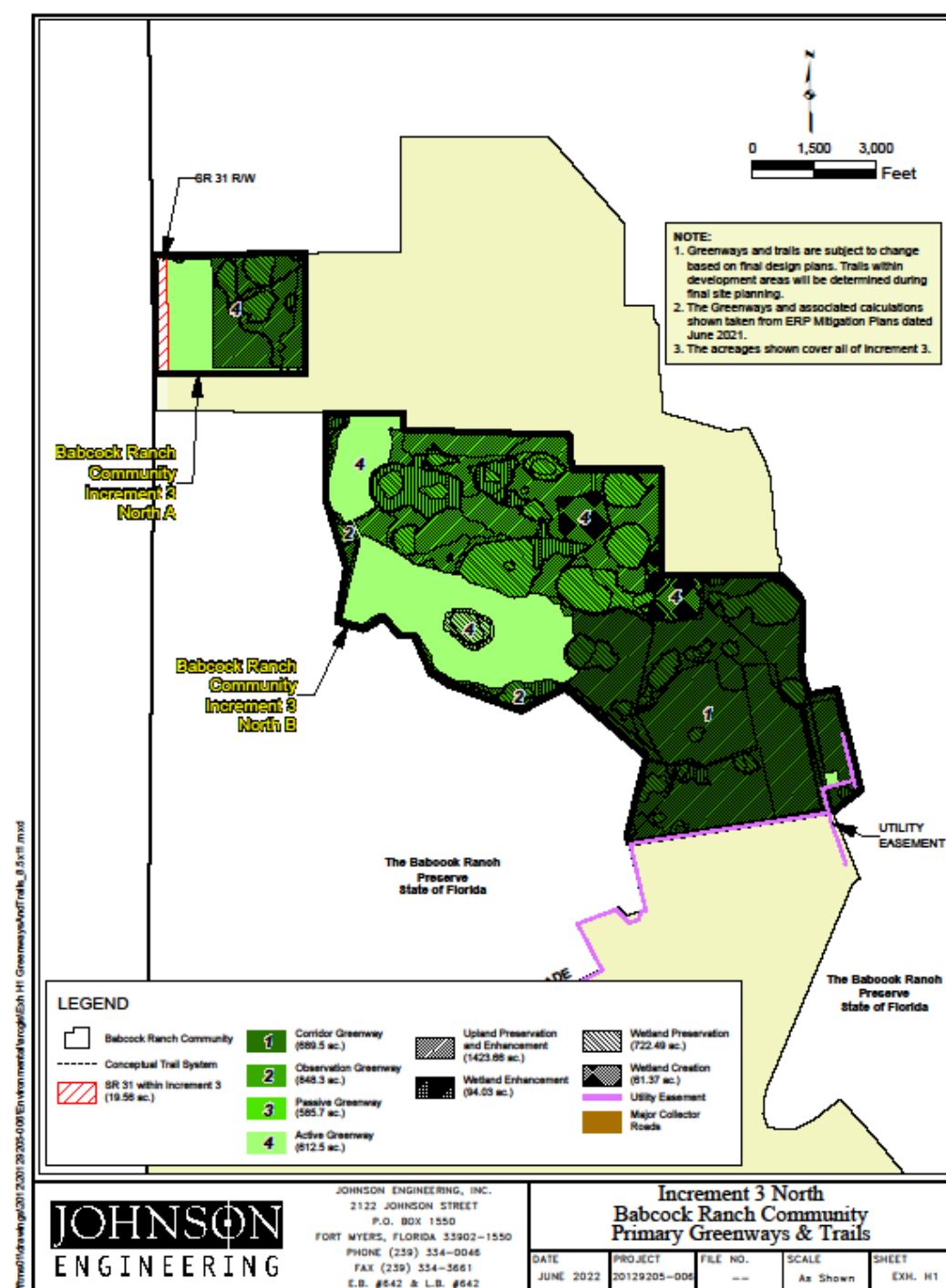
\\msfdata\apps\20129205-006\Environmental\Map\G2_wildlife plant resources.mxd

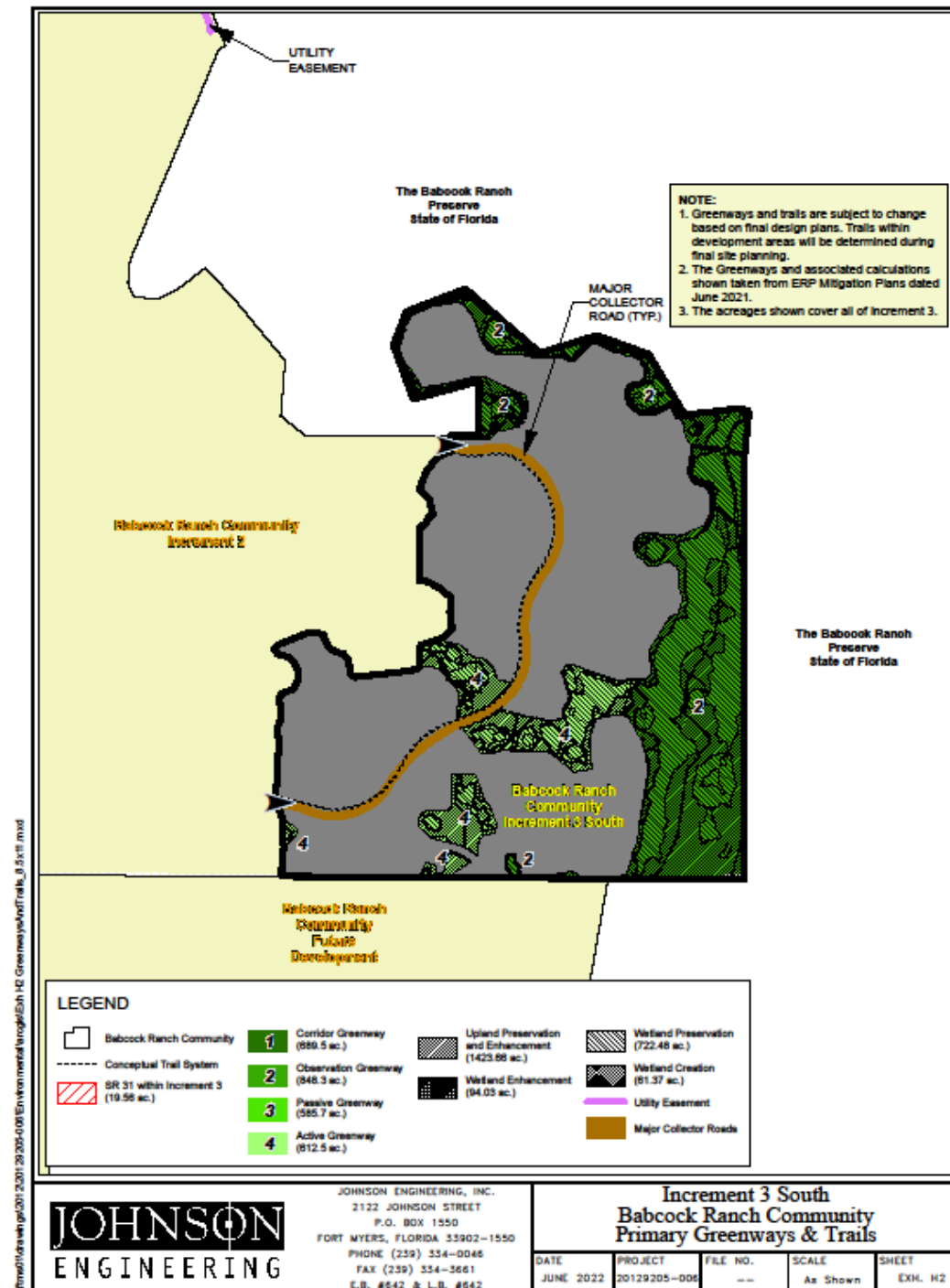
This plan addresses the following listed species and management issues: American Alligator, Gopher Tortoise, Eastern Indigo Snake, Sandhill Crane, colonial nesting wading birds, Burrowing Owl, Crested Caracara, Florida Scrub Jay, Red-cockaded Woodpecker, Florida Bonneted Bat, Florida Black Bear, Florida Panther, Beautiful Pawpaw, prescribed fire, wildlife crossings and fencing, human-wildlife coexistence plan, community signage and education plan.

Wetlands Impact Mitigation

- The BRC Mitigation Plan approved with the 2010 ERP and ACOE permit was previously determined to protect on-site wetlands and compensate for unavoidable wetland impacts associated with the development of the BRC.
- The 2010 Mitigation Plan consisted of 12,700± acres comprising a combination of off-site and on-site mitigation and included wetland creation, wetland enhancement and preservation, and upland enhancement, restoration, and preservation.

- The 2010 Mitigation Plan has been modified to address changes in development/preserve layouts that are occurring with the 2020 Babcock Modification, which includes the Increment 3 areas.
- With the site plan modifications occurring with the 2020 Babcock Modification, the entire BRC will necessitate approximately 530 acres of direct wetland impacts ($\pm 19\%$) and approximately 17 acres ($\pm 18\%$) of direct surface water impacts.
- The UMAM analysis demonstrates that the $\pm 12,981$ acres of mitigation generate $\pm 3,248$ UMAM functional units upon meeting full mitigation success (2,391 forested credits and 857 herbaceous credits), which far exceeds wetland mitigation needs.
- There have been no wetland impacts within the Increment 3 boundary to date. The Increment 3 boundary contains a total of $951 \pm$ acres of wetlands, of which $142 \pm$ acres are proposed for impact and $809 \pm$ acres are part of the BRC mitigation plan which will be placed under conservation easement (see Increment 3 Greenways & Trails Maps North and South).





The Applicant and Master Development Order commit to providing affordable housing which are ongoing efforts within BRC. The conditions stipulate that BRC is committed to providing workforce housing to people whose annual household incomes does not exceed 140 percent of the area median income, adjusted for family size. The condition changed from providing affordable housing to providing workforce housing.

The BRC developer commits to “Determination of Adequate Housing Need” analysis to assess the demand, supply and need for workforce rentals and home based on a market housing analysis. The threshold is when building permits have been issued for 1.5 millionth square foot of non-residential construction.

Stormwater Management and Floodplains

- The design of the Increment 3 surface water management system will comply with the “Stormwater Plan” outlined in Subsection A and B in Condition 4 of the MDO.
- The FEMA floodplain maps for Babcock Ranch for lands within Increment 3 do not have an established FEMA Base Flood Elevations. Previously modified and FEMA-accepted revisions do not include Increment 3.

Transportation Mitigation

- A comparison summary of the Master and Incremental (to-date) DRI development parameters, as well as the Lee County Babcock MPD parameters, is presented below in Table 21-2.
- The calculated cumulative proportionate share for the Incremental DRI with all Increments 1, 2 and 3 is **\$50,937,226** based upon the proportionate share percentages as calculated per mile for each roadway improvement and intersection improvements as shown on Exhibit K in the Increment 3 IDO.

**Table 21-2
BRC Increment 3 (2022)**

Babcock Ranch Proposed Development Parameters Summary

Land Use Type	Unit	BRC DRI					Babcocl MPD ⁽²⁾
		Master DRI ⁽⁶⁾	Incremental DRI				
			Increment 1	Increment 2	Increment 3	Cumulative Increments	
Total Residential ⁽¹⁾	d.u.	17,870	5,056	9,252	3,562	17,870	1,630
Single-Family	d.u.	-	3,056	5,817	3,562	12,435	980
Multifamily	d.u.	-	2,000	3,435	0	5,435	650
Total Non-Residential ⁽¹⁾	sq. ft.	6,000,000	1,199,000	1,864,000	280,000	3,343,000	1,530,00
Total Commercial (Retail + Gen./Med. Office) ⁽²⁾	sq. ft.	4,900,000	840,000	1,380,000	280,000	2,500,000	1,170,00
Retail ^(1,2)	sq. ft.	1,400,000	470,000	730,000	200,000	1,400,000	870,000
Office (Gen./Med.) ^(1,2)	sq. ft.	3,500,000	370,000	650,000	80,000	1,100,000	300,000
General	sq. ft.	-	330,000	500,000	40,000	870,000	257,000
Medical	sq. ft.	-	40,000	150,000	40,000	230,000	43,000
Government Office ⁽¹⁾	sq. ft.	-	50,000	24,000	0	74,000	0
Hotel ^(1,3)	rooms	600	0	600	0	600	600
	sq. ft.	360,000	0	360,000	0	360,000	360,000
Industrial ⁽¹⁾	sq. ft.	650,000	200,000	0	0	200,000	0
Hospital ^(1,4)	beds	177	0	0	0	0	0
	sq. ft.	265,500	0	0	0	0	0
ALF ^(1,5)	beds	418	218	200	0	418	0
	sq. ft.	209,000	109,000	100,000	0	209,000	0
Golf Course	holes	54	18	18	0	36	0
Elementary School	students	-	536	500	500	1,536	0
Middle School	students	-	330	0	0	330	0
High School	students	-	600	0	0	600	0
Church	sq. ft.	-	15,000	15,000	10,000	40,000	0
Library	sq. ft.	-	0	12,000	0	12,000	0
Park	acres	-	58	110	57	225	48
Recreation Center	sq. ft.	-	40,600	0	0	40,600	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, university facilities, libraries, places of worship, regional and community parks, clubhouses and similar neighborhood amenities, which square footage will be additional.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + general/medical office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Approved BRC MDO entitlements. Ancillary land uses not limited by MDO include schools, church, library, park, and recreation center.

- The proportionate share calculation was based on 5,869 pm peak hour two-way net new trips assigned to the external road network established by the AIDA traffic analysis.
- The proportionate share percentages and dollar amounts have been accepted by Charlotte County and FDOT for Increments 1, 2 and 3, recognizing that the actual costs may increase, or decrease based upon the final actual costs of the agreed upon improvements.

The findings and conclusions of Increment 2 (2020) AIDA transportation assessment are as follows.

1. The proposed Increment 3 includes 3,562 residential units and 280,000 square feet of non-residential uses with buildout anticipated in year 2038. The proposed amendments for Increments 1 and 2 will provide a net increase of 2,851 residential units, 50,470 square feet of commercial office and retail uses, and 218 ALF units.

2. Roadway improvements attributed to the cumulative Increments coincident with buildout at year 2038 include the following road segments.
 - SR 31 from SR 78 to Cypress Parkway
 - SR 31 From Lake Babcock Drive to Greenway Boulevard
 - SR 78 from Pritchett Parkway to SR 31
3. Off-site intersection improvements attributed to the cumulative Increments coincident with buildout at year 2038 include the following intersections.
 - SR 78/ I-75
 - SR 80/ Orange River Boulevard
 - SR 80/ SR 31
 - SR 31/ SR 78
 - SR 31/ North River Road
4. The widening of SR 31 from the committed interim build alternative to the ultimate build alternative is attributed to the DRI. Intersection improvements of the ultimate build alternative are also attributed to the DRI.

5. Consistent with the previous DRI traffic assessments, the modeling methodology used for this traffic assessment does not utilize the “With and Without” (AKA “Net Impact”) modeling method described in the FDOT 2019 Transportation Site Impact Handbook. Instead, the special generator and link volume factor methods are used for the “without BRC DRI” and “with BRC DRI” scenarios.
6. Completed and on-going roadway improvement efforts of the MPO LRTP and the FDOT include the following.
 - SR 31 SEIR/PD&E Study (SR 78 to Cook Brown Road)
 - SR 31 widening from SR 78 to Lake Babcock Drive
 - SR 78 PD&E Study (I-75 to SR 31)
 - SR 31 PD&E Study (SR 80 to SR 78)
7. BRC will continue to mitigate its off-site impacts through the payment of proportionate share as outlined in the DRI Master Development Order (MDO) and Incremental Development Order (IDO). The incremental DRI’s proportionate share for impacted roadways and intersections will be calculated after the final transportation review comments have been addressed.

8. Babcock Ranch will continue to work with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.
9. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

PROPOSED CHANGES TO INCRMENT I

An amendment to this Increment 1 IDO is proposed, primarily, to update entitlements, revise conditions to be consistent with Increment 2 and Increment 3, and update Exhibit D to be consistent with the MDO. The proposed amendments to the IDO are presented in this narrative.

Amendments to Increment 1 include the following:

- Update entitlements as follows:
 - o Increase residential units from 5,000 to 5,056
 - o Move 600 Hotel Rooms from Increment 1 to Increment 2
 - o Amend retail floor area from 870,000 to 470,000 square feet

- Add 200,000 square feet of industrial floor area
- Increase assisted living facility beds from 100 to 218

PROPOSED CHANGES TO INCREMENT 2

Amendments to Increment 2 include the following:

- Update entitlements to reflect the following:
 - Increase of residential units to 9,252
 - Transfer of 600 Hotel Rooms from Increment 1 to Increment 2
 - Increase retail to 730,000 square feet
 - Reduce office to 650,000 square feet
 - Increase Assisted Living Facility Beds to 200
- Amend the Stormwater Management, Water Quality, and Flood Plains section by revising Condition 3 to reflect the current permit information
- Amend Projected Buildout to reflect new date.
- Amend Expiration Date to reflect new date.

With this amendment, the Master Development Plan (Map H) is being amended to reflect Increment 3. The internal roadways have also been updated to be consistent with proposed development. Conservation Easements that have been recorded are now shown on Map H. Other amendments to the greenways are also reflected with this amended map, consistent with a concurrent Environmental Resource Permit (ERP) Modification and US Army Corps of Engineers Permit Modification. The amendments will connect on-site preservation to off-site conservation lands. These modifications will also provide contiguous wetland corridors enhancing the environmental features within the community.

Amendments to the MDO include the following:

- Update Whereas clauses to reflect current status
- Update Finding of Facts and Conclusions of Law to acknowledge use of a Land Use Equivalency Matrix and increased density that is allowed, consistent with the Comprehensive Plan.

- Update Affordable Housing Conditions to modify housing provided to be at the workforce housing Annual Median Income (AMI) of 140% or lower.
- Update Stormwater Management Conditions B.1 to acknowledge platted easements and/or tracts, consistent with development practices; update B. 14 to reflect current permit approvals; Condition B.15 to describe State assumption of Section 404 permitting by the Florida Department of Environmental Protection; and B.16 to recognize that the Condition is now complete.
- Update Vegetation, Wildlife, and Wetlands stipulations to reflect updated permit numbers; and update B. 5 to describe State assumption of section 404 permitting by the Florida Department of Environmental Protection.
- Update Education to reflect compliance with Babcock Ranch School Site Dedication Agreement.
- Update Police and Fire to reflect what has been completed.
- Update Hurricane Preparedness to remove reference to American Red Cross publication.
- To update Hospitals and Healthcare to delete Condition C – requirement to provide a certificate of need, as State Statutes have been amended to eliminate such a requirement.

- Update Exhibit “B”: Master Concept Plan (Map H) to be consistent with approved entitlements and to include new Increment 3 area, overall greenway and conservation easements amended to be consistent with FDEP and South Florida Water Management (SFWMD) permitted plans, and roadway configurations that have been updated to reflect built condition.
- Update Exhibit “D”: Updated Summary of Land Dedications and Facilities Construction by amending Note# 5 to allow the co-location of the helicopter landing site and the mosquito control pre-fab building, reflecting the completion of the EMS vehicle, and removing the school requirements as those are set forth in the School Site Dedication Agreement. To update Projected Buildout to reflect new date.
- To update Expiration Date to reflect new date.
- To add Exhibit G Land Use Equivalency Matrix (to be provided under separate cover).
- Other changes for internal consistency and updates to statutory references.

ACCEPTANCE OF THE PROPOSED MDO, INCREMENTS 1, 2 & 3 DEVELOPMENT ORDERS

The applicant has provided acceptable drafts for the MDO and IDOs for Increments 1, 2 to address the proposed changes and Increment 3 development impact on regional resources and facilities consistent with the requirements of the MDO.

RECOMMENDED ACTIONS:

- 1. Notify Charlotte County and the applicant that the proposed changes to the MDO, Increments 1 and 2 and new Increment 3 IDOs are acceptable to address impacts on regional resources and facilities.
- 2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO, Increments 1, 2 and 3 IDOs.

Agenda Item

8b

8b

Palmer Ranch Increment XXX
Development Order Review

8b

PALMER RANCH INCREMENT XXX DEVELOPMENT ORDER REVIEW SARASOTA COUNTY

Council Recommendations (Attachment I)

On December 15, 2022, the Council recommended conditional approval of the Palmer Ranch Increment XXX Application for Incremental Development Approval (AIDA). The recommended conditions are for issues related to water quality and stormwater, native habitats protection/vegetation and wildlife and land use. A copy of the Council recommendations can be found as Attachment I.

Sarasota County Development Order (Attachment II)

On March 21, 2023, the Board of Sarasota County Commissioners approved the Palmer Ranch Increment XXX Development Order (Ordinance 2023-004). A copy of the development orders (see Attachment II) was rendered to the SWFRPC on March 27, 2023. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the development orders as rendered.

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR PALMER RANCH INCREMENT XXX

BACKGROUND

The Palmer Ranch Master Development of Regional Impact (DRI) is an approved 7,002-acre master planned development generally located west of I-75, south of Clark Road, east of US 41, and north of Bay Street in Sarasota County. Sarasota County originally approved the Palmer Ranch DRI on December 18, 1984 (Resolution No. 84-418) and amended and restated the DRI under Resolution No. 91-170, and again under Ordinance No. 2015-010. The Palmer Ranch DRI is approved for 1,450,000 square feet of commercial/office uses, 550,000 square feet of industrial uses (Palmer Park of Commerce), and 14,200 residential units. The Application for Master Development Order (AMDO) review process requires that Applications for Incremental Development Approval (AIDA) be submitted to approve specific land uses. To date 643,178 square feet of commercial, 164,002 square feet of industrial, and 13,468 residential dwelling units have been approved for construction in 29 Increments (see Attachment I).

Palmer Ranch Increment XXX is the next phase of the overall Palmer Ranch planned community being developed under the approved Master Development Order (MDO). Increment XXX consists of the 25.9± acre Palmer Ranch Parcel 9F. Parcel 9F is located east of Bay Street and Honore Avenue and west of I-75 at the Bay Street intersection (See Attachment I). The planned residential development for 99 townhomes is consistent with the Sarasota County Comprehensive Plan and Future Land Use Map, which designates this parcel as Moderate Density Residential. The development proposes to construct the fourth leg at the Honore Avenue & Bay Street intersection with primary access to the development will be from Honore Avenue. The residential development includes lakes/littoral areas, buffer/other open space and preservation/restoration areas. The overall density will be 3.8 units per acre with 55.67% of the site preserved as open space (See Attachment II Development Plan).

Parcel 9F is currently undeveloped and has been used for the agricultural purpose of grazing cattle. (See Attachment III Aerial and Attachment IV Native Habitat Preservation Alteration & Mitigation Plan). The development can be served by existing urban services and facilities including water, sewer, solid waste, police, fire, and health care. Residential construction on Parcel 9F is anticipated to commence in 2023 with buildout expected by the end of 2025, subject to market conditions.

IMPACT ASSESSMENT

The Council staff usually provides a detailed assessment of all the regional and local issues within Appendix I and II of a DRI Assessment Report. However, because Sarasota County has received Limited DRI Certification under 380.065 F.S., Administrative Rule 28-10 and a "Memorandum of Understanding Regarding Sarasota County's Limited DRI Certification Program" between the Sarasota County and the SWFRPC signed on April 4, 1989, the Sarasota County staff assessment is approved by SWFRPC staff as the recommended SWFRPC Staff Assessment. No additional analysis and recommendations are being added to the regional issues by SWFRPC.

The regional recommendations below for the "Palmer Ranch Increment XXX DRI Assessment" have been prepared by Sarasota County Planning staff and the Southwest Florida Regional Planning Council staff as required by Chapter 380.06, Florida Statutes. A determination by Sarasota County and the applicant has been made not to reiterate word for word the applicable MDO conditions that applied to Increment XXX but to reference within the Increment XXX

development order the applicable MDO conditions. The DRI assessment is largely based on information supplied in the AIDA and the Sarasota County Staff Assessment. Additional information was obtained by consulting official plans, and by reviewing reports related to specific issues in the impact assessment. Sarasota County's staff assessment and recommendations were integrated into various elements of the regional recommendations. The Southwest Florida Water Management District reviewed Water-related elements with no specific recommendations for the DO. A Florida Department of Transportation provided no comments on the application.

Regarding consistency with the Regional Policy Plan Council staff has reviewed the Increment relative to the regional plan DRI review list and normally the plan consistency checklist is provided in this section. However, since the Regional Policy Plan checklist for the SWFRPC adopted Palmer Ranch Increment XXIII Assessment Report would be the same, to reduce paperwork, refer to the Increment XXIII Assessment Report. Staff finds that without appropriate mitigation actions and conditions the project could have a net negative impact on the regional resources and infrastructure. The regional recommendations presented within this assessment are intended to neutralize the negative and questionable impacts.

The Council's staff assessment for Increment XXX only contains regional issues. The recommendations for these issues are formal conditions to be included by the local government in any Development Order that has jurisdiction within a particular county. The findings of this evaluation and the Southwest Florida Regional Planning Council's recommendations are not intended to foreclose or abridge the legal responsibility of local government to act pursuant to applicable local laws and ordinances. Copies of any "Incremental Development Order" (an order granting, denying, or granting with conditions an Application of Development Approval) issued with regard to the proposed development should be transmitted to the Southwest Florida Regional Planning Council and the Florida Department of Economic Opportunity.

Application for Incremental Development Approval

Increment XXX consists of the 25.9± acre Palmer Ranch Parcel 9F. The development proposal is for 99 townhomes and is located east of Bay Street and Honore Avenue and west of I-75 at the Bay Street intersection (See Attachment I). The development proposes to construct the fourth leg at the Honore Avenue & Bay Street intersection with primary access to the development will be from Honore Avenue. The residential development includes lakes/littoral areas, buffer/other open space and preservation/restoration areas. The overall density will be 3.8 units per acre with 55.67% of the site preserved as open space (See Attachment II Development Plan).

Land Use

Palmer Ranch Parcel 9F is designated as Moderate Density Residential (>2 and <5 DUs/Acre) on Sarasota County's Comprehensive Plan Future Land Use Map and is currently zoned Open Use Estate, 1 DU/5 Acres (OUE-1). The planned residential development for 99 townhomes is consistent with the Sarasota County Comprehensive Plan and Future Land Use Map, which designates this parcel as Moderate Density Residential. The proposed zoning district for Parcel 9F is Residential Single-Family – 3/Planned Unit Development (RSF-3/PUD). In accordance with Land Use/Housing Condition A.4 of the Palmer Ranch Master Development Order (MDO), all residential development must utilize a Planned Development district, as provided for in the Sarasota County Unified Development Code (UDC). The subject parcel is centrally located within the County, with public infrastructure and access to services, is compatible with surrounding development, and adequate levels of service have been demonstrated.

Native Habitat Protection/Vegetation and Wildlife

The northerly portion of the parcel contains improved pasture (8.4± acres), the middle of the parcel consists of remnant pine flatwoods (3.2± acres) and a freshwater marsh (6.2± acres), and the south-eastern portion of the parcel contains a lake (8.1± acres). The overall quality of wetlands within Parcel 9F is mostly high, with some invasive or exotic species occurring near the interstate, particularly a cluster of cattails (*Typha* spp.) in the southeast portion of the wetland. The project design includes 5.21 acres of developed areas, 6.35 acres of wetland preservation, 7.94 acres of buffers/other open space and 6.59 acres of lakes/littoral areas. No wetland impacts are proposed for this project. Minor impacts to the upland buffer around the wetland may be required and will be addressed during the Site and Development Plan review process, if required.

No impacts to Sarasota County-regulated upland habitats will occur from development of the project as no County-regulated upland habitats occur on the project. No listed plant species or significant plant communities are present within the project site. It is anticipated that wetland-dependent species, such as listed wading birds and American alligators, will benefit from habitat enhancement and management to occur in post-development wetlands. No Gopher Tortoises were observed on the site.

A principle of the environmental design and permitting of the Palmer Ranch DRI has been the creation of a Resource Management Plan (RMP) for each Palmer Ranch Increment. The RMP for Increment XXX addresses the perpetual management of Preservation and Conservation Areas on the subject project consistent with Sarasota County requirements outlined in Article 9, Section 124-176 of the Unified Development Code (UDC). The RMP also describes the entities responsible for implementing the plan, and the habitat management and maintenance practices to be implemented in each of the Preservation and Conservation Areas.

Water Quality and Stormwater

Increment XXX lies within the Little Sarasota Bay Watershed. The runoff generated from Parcel 9F discharges to the existing on-site stormwater pond in the southern portion of the parcel before being directed to the on-site wetland. The Palmer Ranch Increment XXX Surface Water Management Plan (Map G2) proposes to provide stormwater treatment and attenuation for the proposed project in the existing onsite stormwater pond that is proposed to be expanded. The proposed stormwater system is required to provide treatment for the first one inch of rainfall for the development area. The Sarasota County watershed models for the Little Sarasota Bay Watershed will be used for the stormwater management analysis during the permitting process. The proposed stormwater management system will be designed to demonstrate that the post-developed 100-year peak stage for all off-site nodes are not raised 0.01-feet or more as compared to the pre-developed condition.

Transportation

Transportation impacts of the Palmer Ranch DRI are analyzed within the Ranch on a biennial basis as well as a system-wide analysis every five years consistent with the MDO. The most recent biennial transportation analysis was completed in 2020 and the most recent system wide transportation reanalysis was completed in 2015. The 2020 biennial transportation analysis also included a reanalysis 'light' component. Typically, a separate 5-year transportation reanalysis would have accompanied the 2020 biennial transportation analysis projecting roadway segment operations five years into the future with the additional Palmer Ranch development anticipated to be constructed over that time period. Because the DRI is essentially built-out, conducting a full 5-year transportation reanalysis was not necessary. As identified in the 2020 biennial

transportation analysis, no improvements were required to mitigate congestion issues at any of the intersections or roadway segments in the Ranch.

Traffic volumes generated by the development were estimated using the Institute of Transportation Engineers (ITE), *Trip Generation Manual – the 11th Edition (2021)*. Land Use 215 (Single-Family Attached Housing) was used to estimate the AM and PM peak-hour trip generation potential. The estimated external trips generated by the development are 46 AM peak-hour two-way trip ends (14 entering; 32 exiting) and 55 PM peak-hour two-way trip ends (31 entering; 24 exiting). An operational analysis of the Honore Avenue & Bay Street intersection was conducted and demonstrates that the roundabout is currently operating within acceptable level-of-service standards and will continue to operate within acceptable level-of-service standards with the addition of the project traffic. No exclusive turn lanes are needed to access the site.

Urban Services

This development can be served by existing urban services and facilities including water, sewer, solid waste, police, fire, and health care required to be addressed under this Increment. Specific provisions for service are approved under their respective sections of the AIDA and subsequent permitting, as required. Development is required to connect to Sarasota County Public Utilities water, wastewater, and reclaimed water systems in accordance with current County rules and regulations. The development is responsible for providing all on-site and off-site infrastructure that will be needed to serve the project.

Recommended Increment XXX Development Order Conditions

A. GENERAL

1. The Palmer Ranch Increment XXX development shall occur in substantial accordance with the Palmer Ranch Master Development Order and Incremental Development Order Conditions.
2. All references made in the following Conditions for Development Approval pertaining to “Applicant”, shall also include any successors in interest of areas covered under this Development Order.
3. Access to the Palmer Ranch Increment XXX project site by Sarasota County government agents and employees shall be granted for the purpose of monitoring the implementation of the Development Order.
4. Pursuant to Chapter 380.06(5), Florida Statutes, the Applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the Applicant is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the Applicant may enter into a capital contribution front-ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share.

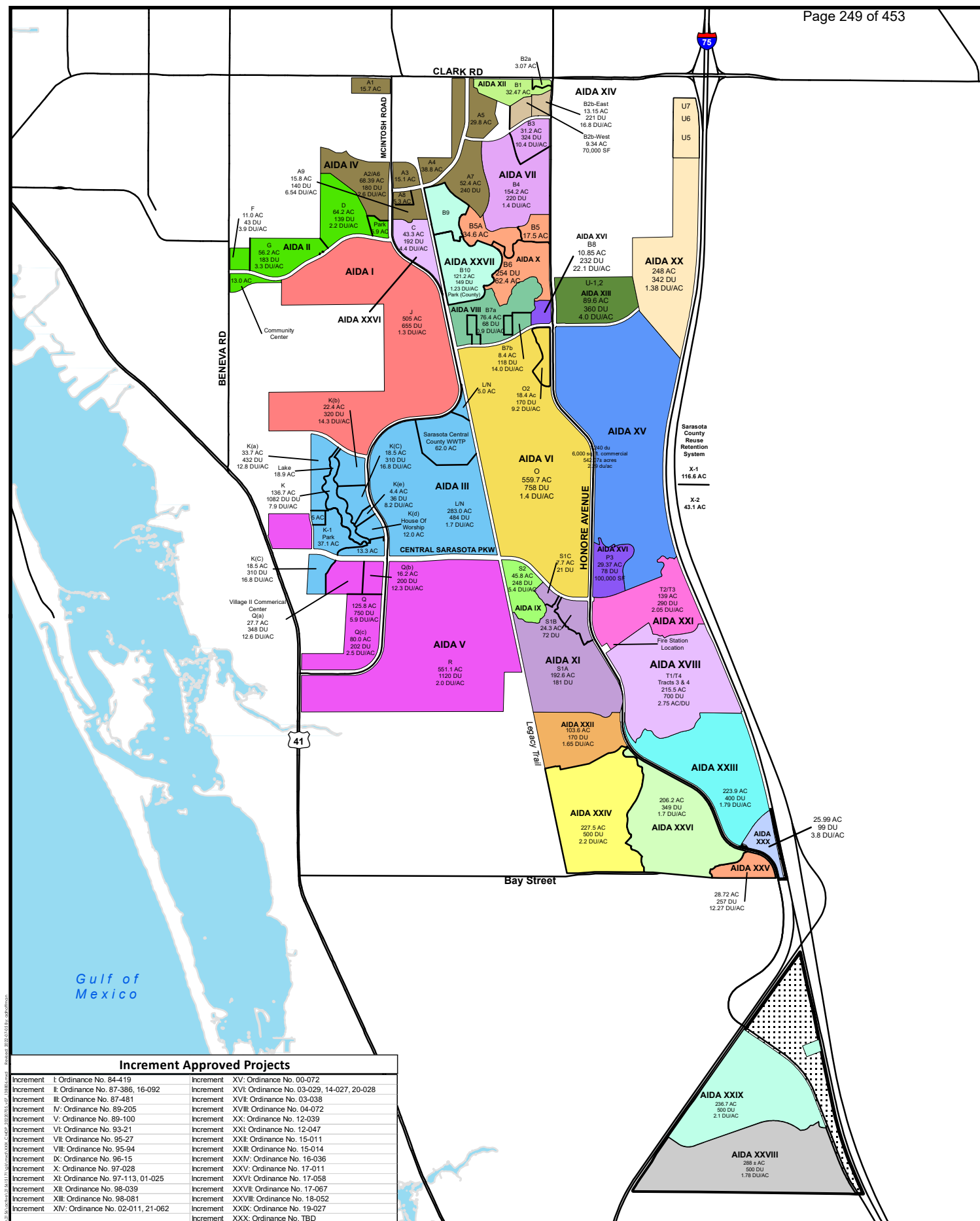
B. LAND USE

1. All development shall occur in substantial accordance with the Development Concept Plan/Binding date stamped June, 2022 and attached hereto as Attachment II. This does not imply or confer any deviations from applicable zoning or land development regulations.

C. NATIVE HABITAT PROTECTION/VEGETATION AND WILDLIFE

1. The wetlands and associated upland vegetative buffers shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and labeled a preserve on all plans as shown on Map F-2. All activities including but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Environmental Permitting. Exception may be granted by Environmental Permitting to facilitate implementation of approved habitat management plans or the hand removal of nuisance/invasive vegetation.
2. A resource management plan that maintains the functions and values of the on-site preservation areas and is consistent with the Guiding Principles of the Comprehensive Plan and the Environmental Technical Manual shall be submitted to Environmental Protection Division with preliminary or site and development plans.

RECOMMENDED ACTION: The staff of the Southwest Florida Regional Planning Council recommends Conditional Approval for the Palmer Ranch Increment XXX DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Sarasota County Board of County Commissioners.



Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Notes:

1. Coordinate System: NAD83 HARN Florida West IRIS
2. Source data: Increment Data
3. Imagery: N/A

Palmer Ranch Master Development Order
Conceptual Master Development Plan
Map H-2
 Palmer Ranch Development of Regional Impact
 July 2022

Stantec Consulting Services Inc.
 6900 Professional Parkway East
 Sarasota, FL 34240
 tel 941.907.6900
 fax 941.907.6911



0 2000 4000 Feet

Prepared by: J.W. 10/09/19
 Technical Review by: J.M. 10/10/19
 Independent Review by: C.A. 02/25/21

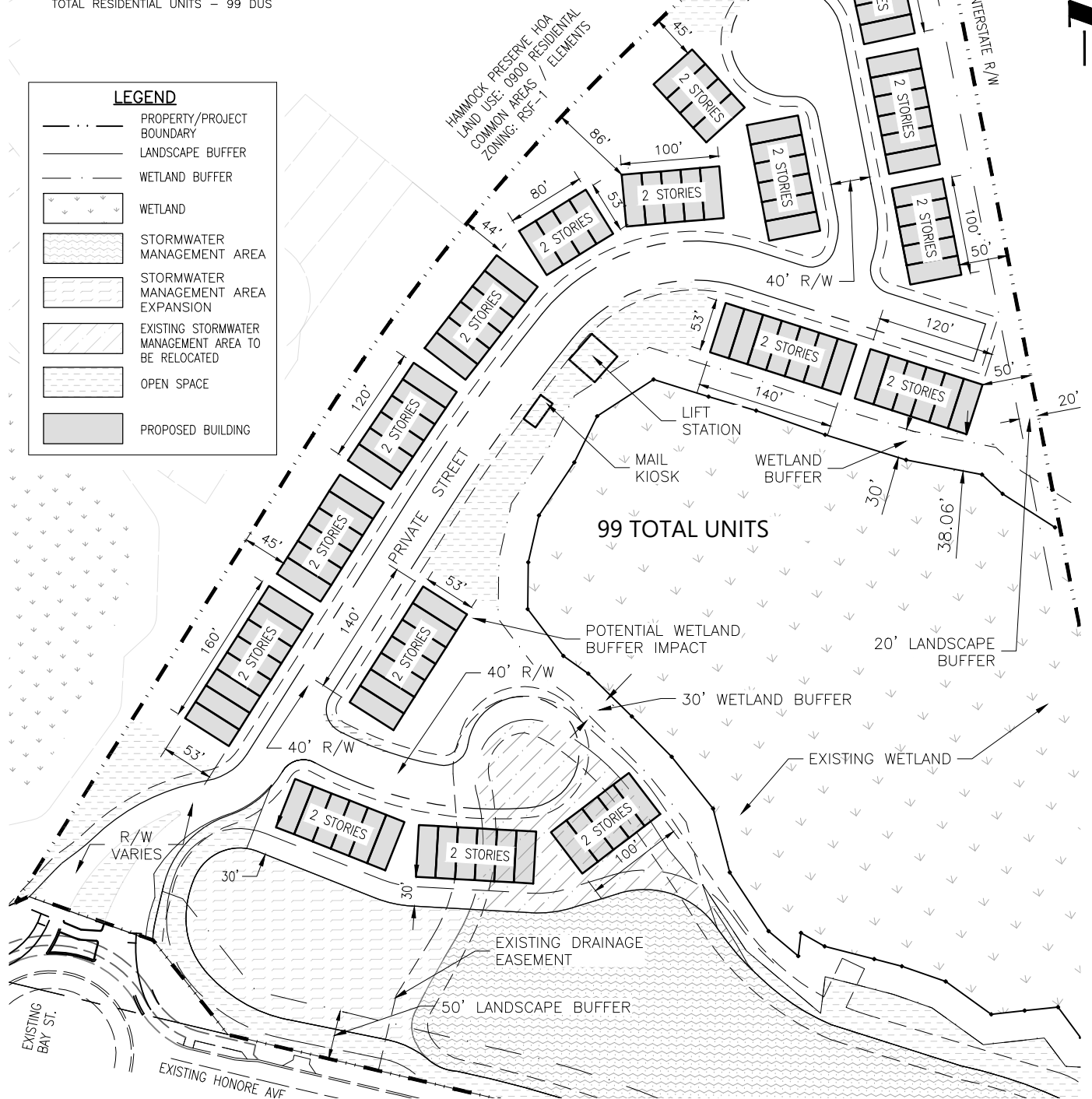
SITE DATA

GROSS ACRES —	25.99 ACRES	
DEVELOPMENT AREA (INCLUDES ROADWAY AND LOTS) —	5.21 ACRES	19.70%
LAKES —	6.59 ACRES	25.37%
WETLAND BUFFER —	1.28 ACRES	4.90%
WETLAND/PRESERVATION —	6.35 ACRES	24.42%
OTHER OPEN SPACE —	6.66 ACRES	25.61%
TOTAL SITE	25.99 ACRES	100.00%
TOTAL OPEN SPACE (TOTAL OF LAKES, WETLANDS, BUFFERS)	14.47 ACRES	55.67%
TOTAL RESIDENTIAL UNITS —	99 DUS	

SCALE: 1" = 60'

LEGEND

	PROPERTY/PROJECT BOUNDARY
	LANDSCAPE BUFFER
	WETLAND BUFFER
	WETLAND
	STORMWATER MANAGEMENT AREA
	STORMWATER MANAGEMENT AREA EXPANSION
	EXISTING STORMWATER MANAGEMENT AREA TO BE RELOCATED
	OPEN SPACE
	PROPOSED BUILDING



ORIGINAL SHEET - ANSI A

PROJECT: PALMER RANCH PARCEL 9F/BAY STREET TOWNHOMES
 CLIENT: D R HORTON

DEVELOPMENT CONCEPT PLAN/BINDING



Stantec

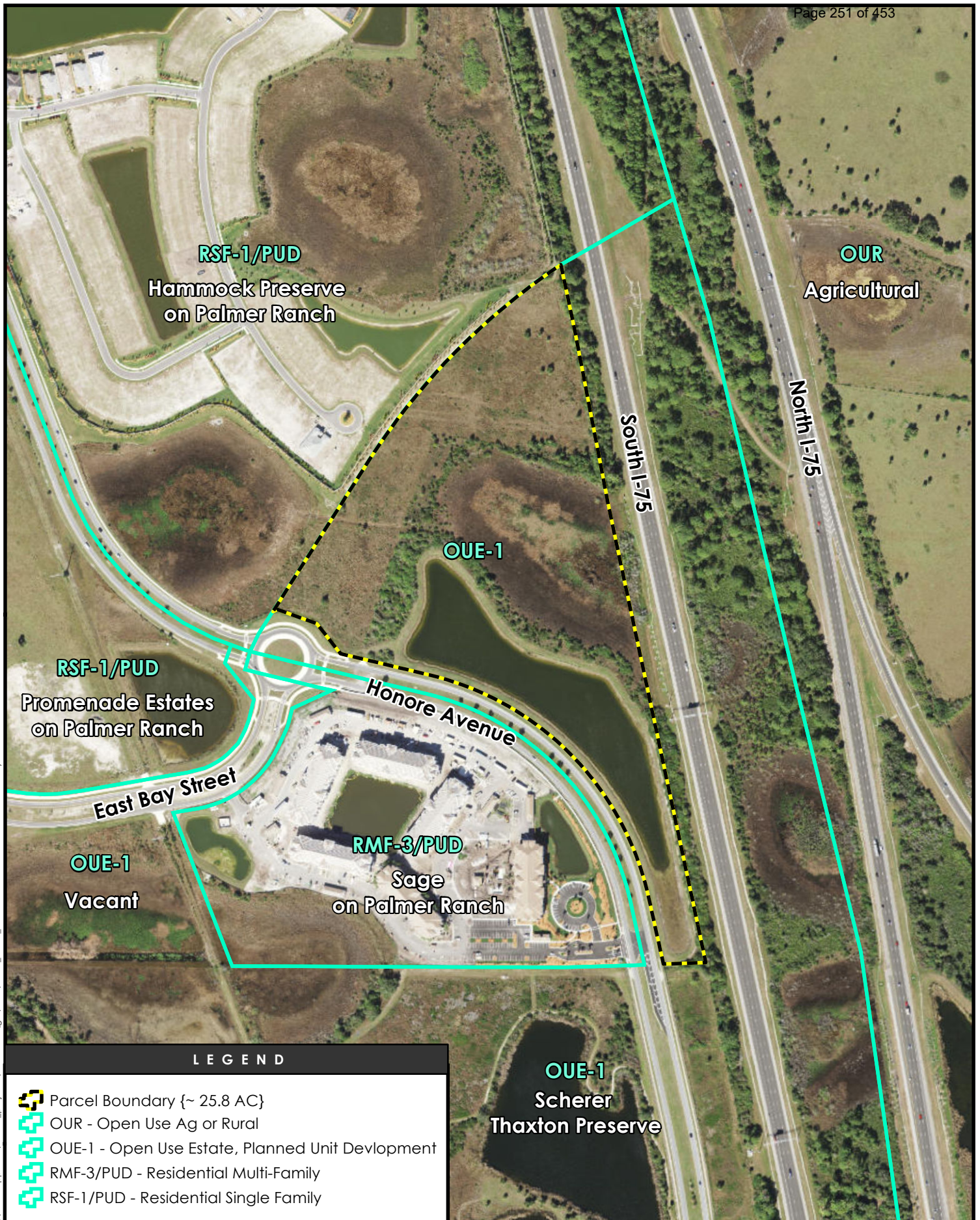
6920 Professional Parkway East, Sarasota, FL 34240-8414
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SCALE: 1" = 150'
 SEC: 1 TWP: 37S RGE: 18E
 PROJECT NO. 215615171
 DRWN BY/EMP NO. RWC/128901

DATE: JUNE, 2022
 REV NO:
 INDEX NO: 215615171-01C-814-EX
 SHEET NO: 1 of 2

\\Us0227-ppfiso\shared_projects\215617445\gis\mxd\17445_Aerial_20220517.mxd Revised: 2022-07-05 By: adhoffman



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Notes:

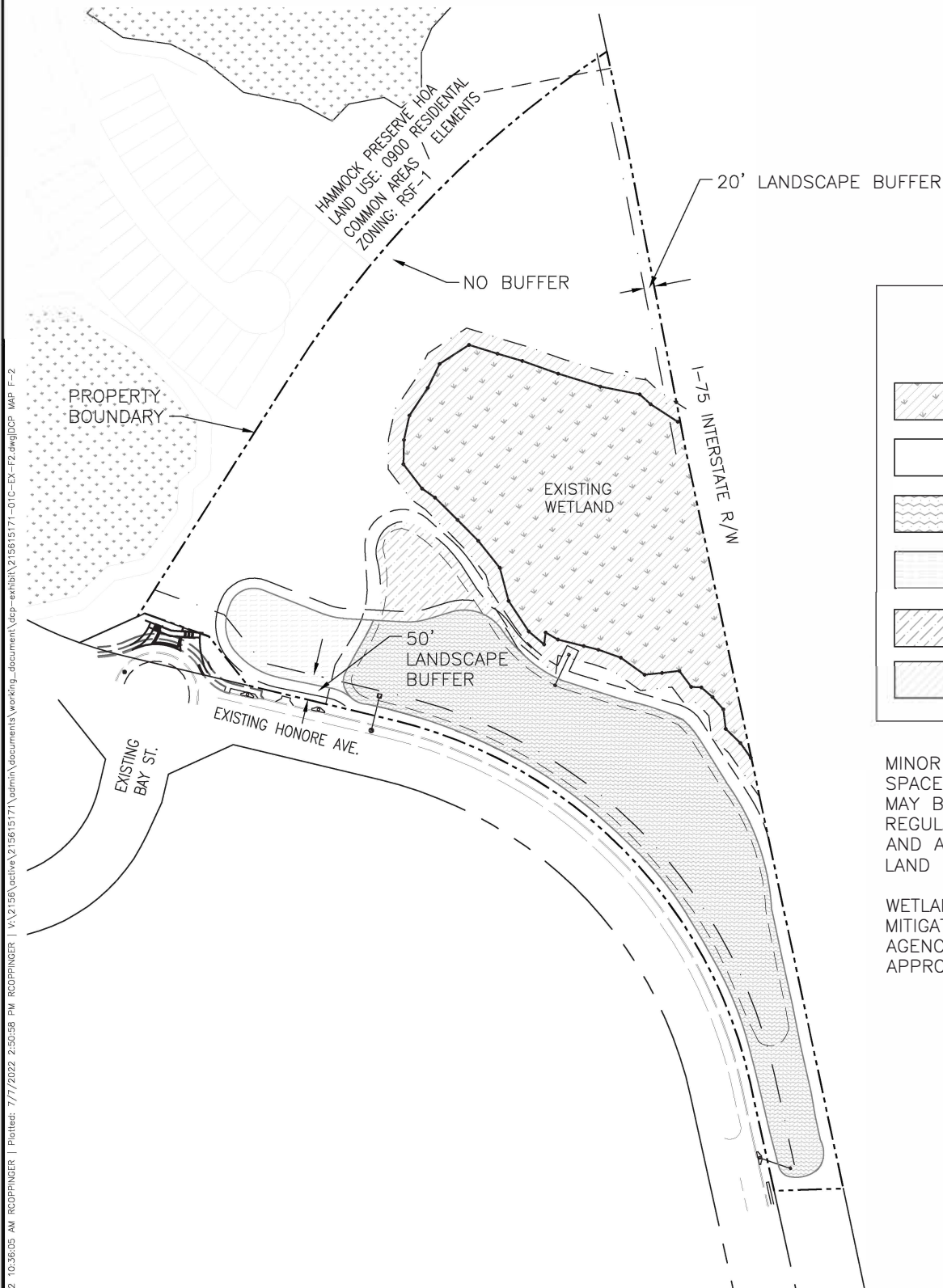
1. Coordinate System: NAD 1983 StatePlane Florida West FIPS 0902 Feet
2. Source data: Stantec Personnel
3. Imagery: Esri, Google

Palmer Ranch Parcel 9F/Bay Street Townhomes
Existing Land Use and Zoning Map on Aerial Imagery
July 2022

Stantec Consulting Services Inc.
6920 Professional Pkwy E.
Sarasota, FL 34240
tel 941.907.6900
fax 941.907.6910



0 100 200
Feet

**LEGEND**

	PRESERVED WETLAND
	PROPOSED DEVELOPMENT AREA
	EXISTING STORMWATER MANAGEMENT AREA
	STORMWATER MANAGEMENT AREA EXPANSION
	EXISTING LAKE TO BE RELOCATED
	PRESERVED WETLANDS & 30' WETLAND BUFFER AREAS

MINOR MODIFICATION TO OPEN SPACE & DEVELOPMENT AREA MAY BE ALLOWED FOLLOWING REGULATORY AGENCY REVIEW AND APPROVAL AND FINAL LAND PLANNING

WETLAND IMPACTS AND MITIGATION ARE SUBJECT TO AGENCY REVIEW AND APPROVAL

ORIGINAL SHEET - ANSI A

MAP F-2

PROJECT: PALMER RANCH PARCEL 9F/BAY STREET TOWNHOMES
CLIENT: D R HORTON



Stantec

6920 Professional Parkway East, Sarasota, FL 34240-8414
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NATIVE HABITAT PRESERVATION ALTERATION & MITIGATION PLAN

SCALE: 1"=300'	DATE: JULY, 2022
SEC: 1 TWP: 37S RGE: 18E	REV: NO
PROJECT NO: 215615171	INDEX NO: 215615171-01C-EX-F2
PLAN NO: RWC/128901	SHEET NO: F2 OF



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 23, 2023

Honorable Karen E. Rushing
Clerk of the Circuit Court
Board Records Department
Sarasota County
1660 Ringling Boulevard, Suite 210
Sarasota, Florida 34236

Attention: Maria Bocci

Dear Honorable Karen Rushing,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Sarasota County Ordinance No. 2023-004, which was filed in this office on March 23, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

BOARD RECORDS
FILED FOR THE RECORD
2023 MAR 24 AM 8:00
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

BOARD RECORDS
FILED FOR THE RECORD

ORDINANCE NO. 2023-004

2023 MAR 22 PM 5:55
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY

ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,
APPROVING AN INCREMENTAL DEVELOPMENT ORDER FOR
INCREMENT XXX OF THE PALMER RANCH DEVELOPMENT OF
REGIONAL IMPACT; PROVIDING FOR FINDINGS OF FACT AND
CONCLUSIONS OF LAW; PROVIDING FOR THE INCORPORATION OF
THE APPLICATION FOR INCREMENTAL DEVELOPMENT
APPROVAL (AIDA) AND ASSOCIATED DOCUMENTS INTO THE
DEVELOPMENT ORDER; PROVIDING FOR APPROVAL OF THE
PALMER RANCH INCREMENT XXX DEVELOPMENT WITH
CONDITIONS; PROVIDING FOR THE ORDINANCE TO BE DEEMED
THE DEVELOPMENT ORDER; PROVIDING FOR THE BUILDOUT AND
DEVELOPMENT ORDER TERMINATION DATES FOR PALMER
RANCH INCREMENT XXX; PROVIDING FOR NON-EXEMPTION
FROM COUNTY REGULATIONS; PROVIDING FOR ENFORCEMENT;
PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE
DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA
COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida, hereinafter referred to as the "Board," hereby makes the following findings:

1.1 On July 20, 2022, McCann Holdings, LTD, through their authorized agent, Laura Wilson, (hereinafter referred to as the "Applicant") submitted to Sarasota County an Application for Incremental Development Approval (AIDA) for Increment XXX of the Palmer Ranch Development of Regional Impact (DRI) Master Development Order, in accordance with Chapter 380.06, Florida Statutes. Palmer Ranch Increment XXX is an increment of the Palmer Ranch Development of Regional Impact approved pursuant to the provisions of a Master Development Order (MDO), Sarasota County Resolution No. 84-418, adopted December 18, 1984, amended and restated by Resolution No. 2015-010, as amended.

1.2 The Palmer Ranch Increment XXX development consists of approximately 25.9 acres, Parcel 9F, located east of Bay Street and west of Interstate 75, more particularly described in Exhibit A, attached hereto, and made a part hereof by reference.

1.3 The Palmer Ranch Increment XXX development will be developed with 99 single-family attached units on Parcel 9F.

1.4 Copies of the AIDA have been submitted to the Southwest Regional Planning Council (SWRPC), and to the Florida Department of Economic Opportunity (DEO), pursuant to Subsection 380.06(19)(f)2, Florida Statutes

1.5 The Report and Recommendation of the SWFRPC has been received and addressed.

1.6 The Sarasota County Planning Commission held a duly noticed public hearing on the AIDA on January 19, 2023, and received all pertinent evidence and testimony, and recommended approval of the AIDA.

1.7 Pursuant to Florida Statute 50, Ordinance No. 2022-105, approved January 18, 2023, public notice on the County Website, www.scgov.net appeared on the public notice webpage on February 24, 2023, and duly provided to the Florida DEO, the SWFRPC, and other persons designated by the DEO rules.

1.8 The Board held a duly noticed public hearing on the AIDA on March 21, 2023.

1.9 The Board of County Commissioners of Sarasota considered all matters relevant to the AIDA, including the recommendations of the Sarasota County Planning Commission, and all pertinent evidence and testimony presented at the public hearing.

1.10 The proceedings herein relating to the Palmer Ranch Increment XXX have been conducted in compliance with the provisions of Chapter 380.06, Florida Statutes, the Master Development Order for the Palmer Ranch DRI, and all conditions precedent to the granting of development approval required by Chapter 380.06, Florida Statutes, have occurred.

1.11 The proposed development is not located in an area of Critical State Concern designated pursuant to the provision of Chapter 380.05, Florida Statutes.

1.12 The proposed development is consistent with the objectives of the adopted State Comprehensive Plan applicable to the area, pursuant to Chapter 380.06(14), Florida Statutes.

1.13 The proposed development is consistent with the adopted State Comprehensive Plan, pursuant to Chapter 380.06(14), Florida Statutes.

1.14 The proposed development, subject to the conditions imposed herein, is consistent with the Sarasota County Comprehensive Plan and the local land development regulations, pursuant to Chapter 380.06(14)(a), Florida Statutes.

1.15 The proposed development, subject to the conditions imposed herein, is consistent with the Report and Recommendations provided by the SWFRPC pursuant to Chapter 380.06 (12) and 380.06(14)(b), Florida Statutes.

1.16 The proposed development is consistent with the Master Development Order for the Palmer Ranch Development of Regional Impact.

SECTION 2. Incorporation of the Application for Incremental Development Approval (AIDA) and Associated Documents into the Development Order.

2.1 The following documents are hereby incorporated in this Development Order by reference:

- I. The SWFRPC's Recommendations – Development of Regional Impact Assessment for Palmer Ranch Increment XXX.

2.2 The following information, commitments and impact mitigating provisions submitted by the Owner are hereby incorporated in this Development Order by reference. Development permits are subject to the provisions contained in these documents:

- I. Palmer Ranch Application for Incremental Development Approval (Increment XXX) and Associated Documents – July 20, 2022

2.3 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsections 2.1 and 2.2 above, the following shall apply:

- a) The most recent response of the Owner in the above referenced documents shall control over any previous response, wherever there is a conflict, otherwise the responses shall be considered cumulative.
- b) Any information, commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. Approval of The Palmer Ranch Increment XXX Development with Conditions.

3.1 The AIDA for the Palmer Ranch Increment XXX is hereby approved, subject to the conditions contained in Exhibit B through Exhibit D, which are attached hereto and incorporated herein by reference, subject to the other provisions of this Incremental Development Order.

- Exhibit B – Development Order Conditions
- Exhibit C – Master Development Plan
- Exhibit D – Native Habitat Preservation, Alteration and Mitigation Plan

3.2 Sarasota County Planning Services is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of this incremental Development Order and for receiving the biennial report required by Chapter 380.06, Florida Statutes.

3.3 Biennial Report Requirements:

The Owner shall submit a biennial report pursuant to the MDO and the requirements of the Chapter 180.06 (18), Florida Statutes, Chapter 9J-2.025 (7), Florida Administrative Code (F.A.C.), and the conditions of this ordinance. This report shall be submitted with the consolidated Biennial Monitoring Report for the DRI until such time as all terms and conditions of this Incremental Development Order are satisfied, unless otherwise specified herein. The owner shall submit this report to the Sarasota County Planning and Development Services Business Center, the SWFRPC, the DEO, and all affected permitting agencies required by law on form RPM-BSP-Annual Report-1, as the same may be amended from time to time. The biennial report shall contain all information required by Rule 9J-2.025(7)(a) through (j), F.A.C. as the same may be amended from time to time.

Upon notification that the biennial report has not been received by the SWFRPC, or the DEO, or upon non-receipt of the biennial report by Sarasota County, Sarasota County shall request in writing that the Owner submit the report within thirty (30) days. Failure to submit the report after thirty (30) days of such written notice shall result in Sarasota County temporarily suspending the Incremental Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 Monitoring Reports Requirement:

The owner shall submit the following monitoring reports at the same time that the biennial report is submitted, unless a different submission time is authorized by Sarasota County in writing. Failure to submit the report within thirty (30) days after written notice from Sarasota County to

the Owner shall result in Sarasota County temporarily suspending the Incremental Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

- a) The status report on the stormwater management program. This report shall include measures instituted regarding “Best Management Practices” for soil erosion and sediment control, lawn and maintenance procedures, and retention/detention systems maintenance; and
- b) A status report of the cumulative amount of development approved for the project pursuant to Conditions in the Development Order contained in Exhibit B.

3.5 The definitions presently contained in Chapter 380.06, Florida Statutes, shall control in the construction of this Development Order.

SECTION 4. Ordinance to be Deemed the Development Order.

4.1 This Ordinance shall be deemed the Incremental Development Order for the Increment XXX of the Palmer Ranch DRI required pursuant to Chapter 380.06, Florida Statutes.

SECTION 5. Buildout and Development Order Termination Dates for Palmer Ranch Increment XXX.

5.1 The commencement date of Palmer Ranch Increment XXX per Chapter 380.06 (15)(c)2, Florida Statutes is December 31, 2023.

5.2 The buildout date of Palmer Ranch Increment XXX is December 31, 2030. This buildout date may be extended with the Board of County commissioners approval pursuant to Subsection 380.06(19), Florida Statutes, based upon the results of the 2020 Transportation Reanalysis, or subsequent reanalysis.

5.3 The termination date for Palmer Ranch Increment XXX Development Order shall be December 31, 2030.

SECTION 6. Non-Exemption from County Regulations.

6.1 This ordinance shall not be construed as an agreement on the part of Sarasota County to exempt the Applicant, its successors and assigns, for the operation of any ordinance or regulation hereinafter adopted by Sarasota County for the purpose of the protection of the public health, welfare, and safety, which said Ordinance or regulations shall be generally and equally applicable throughout Sarasota County, and which said Ordinance or regulation protects or promotes a vital public interest, and which said Ordinance or regulation does not substantially impair or prevent development as approved herein.

SECTION 7. Enforcement.

7.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Incremental Development Order may be enforced by Sarasota County by action at law or in equity, after notice to the Owner and a reasonable opportunity to cure, and, in the event Sarasota County prevails in such action at law or

in equity, it shall be awarded all its reasonable attorney's fees incurred by or on behalf of Sarasota County.

7.2 In the event it is determined by the Board of County Commissioners, after notice to the Owner and a full hearing, that the Owner has failed to comply with any conditions, restrictions, requirements or impact mitigating provisions contained or incorporated by reference in this Development Order, the Board of County Commissioners may temporarily suspend this incremental Development Order during which no development permit applications shall be granted within the development until compliance is achieved. Where such a failure has been finally determined, the Owner shall be liable for all costs of investigating and enforcement, including County staff time and reasonable attorney's fees incurred by or on behalf of Sarasota County.

7.3 The rights and obligations of this Incremental Development Order shall run with the land. The Owner is bound by the terms of this Incremental Development Order so long as it owns such property. This Incremental Development Order shall be binding upon and inure to the benefit of the Owner and its assignees or successors in interest and Sarasota County and its successors. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Incremental Development Order.

7.4 In the event of a Development Order appeal or other legal challenge of this Incremental Development Order by DEO, the Owner shall pay all reasonable costs and fees of County staff and attorneys relating to said appeal or legal challenge. Said costs and fees shall be based upon the Sarasota County Billable Fee System under Ordinance No. 85-91, as amended from time to time. Payment of all billings by the Owner related to such fees and costs shall be paid within forty-five (45) days of submittal of an invoice.

SECTION 8. Severability.

8.1 If any section, sentence, clause, phrase or word of this Incremental Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Incremental Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Incremental Development Order.

8.2 Nothing in Section 8.1 shall override the effect of an appeal pursuant to Section 380.07(2), Florida Statutes.

SECTION 9. Service and Recording.

9.1 The Planning and Development Services Department is hereby directed to record this Ordinance in the Official Records of the Clerk of the Circuit Court. All costs associated with the recording of this Ordinance shall be borne by the Applicant. This ordinance shall be binding upon the Applicant, its successors and assigns and upon Sarasota County.

9.2 The Clerk to the Board of County Commissioners shall certify the date upon which a copy of this Ordinance is deposited in the U.S. Mail to DEO and electronic copies to the SWFRPC, and the Applicant.

VIA US MAIL

State Land Planning Agency - Department of Economic Opportunity
107 East Madison Street - MSC 160
Tallahassee, FL 32399

VIA EMAIL

Margaret Wuerstle
Southwest Florida Regional Planning Council
Email: mwuerstle@swfrpc.org

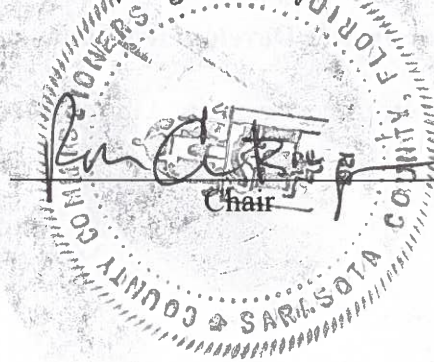
Justin Powell
Palmer Ranch Holdings
Email: justin@pranch.com

SECTION 10. Effective Date.

10.1 This Development Order shall take effect upon adoption this Ordinance and transmittal of the copies of said Development Order to the parties specified in Chapter 380.07 (2), Florida Statutes, the expiration of the applicable appeal period, or the resolution of any appeal, whichever is later.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 21st day of March, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA.



ATTEST:

KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

By: Maria Bocci
Deputy Clerk

EXHIBIT LIST

EXHIBIT A – Legal Description

EXHIBIT B - Development Order Conditions

EXHIBIT C – Conceptual Master Development Plan

EXHIBIT D – Native Habitat Preservation, Alteration, and Mitigation Plan

EXHIBIT A – Legal Description

A TRACT OF LAND OF LYING IN SECTION 6, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6; THENCE N.88°07'12"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 6, A DISTANCE OF 314.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HONORE AVENUE (150' PUBLIC RIGHT-OF-WAY) AS RECORDED IN ROAD PLAT BOOK 4, PAGE 78 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THE FOLLOWING THREE (3) CALLS ARE ALONG SAID EASTERLY RIGHT-OF-WAY LINE: (1) THENCE N.12°26'11"W., A DISTANCE OF 216.87 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 941.02 FEET AND A CENTRAL ANGLE OF 64°05'12"; (2) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1,052.56 FEET, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N.44°28'29"W., 998.54 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; (3) THENCE N.76°32'47"W., A DISTANCE OF 295.31 FEET; THE FOLLOWING THREE (3) CALLS ARE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF ADDITIONAL RIGHT-OF-WAY FOR HONORE AVENUE, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021043237 OF SAID PUBLIC RECORDS: (1) THENCE N.38°19'21"W., A DISTANCE OF 122.95 FEET; (2) THENCE N.70°18'01"W., A DISTANCE OF 133.50 FEET; (3) THENCE S.65°46'40"W., A DISTANCE OF 15.83 FEET; THE FOLLOWING TWO (2) CALLS ARE ALONG THE SOUTHERLY BOUNDARY LINE OF HAMMOCK PRESERVE, PHASES 2A & 2B RECORDED IN PLAT BOOK 52, PAGE 287 OF SAID PUBLIC RECORDS: (1) THENCE N.32°25'36"E., A DISTANCE OF 564.65 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2,143.00 FEET AND A CENTRAL ANGLE OF 23°50'33"; (2) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 891.77 FEET, TO THE END OF SAID CURVE; THE FOLLOWING THREE (3) CALLS ARE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 93, ALSO KNOWN AS INTERSTATE 75 AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION STATE HIGHWAY RIGHT-OF-WAY MAP PROJECT # I-75-6(16)404: (1) THENCE S.12°02'20"E., A DISTANCE OF 201.96 FEET; (2) THENCE S.10°53'35"E., A DISTANCE OF 600.12 FEET; (3) THENCE S.12°02'20"E., A DISTANCE OF 1,355.65 FEET; THENCE CONTINUE S.12°02'20"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 93, ALSO KNOWN AS INTERSTATE 75 AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION STATE HIGHWAY RIGHT-OF-WAY MAP PROJECT # I-75-6(14)398, A DISTANCE OF 123.30 FEET; THENCE S.88°07'12"W. ALONG THE ABOVEMENTIONED SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 6, A DISTANCE OF 135.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,132,038 SQUARE FEET OR 25.9880 ACRES, MORE OR LESS.

EXHIBIT B – Development Order Conditions**A. LAND USE**

1. All development shall occur in substantial accordance with the Master Development Plan date stamped July 20, 2022, and attached hereto as Exhibit "C." This does not imply or confer any deviations from applicable County regulations.

B. VEGETATION AND WILDLIFE

1. The wetlands and associated upland vegetative buffers shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and labeled a preserve on all plans as shown on the Native Habitat and Preservation, Alteration and Mitigation Plan Map F-2 (Exhibit D). All activities including but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Environmental Permitting. Exception may be granted by Environmental Permitting to facilitate implementation of approved habitat management plans or the hand removal of nuisance/invasive vegetation.
2. A resource management plan that maintains the functions and values of the on-site preservation areas and is consistent with the Guiding Principles of the Comprehensive Plan and the Environmental Technical Manual shall be submitted to Environmental Protection Division with preliminary or site and development plans.

EXHIBIT C – Master Development Plan

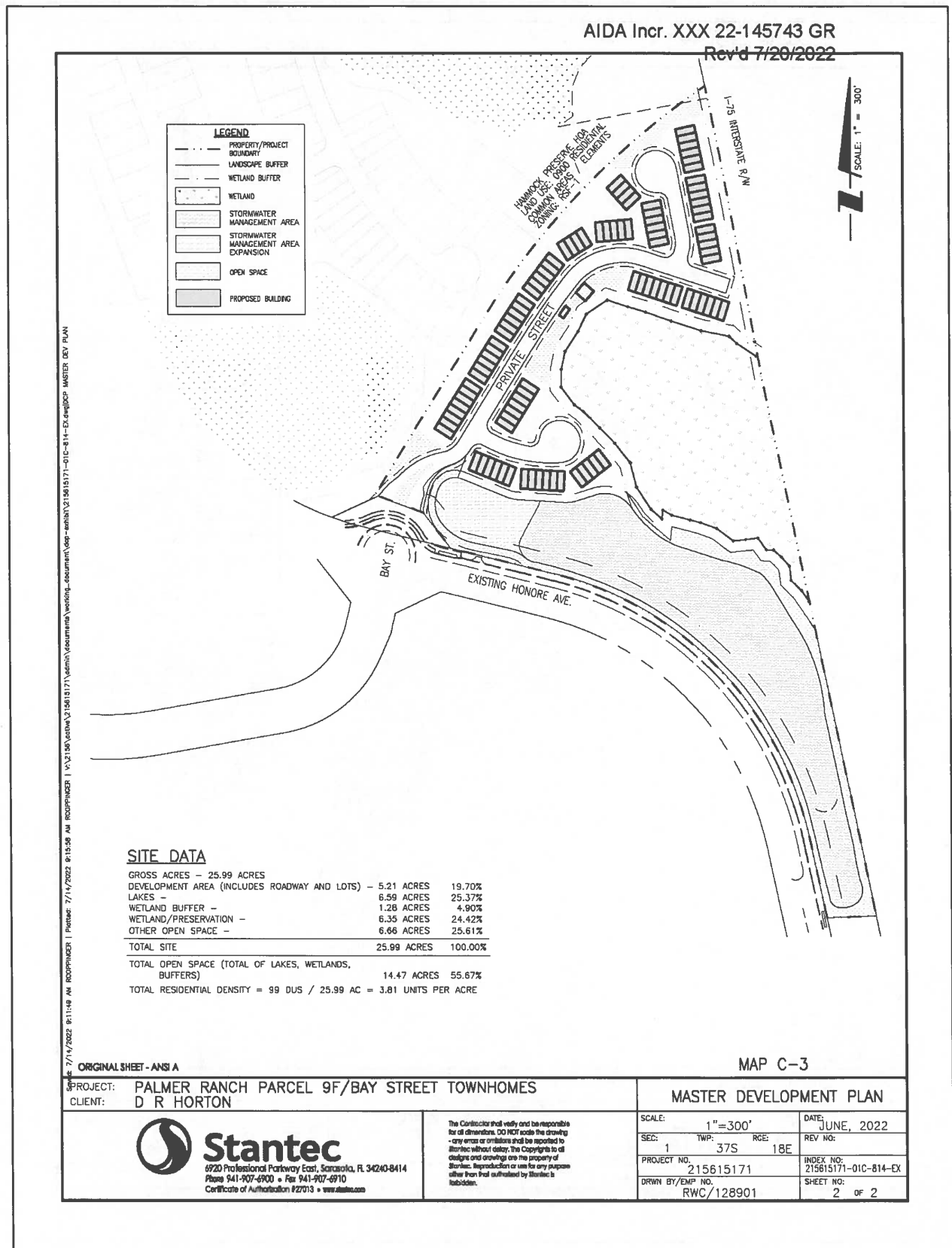
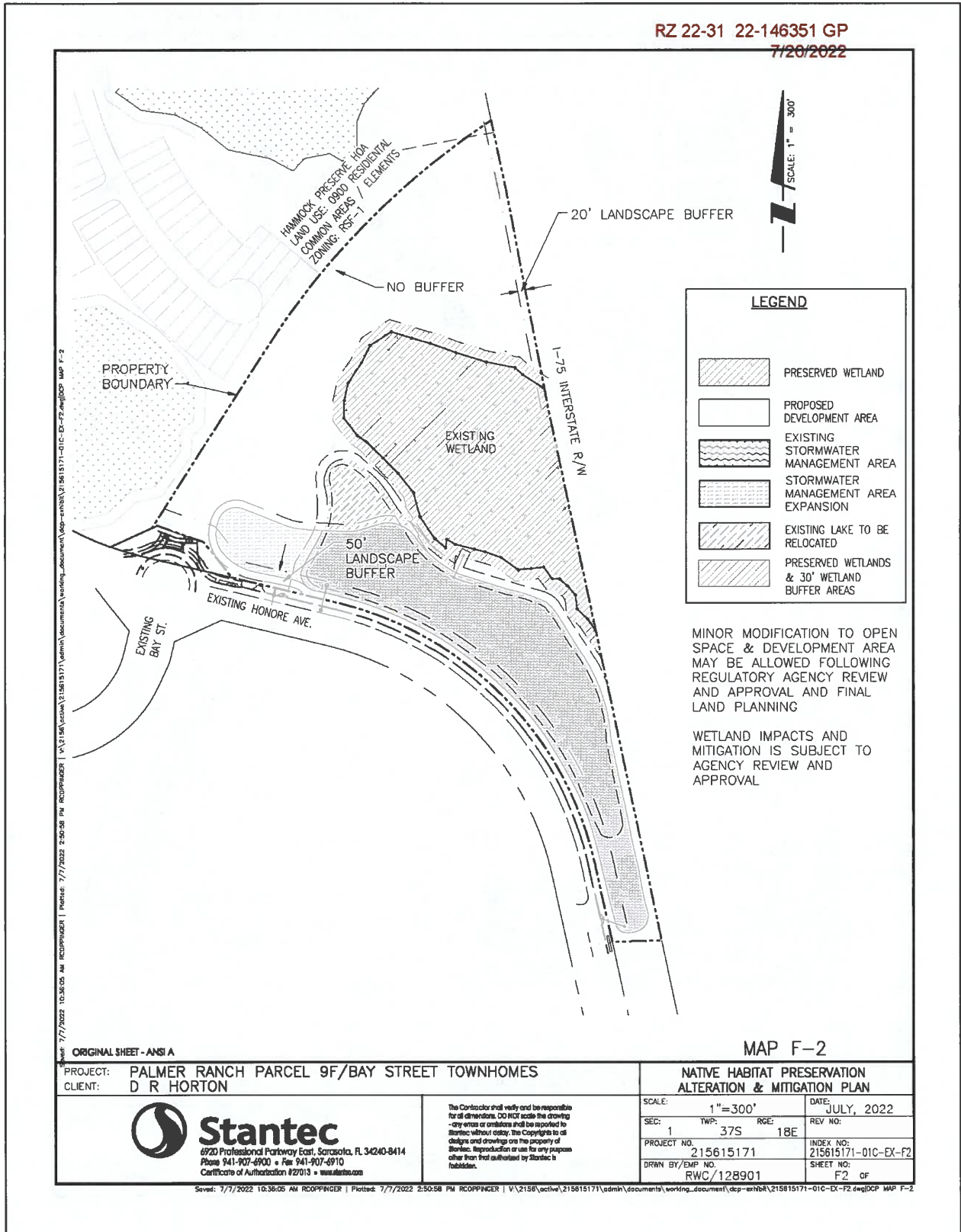


EXHIBIT D – Native Habitat Preservation, Alteration, and Mitigation Plan



02023-004

SARASOTA COUNTY

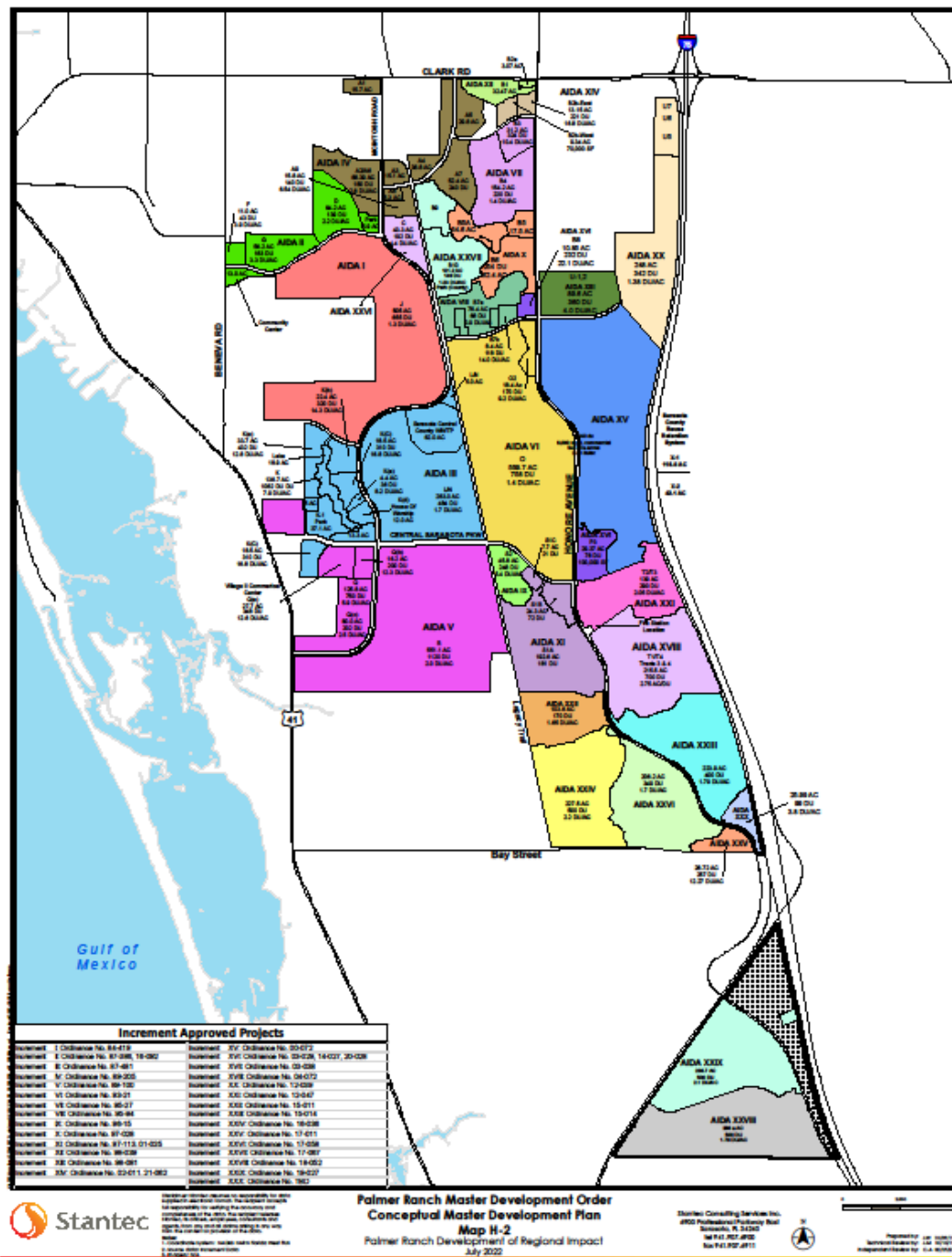
Council Recommendations (Attachment I)

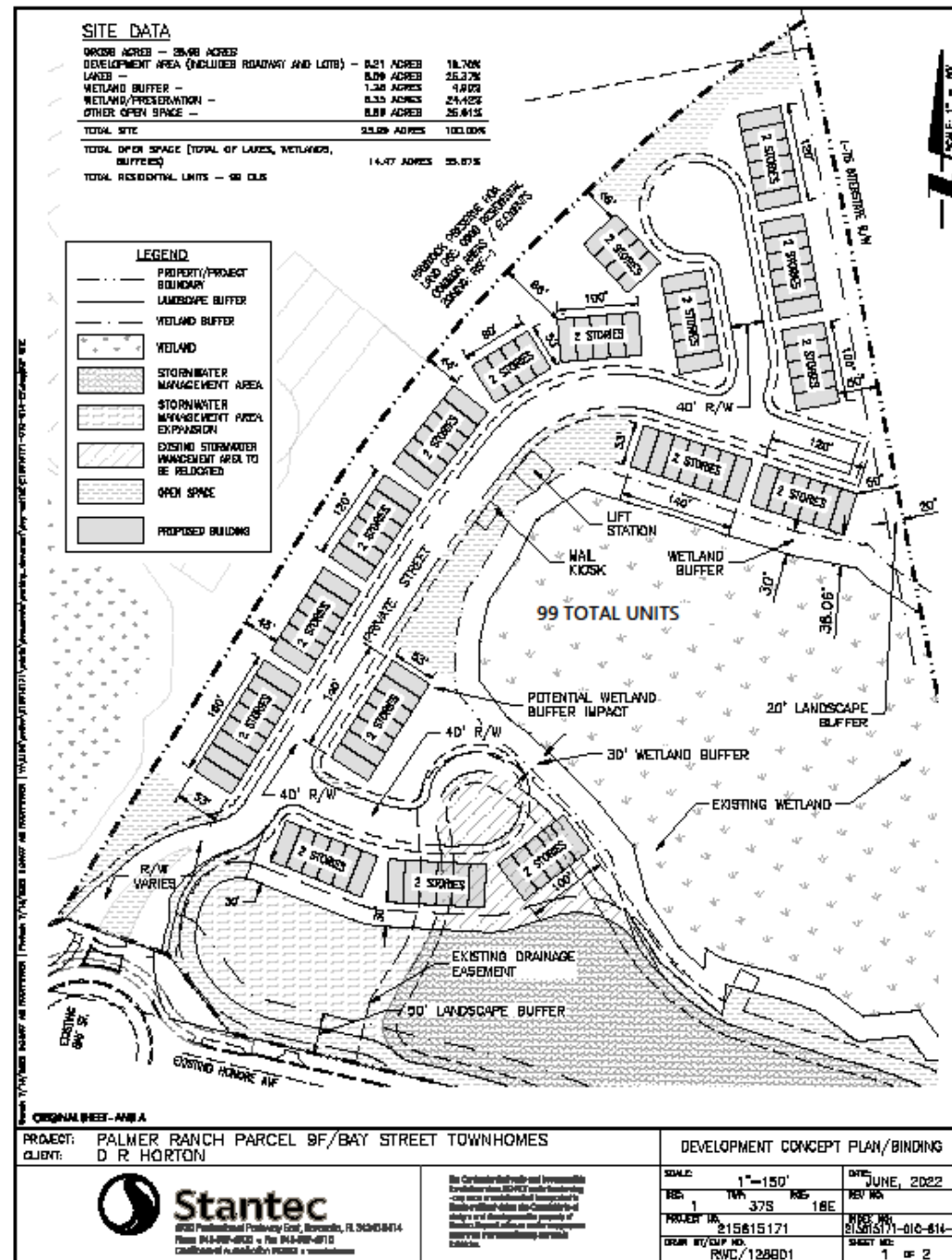
On December 15, 2022, the Council recommended conditional approval of the Palmer Ranch Increment XXX Application for Incremental Development Approval (AIDA). The recommended conditions are for issues related to water quality and stormwater, native habitats protection/vegetation and wildlife and land use. A copy of the Council recommendations can be found as Attachment I.

Sarasota County Development Order (Attachment II)

On March 21, 2023, the Board of Sarasota County Commissioners approved the Palmer Ranch Increment XXX Development Order (Ordinance 2023-004). A copy of the development orders (see Attachment II) was rendered to the SWFRPC on March 27, 2023. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the development orders as rendered.





Agenda
Item

9

9

Directors Report

9

EXECUTIVE DIRECTOR'S REPORT: April 6, 2023

Mission Statement:

To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.

1. Management / Operations

- a. Feedback from County RPC members
- b. March 14, 2023 Recovery and Resiliency Workshop by EDA
 - 47 Project Summaries submitted
 - \$500M in EDA Supplemental
 - Recomplete Pilot \$1B with \$200M appropriated
 - Tech Hubs \$10 B with \$500M appropriated
 - EDA FY23 Public Works and Economic Adjustment \$363M

2. Resource Development and Capacity Building

- Update on Resiliency Strategy for Local Food Systems
- Update on Southwest Florida Fresh/Chose Local Chose Fresh
 - Kick off and Tours
- Promise Zone Grants (as of January 2022) See Attached Document
 - Awarded: \$5,106,160.25
 - Pending: \$1,136,167
 - Denied: \$25,940,098.50
 - Underdevelopment: Clewiston WWTP grant through EDA Supplemental
- FRCA Updates
 - December Report
 - January Report

3. Second Quarter: January 2022 to March 2022

- Next RPC Meeting June 15, 2023

Grants in Promise Zone

March 22, 2023

1. **Awarded** (8/17/17): \$30,000- DEO 2018 Agriculture Sustainability for small to mid-sized growers in Promise Zone. Awarded to the SWFRPC
2. **Awarded** (2019) \$24,000 to Lee County Housing Development Corp. for Comprehensive Housing Counseling to residents including Immokalee residents from HUD.
3. **Awarded** (5/7/2018): \$30,000 DEO for food safety plans for small to mid-sized growers. Awarded to the SWFRPC
4. **Awarded** (8/08/18): \$206,545 - EDA Disaster Supplemental - for Development of new markets for small to mid-sized growers, branding and marketing campaign. Awarded to the SWFRPC
5. **Awarded** (4/25/18): \$600,000 - EPA Brownfield assessment grant in Promise Zone. Awarded to the SWFRPC
6. **Awarded** \$24,921 - HUD Comprehensive Housing Counseling Grant to the Home Ownership Resource Center of Lee County
7. **Awarded** \$1.4 Million to the National association of Latino Community Asset Builders from HUD Rural Capacity Building Community Development and Affordable Housing Program. Nonprofits and local governments can apply for technical assistance and loan funding for community and economic development projects as well as assistance with affordable housing development projects
8. **Awarded** \$100,000 over 2 years for a Food Policy Council Coordinator from NACo
9. **Awarded** (submitted 2/3/2020; awarded 7/2/2020) \$125,000 - Legal Aid Society The **Education & Outreach Initiative (EOI) Project – General Component** will explain to the general public and local housing providers what “equal opportunity in housing” means and what housing providers need to do to comply with the Fair Housing Act. All services will be provided and available to residents of the FHIP service area which includes Hendry, Martin, Okeechobee, Palm Beach, and St. Lucie Counties. Grant period June 1, 2021 to May 31, 2022.
10. **Awarded**: (7/21/2020) \$400,000 EDA CARES ACT Invited for Regional Disaster Economic Recovery Coordinator to evaluate the Impacts of COVID 19 on the region and develop a recovery and resilience plan for the region.

11. **Awarded:** (4/7/2020) \$175,000 requested but \$160,432 was awarded Clewiston Water from Master Plan from Florida Fish and Wildlife Conservation Commission – Boating Improvement Program.
12. **Awarded:** \$350,000 An application was submitted in partnership with the University of Florida IFAS to the Department of Economic Opportunity CDBG-Mitigation Planning program requesting \$390,000 to develop a Resiliency Strategy for Local Food Systems in Southwest Florida. (Deadline 7/30/2020)
13. **Awarded:** \$3000 grant from CHNEP for Rebekah Harp to do the design work for their calendar
14. **Awarded:** SWFRPC, IFAS, Blue Zones, TREC submitted a \$752,426.25 USDA – Regional Food System Partnerships Program grant to implement the trademarked SWFL Fresh Choose Local Choose Fresh regional brand to showcase SWFL food producers and their products through multiple marketing platforms. The brand will support the development of new markets for farmers, increase public knowledge of healthy, local food sources, and connect food producers to consumers. The Collier County Blue Zones provided a 16.9% match of \$108,926.25.
15. **Awarded:** \$500,000 EPA Grants for Brownfield Assessment in Glades County from July 1, 2022 to September 30, 2026
16. **Awarded:** (10/20/2021) EDA grant for \$321,836 for Disaster Recovery Coordinator to help Small to mid-sized growers and small and minority owned businesses access disaster recovery funds following Hurricane Ian
17. **Awarded:** (2/14/23) FDEP grant for \$78, 000 for a Vulnerability Assessment for Marco Island
18. **Pending:** (3/11/23) FDEO Rural Infrastructure Program for \$300,000 for a stand-by generator at the WWTP.
19. **Pending:** (10/14/2021) The Affordable Homeownership Foundation, Inc. submitted a grant for housing counseling to HUD
20. **Pending:** (10/14/2021) Lee County Housing Development Corp. submitted a grant to HUD for Comprehensive Housing Counseling to residents including Immokalee residents.
21. **Pending:** DRI-RR, Inc., a non-profit dedicated to providing rural communities with the skills and knowledge needed to revitalize submitted a grand to USDA Rural Business

Development Grant Program in cooperation with Florida Main Street to offer services to four Florida communities, one of which is LaBelle, in order to provide each community with a Development Readiness Initiative (DRI) training and a Revitalization Roadmap at no cost to them.

22. Pending: (3/2021) \$11,000 The DRI training is a day-long on-site training created to help communities understand how COVID-19 has impacted their community and identify the available resources that each community can leverage. Through this training, the community will be able to identify a strategy for the creation of a locally-based economy that will support the quality of life necessary to retain families and professionals. Our end goal is to provide each community with the training and tools necessary to become proactive with private development, encouraging the right types of development and attracting necessary services. Additionally, the training will help identify what is necessary to master the Duration, Intensity, Rate, and Timing (DIRT) of development, utilizing private development to fulfill necessary and desired community amenities or services. Furthermore, the Revitalization Roadmap is a hybrid downtown and strategic plan, offering a set of implementable recommendations that will catalyze downtown revitalization. The final product is graphically rich and broken down into similar groups like the National Main Street Center's four-step approach to revitalization. The overall roadmap process will encourage the unification of residents' voices and rally support for improvements by all residents.
23. Pending (6/4/2020) \$125,000 request by Legal Aid Society of Palm Beach County, Inc for Hendry County from the Fair Housing Initiatives Program Education and Outreach initiative through HUD. ("The Fair Housing Project at Legal Aid is applying for an Education & Outreach Grant from HUD for the fiscal year 2022-23 in the amount of \$125,000.")
24. Pending: 9/25/2020 to the National association of Latino Community Asset Builders from HUD Rural Capacity Building Community Development and Affordable Housing Program. Nonprofits and local governments can apply for technical assistance and loan funding for community and economic development projects as well as assistance with affordable housing development projects.
25. Denied (6/17/19) \$1,000,000: Perkins Innovation and Modernization Grant program for Collier County Schools. The project title is Professional Careers in the New Economy (PCNE). PCNE will focus on two of CCPS's highest-need schools: Immokalee Middle and Immokalee High schools. The goal of the project is to better prepare students for success in the workforce.
26. Denied (6/25/2019) Housing Authority of the City of Ft. Myers. The grant will provide funds for housing counseling advise to tenants and homeowners with respect to property maintenance, financial management and literacy.

27. Denied (6/4/2019) Goodwill Industries for The SWFL MicroEnterprise Institute will (if funding is secured through the SBA Program for Investment in Microentrepreneurs grant) counsel and provide training for approximately 150 – 180 participants in ten – twelve courses delivered to residents of Lee, Charlotte, Hendry, Glades and Collier counties.
28. Denied (5/30/2019) Seminole Tribe of Florida - If awarded this grant through the HUD IHGB program, the Native Learning Center will be providing technical assistance and training to all Native American Housing Authorities including the Mikasuki and any other resident Tribes within your region.
29. Denied: (9/13/2021) \$13,874,000 Prepared and submitted an application for the City of Clewiston for the DEO CDBG- MIT- GIP Round II to make upgrades to the City's wastewater treatment facility and expand the WWTP capacity. Facility upgrades will include the installation of a new 300kw generator, the installation of bypass pumps, and the planning and installation of a new pump station. The Southwest Florida Regional Planning Council will provide administrative services that will include reporting, grant management, closeout, contract and deliverable monitoring, and distribution of funds.
30. Denied: Submitted:(9/14/2021) \$2,067,935 Prepared and submitted and an application to the Florida Department of Economic Opportunity Rebuild Florida CDBG-Mit- GIP Round II for the City of Clewiston to replace transmission line insulators and overhead ground wires to increase the City's energy resiliency in the event of a major storm. The Southwest Florida Regional Planning Council will provide administrative services that will include reporting, grant management, closeout, contract and deliverable monitoring, and distribution of funds.
31. Denied (6/26/2019) HUD Comprehensive Housing Counseling Grant to the Affordable Homeownership Foundation Inc.
32. Denied (6/26.2020) \$176,000; FL Dept of Ag & Consumer Services Southwest Florida Fresh-Specialty Crop grant program for funding to market the "SWFL Fresh" brand.
33. Denied (3/2/2020) \$1,455,815 Building Resilient Kid: SAMHSA for Media campaign to address underaged alcohol, marijuana and substance/opioid use.
34. Denied: (6/5/20) \$45,921.46 DEO Community Planning Technical assistance Grant for a septic to sewer conversion study
35. Denied (4/24/2020) \$425,000 request by Legal Aid Society of Palm Beach County, Inc for Hendry County from the Fair Housing Initiatives Program Education and Outreach initiative (\$125,000) and Private Enforcement Initiative - Multi-Year Funding Component(\$300,000) to teach and disseminate information on Fair Housing

36. Denied: 4/1/2021 CDC Addiction and Recovery Grant for Media Campaign to prevent kids from first time use. In partnership with Drug Free Lee and Drug Free Collier: \$50,000
37. Denied: \$45,000 submitted to DEO for Community Planning Technical Assistance Grant (CPTA) for a strategic Plan for upgrades to Ortona Indian Mound Park in Glades County.
38. Denied: Submitted:(6/30/2020) \$143,306 Prepared and submitted and an application to the Florida Department of Economic Opportunity Rebuild Florida CDBG-Mitigation Critical Facility Hardening Program for the City of Clewiston to replace transmission line insulators and overhead ground wires to increase the City's energy resiliency in the event of a major storm. The Southwest Florida Regional Planning Council will provide administrative services that will include reporting, grant management, closeout, contract and deliverable monitoring, and distribution of funds.
39. Denied: CDBG-MIT GIP Program The SWFRPC prepared an application for the City of Clewiston to apply to the Florida Department of Economic Opportunity Rebuild Florida General Infrastructure Program to storm harden portions of its transmission and distribution lines, therefore increasing energy resiliency in the community. The City will be requesting \$682,000 in funding from the program.
40. Denied: Submitted (6/30/2020) \$3,141,031, Prepared and submitted an application for the City of Clewiston for the DEO CDBG-DR Infrastructure Repair Program Cycle 2 to make upgrades to the City's wastewater treatment facility. Facility upgrades will include the installation of a new 300kw generator, the installation of bypass pumps, and the planning and installation of a new pump station. The Southwest Florida Regional Planning Council will provide administrative services that will include reporting, grant management, closeout, contract and deliverable monitoring, and distribution of funds.
41. Denied: 2/2021 FL Dept. Of Agriculture- Specialty Crop, SWFL Fresh Choose Local Choose Fresh Marketing Project requesting \$207,000.
42. Denied: 01/2022 \$460,000 EDA ARPA BBBRC for Phase I: Developing an Inland Port system in Rural Southern Florida.

Awarded: \$5,106,160.25

Pending: \$1,136,167

Denied: \$25,940,098.50

Underdevelopment: NA

MONTHLY ACTIVITY REPORT: December 2022

RESOURCE DEVELOPMENT/CAPACITY BUILDING and OUTREACH

- Distributed the Holiday 2022 Florida Regional Councils Association (FRCA) Newsletter, *FRCA Forward* - <http://www.flregionalcouncils.org/resources/news/>.
- Updated the email lists for and maintained the email listserv for approximately 2,750 individuals who receive *FRCA Forward*.
- Maintained and updated the FRCA website: www.flregionalcouncils.org.
- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, organized, participated with, or attended the following meetings and webinars:
 - Florida Collaborative Coordinator's Meeting with Regional Resiliency Coalitions
 - Statewide Emergency Shelter Working Group Meeting

ASSOCIATION MANAGEMENT

- Continued preparations for the Winter 2023 Policy Board Meeting including agenda preparation, logistics and coordination meetings. Prepared for the January Executive Directors Advisory Committee meeting in Tallahassee.
- Assisted with the finalization of the FRCA 2022 Annual Report.
- Continued to coordinate logistics for the 2022-23 meeting and conference schedule.
- Distributed grant opportunities and information of interest from local, state and national organizations.

MONTHLY ACTIVITY REPORT: January 2023

RESOURCE DEVELOPMENT/CAPACITY BUILDING and OUTREACH

- Collected articles, edited and distributed the January 2023 Florida Regional Councils Association (FRCA) Newsletter, *FRCA Forward*.
- Updated the email lists for and maintain the email listserv for approximately 2,350 individuals who receive *FRCA Forward*.
- Updated the FRCA website with the 2021-22 FRCA Annual Report and *FRCA Forward* - website: www.flregionalcouncils.org.
- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, organized, participated in or attended the following meetings and shared information:
 - Statewide Emergency Shelter Working Group hosted by the Division of Emergency Management,
 - Florida Defense Support Task Force Meeting hosted by Enterprise Florida,
 - Rural Economic Development Initiative Meeting hosted by Department of Economic Opportunity,
 - Resiliency Collaborative Forum hosted by The Nature Conservancy,
 - Affordable Housing Legislative Webinar hosted by the Florida Housing Coalition, and;
 - Economic Development Administration Coordination Call with RPC economic development planning staff.
- Compiled the October – December quarterly report on economic activities in each regional planning council area.
- Arranged for sponsorship of the Policy and Planning Workshop hosted by the Florida Chapter of the American Planning Association scheduled for February 23-24, 2023, virtually.

ASSOCIATION MANAGEMENT

- Participated in the January FRCA Executive Directors Advisory Committee (EDAC) and the Winter Policy Board meetings held in Tallahassee.
- Prepared for and hosted the January Partners Meeting.
- Prepared for the February EDAC Meeting.
- Continued to coordinate logistics for the 2023 meeting and conference schedule.
- Developed the FRCA Bill Report, grant opportunities and information of interest from local, state and national organizations.

--- Agenda --- Item

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Feedback from County RFP
Members

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--- Agenda --- Item

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Update on Recovery &
Resiliency Workshop

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	Agenda
	Item
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Update on SWFL Fresh

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Agenda Item 9a.iii

9a.iii

Update on Resiliency Strategy
for Local Food Systems

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9a.iii



SWFRPC Resolution #2023-01

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL ADOPTING POLICIES OF LEE COUNTY FOR COMPLIANCE WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY CDBG GRANT FUNDING

Whereas the Southwest Florida Regional Planning Council shall continue the CDBG grant contract with the Florida Department of Economic Opportunity; and

Whereas adoption of the Lee County Ordinances, Policies and Manuals shall be needed for the Southwest Florida Regional Planning Council to continue to contract with the Florida Department of Economic Opportunity and its funding sources; and

Whereas the Southwest Florida Regional Planning Council has amended its policies and procedures by reference to and incorporation of the following Lee County Ordinances, Policies and Manuals:

1. Lee County Fair Housing Ordinance 13-04
2. Lee County Procurement Ordinance 18-22
3. Lee County Fixed Asset User Guide
4. Grants Administration Manual

NOW THEREFORE, BE IT RESOLVED that The Council hereby adopted the Lee County Ordinances, Policies and Manuals outlined above, effective upon this 6th day of **April, 2023** with respect to all agreements the Southwest Florida Regional Planning Council might enter into with the Florida Department of Economic Opportunity; Said adoption will remain in effect unless amended by a future Council Resolution.

Attest:

SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL

Margaret Wuerstle, Executive Director

Don McCormick, Chair

LEE COUNTY ORDINANCE NO. 13-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 00-19, AS AMENDED BY ORDINANCE No. 00-24; PROVIDING FOR EQUAL OPPORTUNITY IN HOUSING IN LEE COUNTY, FLORIDA; PROVIDING FOR REMEDIES AND PENALTIES UNDER THIS ORDINANCE; PROVIDING FOR DEFINITIONS; SEVERABILITY; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, it is the policy of Lee County, Florida to provide for fair housing; and

WHEREAS, discrimination in housing affects the public health, safety and welfare; and

WHEREAS, the Board of County Commissioners of Lee County, Florida enacted Ordinance No. 00-19 on September 26, 2000 providing for Equal Opportunity in Housing; and

WHEREAS, the Board of County Commissioners enacted Ordinance No. 00-24 on November 28, 2000 amending Ordinance No. 00-19; and

WHEREAS, the Board of County Commissioners hereby finds that is in the best interest of the citizenry to file fair housing complaints with the appropriate Federal or State agencies or pursue private enforcement actions; and

WHEREAS, the Board of County Commissioners desires to incorporate the amendment to Lee County Ordinance No. 00-19 as amended into one comprehensive, restated ordinance.

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

SECTION ONE: AMENDMENT, RESTATEMENT AND REPEALER

Lee County Ordinance No. 00-19, as amended, providing for equal opportunity in housing in Lee County, Florida is hereby amended and restated. Upon adoption of this Ordinance, Lee County Ordinance No. 00-19 will be deemed repealed and replaced.

SECTION TWO: PURPOSE AND DEFINITIONS

A. Lee County policy on fair housing

It is the policy of this County to provide, within constitutional limitations, for equal housing opportunity throughout Lee County.

B. Purposes and Intent

- 1) The general purposes of this ordinance are to:
 - a) Provide for execution within the County the policies embodied in Title VIII of the Federal Civil Rights Act of 1968, as amended by the Federal Fair Housing Act Amendments of 1988.
 - b) Secure for all individuals within the County, the freedom from discrimination because of race, color, religion, national origin, sex, familial status, or disability in connection with housing and thereby to promote the interests, rights and privileges of individuals within the County.
- 2) This ordinance shall be liberally construed to preserve the public safety, health and general welfare and to further the general purposes stated in this section.

C. Definitions

As used in this ordinance, the term:

- 1) "Aggrieved Person" includes any person who:
 - a) Claims to have been injured by a discriminatory housing practice; or
 - b) Believes he or she will be injured by a discriminatory housing practice that is about to occur;
- 2) "Covered multifamily dwelling" means:
 - a) A building which consists of four or more units and has an elevator; or
 - b) The ground floor units of a building which consists of four or more units and does not have an elevator.
- 3) "Discriminatory housing practice" means an act that is unlawful under the terms of Section III.
- 4) "Disability" means a person who has a physical or mental impairment, which substantially limits one or more major life activities, or he or she has a record of having, or is regarded as having, such physical or mental impairment (excluding current illegal use or addiction to a controlled substance);
- 5) "Dwelling" means any building or structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location on the land of any such building or structure, or any portion thereof.
- 6) "Familial status" is established when one or more individuals who has not attained the age of 18 years is domiciled with:
 - a) A parent or other person having legal custody of such individual; or
 - b) A designee of a parent or other person having legal custody, with the written permission of such parent or other person.
 - c) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is the process of securing legal custody of any individual who has not attained the age of 18 years.
- 7) "Family" includes a single individual.
- 8) "Housing for older persons" means housing:
 - a) Provided under any State or Federal program that the Secretary of the U.S. Department of Housing and Urban Development determines is specifically

- designed and operated to assist elderly persons (as defined in the State or Federal program); or
- b) Intended for, and solely occupied by, persons 62 years of age or older; or
- c) Intended and operated for occupancy by at least one person 55 years of age or older per unit and at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older and complies with the provisions set for the in Section III, E of this ordinance.
- 9) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- 10) "Residential Real Estate Transaction" means any of the following:
 - a) The making or purchasing of loans or providing other financial assistance;
 - b) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - c) Secured by residential real estate.
 - d) The selling, brokering, or appraising of residential real property.
- 11) "Respondent" means:
 - a) The person or other entity accused in a complaint of an unfair housing practice.
- 12) "Sex" means either male or female.
- 13) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

SECTION THREE: UNLAWFUL HOUSING PRACTICES

A. Discrimination in the sale or rental of housing and other prohibited practices

- 1) It is unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, national origin, sex, disability, familial status, or religion.
- 2) It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, sex, disability, familial status, or religion.
- 3) It is unlawful to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, national origin, sex, disability, familial status, or religion or an intention to make any such preference, limitation, or discrimination.
- 4) It is unlawful to represent to any person because of race, color, national origin, sex, disability, familial status, or religion that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- 5) It is unlawful, for profit, to induce or attempt to induce any person to sell or rent any dwelling by a representation regarding the entry or prospective entry into the

- neighborhood of a person or persons of a particular race, color, national origin, sex, disability, familial status, or religion.
- 6) It is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of;
 - a) That buyer or renter;
 - b) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c) Any person associated with the buyer or renter.
 - 7) It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of;
 - a) That buyer or renter;
 - b) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c) Any person associated with the buyer or renter.
 - 8) For purposes of subsections (6) and (7), discrimination includes:
 - a) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; or
 - b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
 - 9) Covered multifamily dwellings as defined herein which are intended for first occupancy after March 13, 1991, shall be designed and constructed to have at least one building entrance on an accessible route. Such buildings shall also be designed and constructed in such a manner that:
 - a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities.
 - b) All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.
 - 10) All premises within such dwellings shall contain the following features of adaptive design:
 - a) An accessible route into and through the dwelling.
 - b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
 - c) Reinforcements in bathroom walls to allow later installation of grab bars.
 - d) Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.
 - e) Compliance with the appropriate requirements of the American National Standards Institute for buildings and facilities providing accessibility and usability for persons with physical disabilities, commonly cited as ANSI A117.1-1986, suffices to satisfy the requirements of this subsection.

- f) Compliance with a duly enacted law of a state or unit of local government that includes the requirements of this subsection suffices to satisfy the requirements of this subsection.
- g) State and local agencies with building construction regulation responsibility may review the plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of this subsection. Determinations of compliance or non-compliance by a State or unit of local government under this paragraph are not conclusive in enforcement proceedings under this ordinance.
- h) This subsection does not invalidate or limit any law of a state or unit of local government that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this subsection.

B. Discrimination in the provision of brokerage services

It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, national origin, sex, disability, familial status, or religion.

C. Discrimination in the financing of housing or in residential real estate transactions

- 1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such transaction because of race, color, national origin, sex, disability, familial status, or religion.
- 2) It shall be unlawful for any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available loans or other financial assistance for a dwelling, or which is to be secured by a dwelling because of race, color, national origin, sex, disability, familial status, or religion. Prohibited practices include but are not limited to, failing or refusing to provide to any person, in connection with a residential real estate-related transaction, information regarding the availability of loans or other financial assistance, application requirement, procedures or standards for the review and approval of loans or financial assistance, or providing information which is inaccurate or different from that provided others because of race, color, national origin, sex, disability, familial status, or religion.
- 3) It shall be unlawful for any person or entity engaged in the purchase of loans or other debt securities which support the purchase, construction, improvement, repair or maintenance of a dwelling, or which are secured by residential real estate to refuse to purchase such loans, debts, or securities, or to impose different terms or conditions for such purchases because of race, color, national origin, sex, disability, familial status, or religion. Prohibited practices include but

are not limited to, purchasing loans in certain communities and not others, pooling or packaging loans differently, or imposing different terms or conditions on the marketing or sale of securities issued on loans or other debt securities which relate to or were secured by dwellings, because of race, color, national origin, sex, disability, familial status, or religion. This section does not prevent the consideration, in the purchase of loans, of factors justified by business necessity relating to the financial security of a transaction or to protect against default or reduction in the value of the security.

- 4) It shall be unlawful for any person or entity engaged in the making of loans or in the provision of other financial assistance relating to the purchase, improvement, repair or maintenance of dwellings or which are secured by residential real estate to impose terms or conditions for the availability of such loans, including the type of loan, the amount of the loan, the interest rate, the duration of the loan or terms of a loan or other financial assistance because of race, color, national origin, sex, disability, familial status, or religion. Unlawful conduct includes but is not limited to using different policies, practices or procedures in evaluating or in determining creditworthiness of any person in connection with the provision of a loan or any other financial assistance for a dwelling or financing secured by residential real estate because of race, color, national origin, sex, disability, familial status, or religion.
- 5) It shall be unlawful for any person or other entity whose business includes engaging in the selling, brokering, or appraising of residential real property to discriminate against any person in making available such services or in the performance of such services because of race, color, national origin, sex, disability, familial status, or religion. Unlawful practices include but are not limited to using an appraisal of residential real estate with the sale, rental or financing of any dwelling where the person knows or reasonably should know that the appraisal improperly takes into consideration race, color, national origin, sex, disability, familial status, or religion. Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than race, color, national origin, sex, disability, familial status, or religion.

D. Exemptions

- 1) Nothing in Section III, A-C, with the exception of Section III, A(3), applies to:
 - a) Any single-family house sold or rented by an owner, provided such private individual owner does not own more than three single-family houses at any one time. In the case of the sale of a single-family house by a private individual owner who does not reside in such house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this paragraph applies only with respect to one sale within any 24-month period. In addition, the bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his or her behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time. The sale or rental of any single-family

house shall be excepted from the application of Section III, A-C only if the house is sold or rented:

- i) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and
 - ii) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of Section III, A(3).
 - iii) Nothing in this provision prohibits the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title.
- b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.
- c) For the purposes of paragraph (a), a person is deemed to be in the business of selling or renting dwellings if the person:
- i) Has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or interest therein;
 - ii) Has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or interest therein; or
 - iii) Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
- 2) Nothing in Section III, A-C, prohibits a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.
- 3) Nothing in Section III, A-C prohibits a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- 4) Nothing in Section III, A-C requires any person renting or selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or adjust the dwelling in order to provide greater access than is required by Section III, A(6) - (8) and as otherwise maybe required by law.

5) Nothing in Section III, A-C:

- a) Prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, national origin, sex, disability, familial status, or religion;
- b) Limits the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling;
- c) Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others;
- d) Prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Florida Statute 893.02.

E. Housing for Older Persons

- 1) The provisions regarding familial status in this part shall not apply to housing intended and operated for older persons as defined in Section II, C (12) above.
- 2) Housing as defined in Section II, C, 12 (c) qualifies for this exemption if:
 - a) The alleged violation occurred before December 28, 1995 and the housing community or facility complied with the HUD regulations in effect at the time of the alleged violation; or
 - b) The alleged violation occurred on or after December 28, 1995 and the housing community or facility complies with:
 - i) Section 807(b)(2)(C) (42 U.S.C. 3607(b)) of the Fair Housing Act as amended; and ii) 24 CFR 100.305, 100.306, and 100.307.
- 3) For purposes of this subpart, housing facility or community means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing facility or community. Examples of a housing facility or community include, but are not limited to:
 - a) A condominium association;
 - b) A cooperative;
 - c) A property governed by a homeowners' or resident association;
 - d) A municipally zoned area;
 - e) Leased property under common private ownership;
 - f) A mobile home park; and
 - g) A manufactured housing community.
- 4) For purposes of this subpart, older person means a person 55 years of age or older.
- 5) In order for a housing facility or community to qualify as housing for older persons under this section at least 80 percent of its occupied units must be occupied by at least one person 55 years of age or older.
- 6) For purposes of this subpart, occupied unit means:
 - a) A dwelling unit that is actually occupied by one or more persons on the date that the exemption is claimed; or

- b) A temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.
- 7) For purposes of this subpart, occupied by at least one person 55 years of age or older means that on the date the exemption for housing designed for persons who are 55 years of age or older is claimed:
 - a) At least one occupant of the dwelling unit is 55 years of age or older; or
 - b) If the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacated was 55 years of age or older.
- 8) Newly constructed housing for first occupancy after March 12, 1989 need not comply with the requirements of this section until at least 25 percent of the units are occupied. For purposes of this section, newly constructed housing includes a facility or community that has been wholly unoccupied for at least 90 days prior to re-occupancy due to renovation or rehabilitation.
- 9) Housing satisfies the requirements of this section even though:
 - a) On September 13, 1988, under 80 percent of the occupied units in the housing facility or community were occupied by at least one person 55 years of age or older, provided that at least 80 percent of the units occupied by new occupants after September 13, 1988 are occupied by at least one person 55 years of age or older.
 - b) There are unoccupied units, provided that at least 80 percent of the occupied units are occupied by at least one person 55 years of age or older.
 - c) There are units occupied by employees of the housing facility or community (and family members residing in the same unit) who are under 55 years of age, provided the employees perform substantial duties related to the management or maintenance of the facility or community.
 - d) There are units occupied by persons who are necessary to provide a reasonable accommodation to disabled residents as required by 24 C.F.R. Sec. 100.204 and who are under the age of 55.
- 10) Where application of the 80 percent rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one person 55 years of age or older.
- 11) Each housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one person 55 years of age or older, so long as the housing facility or community complies with the provisions of this section.
- 12) In order for a housing facility or community to qualify as housing designed for persons who are 55 years of age or older, it must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years of age or older. The following factors, among others, are considered relevant in determining whether the housing facility or community has complied with this requirement:
 - a) The manner in which the housing facility or community is described to prospective residents;
 - b) Any advertising designed to attract prospective residents;
 - c) Lease provisions;

- d) Written rules, regulations, covenants, deed or other restrictions;
 - e) The maintenance and consistent application of relevant procedures;
 - f) Actual practices of the housing facility or community; and
 - g) Public posting in common areas of statements describing the facility or community as housing for persons 55 years of age or older.
- 13) Phrases such as "adult living", "adult community", or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons 55 years of age or older.
- 14) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of this section.
- 15) In order for a housing facility or community to qualify as housing for persons 55 years of age or older, it must be able to produce, in response to a complaint filed under this title, verification of compliance with this section through reliable surveys and affidavits.
- 16) A facility or community shall develop procedures for routinely determining the occupancy of each unit, including the identification of whether at least one occupant of each unit is 55 years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement.
- 17) The procedures described in (12) of this section must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two years. A survey may include information regarding whether any units are occupied by persons described in this section.
- 18) Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:
- a) Driver's license;
 - b) Birth certificate;
 - c) Passport;
 - d) Immigration card;
 - e) Military identification;
 - f) Any other state, local, national, or international official documents containing a birth date of comparable reliability; or
 - g) A certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.
 - h) A facility or community shall consider any one of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.
- 19) The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this section.
- a) If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:

- i) Government records or documents, such as a local household census;
 - ii) Prior forms or applications; or
 - iii) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.
 - b) Surveys and verification procedures which comply with the requirements of this section shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy.
 - c) A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.
- 20) A person shall not be held personally liable for monetary damages for discriminating on the basis of familial status, if the person acted with the good faith belief that the housing facility or community qualified for a housing for older persons exemption under this subpart.
- a) A person claiming the good faith belief defense must have actual knowledge that the housing facility or community has, through an authorized representative, asserted in writing that it qualifies for a housing for older persons exemption.
 - b) Before the date on which the discrimination is claimed to have occurred, a community or facility, through its authorized representatives, must certify, in writing and under oath or affirmation, to the person subsequently claiming the defense that it complies with the requirements for such an exemption as housing for persons 55 years of age or older in order for such person to claim the defense.
 - c) For purposes of this section, an authorized representative of a housing facility or community means the individual, committee, management company, owner or other entity having the responsibility for adherence to the requirements established in this subpart.
 - d) A person shall not be entitled to the good faith defense if the person has actual knowledge that the housing facility or community does not, or will not, qualify as housing for persons 55 years of age or older. Such a person will be ineligible for the good faith defense regardless of whether the person received the written assurance described in paragraph (a) of this subsection.

SECTION FOUR: ENFORCEMENT

A. Private enforcement

- 1) A civil action shall be commenced no later than two (2) years after an alleged discriminatory practice. Any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this article and involving a bona fide purchaser, encumbrance, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article shall not be affected.
- 2) Nothing in this ordinance shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or

the State of Florida, and the provisions of this ordinance shall be in addition to those provided by such other laws.

- 3) Upon application by a person alleging a discriminatory housing practice or a person against whom such practice is alleged, the court may appoint an attorney for such person or authorize the commencement or continuation of a civil action under this section without the payment of fees, costs, or security if in the opinion of the court such person is financially unable to bear the costs of such action.
- 4) In civil action under this subsection (A.), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages and may grant as relief, as the court deems appropriate, any permanent to temporary injunction, temporary injunction, temporary restraining order, or other order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate.

B. Intervention by the County Attorney

At the direction of the Board of County Commissioners the County Attorney may intervene in an action brought under the provisions of subsection (VI. A. (1)) of this section if the Board of County Commissioners certifies that the case is of significant public importance to the citizens of the County.

SECTION FIVE: ADDITIONAL UNLAWFUL PRACTICES

Interference, coercion, or intimidation; It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance.

SECTION SIX: SAVINGS CLAUSE

Ordinance No. 00-19, which is repealed by this ordinance, shall remain in full force and effect with respect to any pending action that was commenced before such repeal takes effect.

SECTION SEVEN: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION EIGHT: CODIFICATION AND SCRIVENER'S ERRORS

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION NINE: EFFECTIVE DATE

This Ordinance will take effect upon filing with the Department of State.

Commissioner Mann made a motion to adopt the foregoing Ordinance, seconded by Commissioner Kiker. The vote was as follows:

JOHN E. MANNING	Aye
CECIL L PENDERGRASS	Aye
LARRY KIKER	Aye
TAMMARA HALL	Aye
FRANK MANN	Aye

DULY PASSED AND ADOPTED THIS 26th day of February, 2013.

ATTEST: LINDA DOGGETT
CLERK OF COURTS

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chair

APPROVED AS TO FORM:

BY: [Signature]
Office of the County Attorney





FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 4, 2013

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Ms. Doggett:

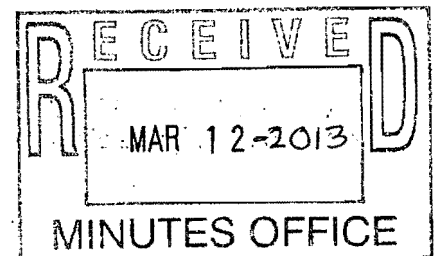
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 1, 2013 and copy of Lee County Ordinance No. 13-04, which was filed in this office on March 4, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr



LEE COUNTY, FLORIDA

PROCUREMENT ORDINANCE 18-22

ADOPTED SEPTEMBER 18, 2018

TABLE OF CONTENTS

SECTION 1 – DEFINITIONS	2
SECTION 2 – PURPOSE AND ETHICS	9
SECTION 2.1 – PURPOSE	9
SECTION 2.2 – CONCEPTS	11
SECTION 2.3 – PROCUREMENT ETHICS	11
SECTION 3 – GENERAL GUIDELINES	13
SECTION 3.1 – PROCUREMENT THRESHOLDS	13
SECTION 3.2 – PROCUREMENT CATEGORIES: SUMMARY AND APPROVAL AUTHORITY	15
SECTION 3.3 – BUDGET AND AUTHORITY	15
SECTION 3.4 – EMERGENCY PROCUREMENT	15
SECTION 3.5 – LOCAL PREFERENCE	16
SECTION 3.6 – COOPERATIVE PROCUREMENT AND PIGGYBACKING	16
SECTION 3.7 – CONTRACTS AND PURCHASE ORDERS	17
SECTION 3.8 – EXEMPTIONS	18
SECTION 3.9 – SOLE SOURCE	21
SECTION 3.10 – SINGLE SOURCE	21
SECTION 4 – INFORMAL PROCUREMENT	22
SECTION 4.1 – TIER 1: PETTY CASH/P-CARD	22
SECTION 4.2 – TIERS 2 AND 3: WRITTEN QUOTATIONS	22
SECTION 5 – COMPETITIVE PROCUREMENT	23
SECTION 5.1 – TIER 4: COMPETITIVE PROCUREMENT METHODS	23
SECTION 5.2 – ADVERTISEMENTS FOR COMPETITIVE PROCUREMENT	25
SECTION 5.3 – COMPETITIVE PROCUREMENT RESPONSES	27
SECTION 5.4 – AWARD AND NEGOTIATION	28
SECTION 5.5 – CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA PROFESSIONAL SERVICES)	29
SECTION 5.5.1 – GENERAL	29
SECTION 5.5.2 – PROHIBITION	29
SECTION 5.5.3 – CCNA PROCUREMENT PROCESS	29
SECTION 5.6 – PUBLIC-PRIVATE PARTNERSHIPS	31
SECTION 5.6.1 – GENERAL	31
SECTION 5.6.2 – UNSOLICITED PROPOSALS	31
SECTION 5.7 – PROCUREMENT PROTEST	33
SECTION 6 – UNAUTHORIZED PROCUREMENT	35
SECTION 7 – BONDS	35
SECTION 8 – SUSPENSION AND DEBARMENT	36
SECTION 8.1 – SUSPENSION AND DEBARMENT	36
SECTION 8.2 – SUSPENSION	36
SECTION 8.3 – DEBARMENT	37
SECTION 8.4 – EFFECT OF SUSPENSION AND DEBARMENT	37
SECTION 8.5 – SUSPENSION AND DEBARMENT PROCESS	38
SECTION 8.6 – SUSPENSION AND DEBARMENT PERIOD	38

SECTION 9 – PUBLIC RECORDS AND PUBLIC MEETINGS	39
SECTION 9.1 – PUBLIC RECORDS	39
SECTION 9.2 – PUBLIC MEETINGS	40
SECTION 10 – GRANTS	41
SECTION 11 – SURPLUS PROPERTY	41
SECTION 11.1 – OBTAINING SURPLUS PROPERTY	41
SECTION 12 – DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND MINORITY BUSINESS ENTERPRISE PROGRAM (MBE)	42
SECTION 13 – CODIFICATION AND SCRIVENER’S ERRORS	42
SECTION 14 – SEVERABILITY	42
SECTION 15 – MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING	42
SECTION 16 – EFFECTIVE DATE	43
SIGNATURE PAGE	44

LEE COUNTY ORDINANCE NO. 18-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ADOPTING A PURCHASING POLICY; PROVIDING PURCHASING CONCEPTS AND OBJECTIVES AND DEFINITIONS; ESTABLISHING GENERAL GUIDELINES AND PURCHASING THRESHOLDS; PRESCRIBING PROCUREMENT GUIDELINES AND AUTHORIZING EMERGENCY PURCHASES UNDER CERTAIN CIRCUMSTANCES; ESTABLISHING A LOCAL PREFERENCE POLICY; AUTHORIZING COOPERATIVE PROCUREMENTS; PRESCRIBING PROCEDURES AND STANDARDS FOR COMPETITIVE PROCUREMENTS; ESTABLISHING PROCUREMENT PROTEST PROCEDURES AND EXEMPTIONS FROM COMPETITIVE PROCUREMENTS; PROVIDING FOR BONDS; CREATING A VENDOR SUSPENSION AND DEBARMENT PROCESS; PROVIDING FOR CONFLICTS OF INTEREST, PUBLIC RECORDS, AND PUBLIC MEETING REQUIREMENTS; PROVIDING FOR EXPENDITURES FROM GRANT FUNDS AND FOR UTILIZATION OF PURCHASING CARDS; CREATING A MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISE PROGRAM; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners ("Board") of Lee County adopted Administrative Code Nos. AC-4-1, AC-4-2, AC-4-3, and AC-4-4 ("Purchasing Administrative Code") establishing purchasing regulations and procedures; and

WHEREAS, the Board adopted Ordinance No. 00-10 on May 23, 2000 to establish a bidding preference for local contractors and vendors, amended by Ordinance No. 08-26 on November 25, 2008 and Ordinance No. 17-16 on October 17, 2017; and

WHEREAS, the County has determined that certain updates and modifications to these regulations and procedures are warranted; and

WHEREAS, to ensure that Procurement laws, rules and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and, to the

extent possible, achieve the best value for the County, the Board now desires to repeal the existing Purchasing Administrative Code and adopt this Procurement Ordinance to provide a more effective document that sets forth the County's Procurement regulations and processes to guide both County staff and Vendors.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida, that:

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance and any documents pertaining to the use of this Ordinance (e.g., Contracts, Purchase Orders, etc.), the following terms, phrases, words and their derivations shall have the meaning given herein, unless otherwise specifically defined in any specific document:

Addendum. A written document used to modify the terms of a Solicitation. An Addendum is not to be confused with a Contract "Amendment."

Advertisement. A public announcement, as required by local law, announcing a Competitive Procurement and seeking Responses from interested Vendors.

Amendment. Any modification to the provisions of any executed Contract accomplished by mutual written agreement of the parties to the Contract.

Appropriation. Legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An Appropriation is usually limited in amount and also to the time when it may be expended.

Award. The acceptance, by the County, of the successful Offeror's Bid, Proposal or Quotation.

Bid. A formal written price offer by a Bidder offering to furnish specific Commodities or Services to the County in Response to an Invitation to Bid.

Bid Bond. An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability and guarantees that the Bidder will not withdraw the Bid. The Bidder shall furnish a Bid Bond in the amount required by the Solicitation, and if the Bidder is Awarded, the Bidder must accept the County's Purchase at the price Bid and under the terms described by the Solicitation, including the County's Contract terms, if required by the County, or else the surety must pay the County the sum provided for in the Solicitation.

Bidder. Any entity submitting a Bid in response to an Invitation to Bid issued by the County.

Board. The Board of County Commissioners, the legislative body of the County of Lee, Florida.

Brand Name or Approved Alternate. A Specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and

other characteristics needed to meet the County requirements and that provide for the submission of equivalent Commodities.

Business. Any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company, or any other private legal entity engaged in the commercial provision of Commodities or Services.

CCNA Thresholds. The monetary threshold in Section 287.017, Florida Statutes, category five, for basic Construction cost, and in Section 287.017, Florida Statutes, category two, for planning or study activities.

Change Order. A written order amending the scope, price, time of, or correcting errors, omissions, or discrepancies in, a Contract or Purchase Order, which is signed by the Vendor and approved in accordance with this Ordinance, but does not include a Field Directive Change Order. This term includes County Project Modification (CPM).

Commodity. Anything that can be Purchased other than Services or Real Property, including Equipment. Objects that can satisfy people's wants; goods.

Competitive Procurement. An open and competitive process for the Procurement of Commodities and/or Services, including, but not limited to, Invitations to Bid, Invitations to Negotiate and Requests for Proposal, as provided in Section 5 of this Ordinance.

Cone of Silence. The prohibition of any communication between a Vendor and a County officer, employee, or agent regarding a pending Competitive Procurement, except for such communications with the County's designated representative noted in the Competitive Procurement documents, or at a duly noticed Pre-Proposal Conference or oral presentation.

Construction. The process of building, altering, repairing, improving, or demolishing any structure or building, or other public improvements of any kind to any Real Property including roadways, utilities, and facility site work.

Construction Manager at Risk. A managing general contractor who is Procured to provide advice on various design and Construction alternatives and scheduling during the design phase of a public Construction project, and then takes on the financial obligation for Construction of the project for a Guaranteed Maximum Price.

Consultants' Competitive Negotiation Act (CCNA) Professional Services: Services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper and any other professions covered by Section 287.055, Florida Statutes, in connection with his or her professional employment or practice.

Continuing Contract. For CCNA Professional Services, a Contract defined in Section 287.055(2)(g), Florida Statutes.

Contract. An agreement for the Purchase or disposal of Commodities, Services, or Real Property, which is signed by the Vendor and approved and executed by the County in accordance with this Ordinance.

Cooperative Procurement. Competitive Procurement conducted by, or on behalf of, more than one public entity.

County. The County of Lee, Florida.

County Manager. The chief executive of the County or that person's Designee.

Debarment. Action by the County to prohibit a Vendor from submitting Bids, Proposals, Quotations, or Responses to any Competitive Procurement, or otherwise conducting business with the County until such time as the Vendor is reinstated by the County.

Department. Any of the various operating departments and divisions of the County under the control of the County Manager.

Department Director. The County employee in charge of a Department, or that person's Designee.

Design-Build Contract. A single Contract with a design-build Vendor for the design and Construction of a public Construction project.

Design Criteria Package. Concise, performance-orientated drawings or Specifications for a public Construction project, the purpose of which is to provide sufficient information to permit design-build Vendors to prepare a Response to a Competitive Procurement for design-build Services.

Designee. The duly authorized representative of a person.

Direct Voucher. A document used by the County department authorizing a payment to be processed without the requirement of a Contract or Purchase Order being in place.

Emergency. Any occurrence or threat thereof whether natural, manmade, or technological, in war or in peace, which results or may result in substantial injury or harm to public health, safety, or welfare; substantial damage to or loss of property; or those situations where the operation of an essential Department would be seriously impaired if immediate action was not taken.

Emergency Procurement. An expeditious Purchase of Commodities or Services to address an Emergency.

Equipment. Tools, machinery, devices, and other major items that are not expendable except through depreciation or wear and tear and which, although they may be fixed or positioned in prescribed places, do not lose their identity or become integral parts of other items or installations.

Field Directive Change Order. A written order making a minor modification to a Contract or Purchase Order, which is signed by the Vendor and approved in accordance with this Ordinance. A modification is minor if it does not change (i) the scope of the project, (ii) the amount of the Purchase or compensation, or (iii) the time for execution or completion of the

Contract.

Guaranteed Maximum Price (GMP). The total maximum price of a public Construction project provided by a Construction Manager at Risk at the conclusion of the design and planning phase of the project. The Guaranteed Maximum Price shall include all direct Construction costs, management Services, the Construction Manager at Risk's fee, owner allowances, and contingencies.

Immediate Family. Any parent, spouse, child, sibling, father- or mother-in-law, or son- or daughter-in-law of an individual.

Informal Procurement. The process of obtaining Commodities and Services through petty cash, Purchasing Cards, or written Quotations from Vendors without formal Advertising and receipt of competitive Responses, as provided in Section 4 of this Ordinance.

Invitation to Bid (ITB). A written Solicitation used for Competitive Procurement of Commodities or Services when Specifications are available and the selection will be based upon the lowest Responsive Bid submitted by a Responsible Vendor.

Invitation to Negotiate. A written Solicitation used for the Competitive Procurement of Commodities or Services when the County is seeking to select one or more Businesses with which to commence negotiations.

Local Vendor. (a) Any Vendor whose principal place of business in the sole opinion of the County, is located within the boundaries of Lee County, Florida; or (b) Vendor that has provided Commodities or Services to Lee County on a regular basis for the preceding consecutive three (3) years, and that has the personnel, equipment and materials located within the boundaries of Lee County sufficient to constitute a present ability to perform the service or provide the Commodities; or (c) any Vendor that qualifies as a "Local Business" under the terms of the Collier County Local Vendor Preference Program on or after the date Lee and Collier County enter an agreement extending reciprocity under their respective Local Vendor preference programs to the Vendors eligible for those programs in the adjoining County; or (d) any Vendor that qualifies as a "Local Vendor" or similar term under the Local Vendor preference program of any County adjoining Lee County on or after the date Lee County and the adjoining County enter a reciprocity agreement that is substantially similar to any such agreement between Lee and Collier County.

Material Deviation. Any non-conformity or variance from the Procurement requirements or a mistake in a Bid or Proposal that gives one Offeror a substantial competitive advantage over other Offerors in a Competitive Procurement.

Minor Irregularity. A minor defect or variation in a Bid or Proposal from the exact requirements of the Solicitation that does not affect price or other mandatory requirements and does not give one Offeror a substantial competitive advantage. A defect that is easily correctable. Generally a matter of form rather than substance.

Minority Business Enterprise. A Business as defined and certified in accordance with Section 287.0943, Florida Statutes.

Negotiation Team. A group of individuals established by the County for the purpose of conducting negotiations as part of a Competitive Procurement.

Notice of Intended Decision. The written notice by the Procurement Management Department to notify Vendors of the County's intent to Award.

Notice of Intent to Protest. The written notice by a Vendor of its intent to protest the Notice of Intended Decision to a Competitive Procurement pursuant to Section 5.7 of this Ordinance.

Notice to Proceed. When required in the terms of a Contract, a written notice given by the Procurement Management Department establishing the original date on which the Contract times will commence. The Vendor shall begin to perform his/her obligation according to the Contract documents on the date(s) provided in the Notice to Proceed. At the County's discretion, issuance of a Purchase Order may serve as the Notice to Proceed.

Offeror. A person or entity who submits an offer in response to a County Solicitation, including Bidders and Proposers.

Payment Bond. The approved form of security furnished by a Vendor and its surety that assures payments, as required by law, to all persons supplying Commodities or Services for the completion of work under the Vendor's Contract.

Performance Bond. The approved form of security furnished by a Vendor and its surety as a guaranty that the Vendor will fully perform in accordance with the terms of the Vendor's Contract.

Personal Property. Property consisting of movable articles that are either tangible, such as furniture or computers, or intangible, such as stocks, bonds, licenses.

Piggybacking. The use of another federal, State or local government Procured Contract.

Posting. An act whereby the County places a listing that indicates the County's public Procurement-related meetings, recommendations for Awards, and Solicitations for Procurements through a computer system or on a bulletin board in a designated location, and/or on the County website.

Pre-Proposal Conference/Pre-Bid Conference. A meeting held with prospective Vendors prior to solicitation of, or the date of receipt of, Bids or Proposals to recognize state of the art limits, technical aspects, Specifications, and standards relative to the subject, and to elicit expertise and Vendors' interest in pursuing the task.

Procurement Protest. A formal, written document submitted by an interested party to challenge the Notice of Intended Decision to a Competitive Procurement pursuant to Section 5.7 of this Ordinance.

Professional Services. The technical, and/or unique functions performed by independent Vendors whose Business is the rendering of such Services. This includes accountants, appraisers,

attorneys, auditors, medicine and the medical arts, management and systems consultants, research, the arts and other professionals as designated by the Procurement Management Department, but does not include CCNA Professional Services.

Proposal. An executed formal document submitted by a Proposer to the County stating the Commodities and/or Services offered to satisfy the need as requested in the Solicitation documents.

Proposer. A person or entity who submits a Proposal in response to a Request for Proposal.

Purchase/Procurement. Buying, procuring, renting, leasing, or otherwise acquiring any Commodities, Services or Real Property required by the County for public purposes.

Purchase Order. A document generated by the County documenting a written sales agreement between the County and a Vendor detailing the exact Commodities, CCNA Professional Services, Professional Services, and/or Services rendered from a single Vendor.

Purchasing Cards. County issued credit cards, also referred to as "P-Cards."

Qualifying Project. For purposes of the Public-Private Partnership process in Section 5.6, this means:

1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;
2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;
3. A water, wastewater, or surface water management facility or other related infrastructure; or
4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the County, only those projects that the Board designates as Qualifying Projects pursuant to this section.

Quotation. Any written informal offer by a Vendor to the County to furnish specific Commodities or Services at a stated price.

Real Property. Property consisting of land and all rights, privileges, or improvements belonging to and passing to lands, including, but not limited to buildings, crops, or mineral rights.

Request for Proposal (RFP). A written Solicitation used for Competitive Procurement of Proposals for Commodities and/or Services for which the scope of work, Specifications, or

contractual terms and conditions cannot always be well defined. Price is usually not a primary evaluation factor. Provides for the negotiation of all terms, including price, prior to Award.

Request for Quotation. A written request used for Informal Procurement to solicit prices for specific, defined Commodities or Services.

Response. An offer, Bid, Proposal or Quotation submitted to the County in response to a Competitive Procurement or an Informal Procurement.

Responsible Vendor. A Vendor submitting a Response who has the capability in all respects to perform fully the Contract requirements and the experience, integrity, reliability, capacity, facilities, equipment, credit, sufficient qualified personnel, and a record of timely and acceptable past performance to assure good faith performance.

Responsive Bid/Proposal. A Response that substantially conforms in all material respects to the requirements and criteria set forth in the Competitive Procurement.

Services. The furnishing of labor, time, or effort by a Vendor, not involving the delivery of a specific end product other than that which is not defined as supplies, and which is merely incidental to the required performance. This term includes CCNA Professional Services, Professional Services, and Construction Services, but does not include employment agreements or collective bargaining agreements.

Single Source. A Procurement decision whereby purchases are directed to one source because of standardization, warranty considerations, economic feasibility, or other factors, even though other competitive sources may be available.

Sole Source. A Procurement decision whereby purchases are directed to one source because the Commodity or Service that can be legally procured from only one Vendor. This is usually due to the Vendor owning patents and/or copyrights. A requirement for a particular proprietary Commodity does not justify a Sole Source Procurement if there is more than one potential Vendor for that Commodity. Use of Brand Names or Approved Alternate does not constitute a Sole Source.

Solicitation. An Invitation to Bid, Request for Proposal, Invitation to Negotiate, Request for Quotation or any document issued by the County for the purpose of obtaining Bids, Proposals, or other offers from Businesses for the purposes of Procurement.

Specifications. A description of the physical or functional characteristics of the nature of Commodity or Service needed. It may include a description of any requirement for inspection, testing, recycled or degradable material content, or preparing the delivery of a Commodity, or completion of a necessary Service.

Splitting. The illegal act of dividing a single Procurement into two or more Purchases to the same Vendor, or multiple Vendors, within a specific period of time in order to acquire Commodities or Services over the limitations and requirements set forth herein, and/or to avoid compliance with/adherence to the requirements set forth herein.

Suspension. A Vendor under Suspension is prohibited from submitting Bids, Proposals, Quotations, or other Responses to any Informal Procurement or Competitive Procurement, or otherwise conducting business with the County for a definite period of time.

Tie. When two or more Responses are equal with respect to price and it appears the quality and Service offered by the Vendors are otherwise comparable or are equal with respect to final points, as applicable.

Unsolicited Proposal. A plan for a Qualifying Project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined and which is received from a private entity without being solicited by a County Competitive Procurement.

Vendor. A person or entity that provides, or desires to provide, Commodities and/or Services to the County, as the context of this Ordinance may require.

Work Order. A written order authorizing and directing the performance of a certain task and issued to the person who is to direct the work. Among the items of information shown on the order are the nature and location of the job, Specifications or the work to be performed, and a job number which is referred to in reporting the amount of labor, materials and equipment used. This term includes Supplemental Task Authorization (STA), County Project Authorization (CPA), and Task Orders.

SECTION 2. PURPOSE AND ETHICS.

2.1. Purpose.

A. The purpose of this Procurement Ordinance is to maximize the value received for public funds through Procurement; to provide safeguards for maintaining a Procurement system of quality and integrity; and to provide for fair and equitable treatment of all persons involved in public procurement; and to encourage the growth of small and minority-owned Businesses through the promotion of an atmosphere conducive to the development and maintenance of small and minority-owned Business participation in the County's Procurement system. It is the goal of the Board to develop a comprehensive Procurement system. This system will provide greater cost-effectiveness and public accountability in the Procurement process.

B. Since rules and regulations are necessary for the proper operation of the Procurement function and since it is essential that all who are involved in the Procurement operations be well informed, this Ordinance has been developed to aid all employees directly or indirectly associated with the function of Procurement.

C. The Board recognizes Competitive Procurement for like-type Commodities and large dollar Purchases as a necessary function of effective government, which promotes economy and efficiency by facilitating accounting and finance control and by enabling quantity purchasing and the standardization of frequently used items. The Board, therefore, declares that it is the responsibility of the County Manager or Designee to competitively procure these types of Commodities and Services for the Departments and divisions of the County, the basic objective of

which is to obtain the best total value consistent with operational needs, while maintaining fair and open competition.

D. This Ordinance, set by the Board, governs all of the Procurements made by the County. No Contract or Purchase shall be subdivided to avoid the requirements of this Ordinance.

E. It is the responsibility of the County Manager or Designee, to interpret, implement and enforce this Procurement Ordinance. To this end, the County Manager or Designee shall have the following specific duties:

1. The Procurement of all Commodities and Services in accordance with this Ordinance.

2. In cooperation with other Departments and governmental agencies, establishing and maintaining programs to administer Contracts and for the inspection and acceptance of Commodities and Services.

3. The authority to cancel Contracts for non-performance, default, and/or for convenience when it is in the County's best interest.

4. Approval or disapproval of all Requisitions.

5. Develop and implement all necessary procedures, forms and documents for the respective Departments to carry out the expressed purposes and intent of this Ordinance, including but not limited to procedures governing Solicitations, Contracts, Purchase Orders and Purchasing Cards.

6. Apply the provisions of this Ordinance to Informal Procurement as it may be defined from time to time, and as facts and circumstances may warrant. Adoption of internal procedures to implement or supplement this Ordinance.

7. Performance of other related duties as assigned by the Board of County Commissioners or other supervising officials.

8. In addition to the decision-making authority specifically set forth herein or otherwise implied by this Ordinance, the County Manager or Designee is authorized to make the following decisions:

- a. Accept, reject, and cancel Bids and Proposals.
- b. Determine the Responsible Bidder with the lowest Responsive Bid.
- c. Determine if a Procurement is exempt from this Ordinance.
- d. Require, on a case-by-case basis, Competitive Procurement for Commodities and Services costing less than \$50,000.00.
- e. Determine when Bond requirements may be waived.
- f. Determine when Bids or Proposals may be corrected or withdrawn.
- g. Determine whether to issue an Invitation to Bid, a Request for Proposal, Invitation to Negotiate, or another type of Solicitation.

2.2. Concepts.

The purpose of the Procurement function is to ensure that Procurement laws, rules and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and, to the extent possible, achieve the best value for the County. Strict adherence to specific ethical considerations by all County officers, employees, agents and by the Vendors and contractors is required to maintain the confidence of the public, the County, and the Business community in the expenditures of County funds. To this end, the County strives:

A. To procure for the County the highest quality in Commodities and Services at the least expense and/or the best value to enable the greatest cost effectiveness in performance to the County.

B. To encourage uniform Procurement standards and to endeavor to obtain full and open competition on all Purchases and sales.

C. To keep informed of current developments in the field of Procurement to secure for the County the benefits of such research, including: 1) the monitoring of prices, market conditions, and new Commodities; and 2) investigating work done in the field of purchasing by other governmental jurisdictions, national technical societies, nationally recognized trade associations, private Businesses, and organizations.

D. To deal fairly and equitably with all Vendors wishing to do business with Lee County. This is accomplished by maintaining strong and enduring relationships with Vendors of proven ability by conducting Procurement activities to ensure Vendors will value County business and make an effort to meet stated requirements on the basis of quality, service and price.

E. To maximize competition for Procurement by ensuring that interested Vendors are afforded an equal opportunity to furnish Proposals and are able to compete on equal terms.

F. To Purchase Commodities and Services at the best total value, consistent with quality performance and delivery specifications, from Vendors who meet the County's requirements and are capable of performing.

2.3. Procurement Ethics.

The County shall conduct its Procurement business with integrity and honor. The County shall abide by the following ethical guidelines at all levels of the Procurement function:

A. The County believes in the dignity and worth of the service it renders, and the societal responsibilities assumed by its Board and employees as trusted public servants.

B. Elected officials, employees, and agents of the County are governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public it serves.

C. The elected officials, employees, and agents of the County acknowledge that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.

D. The County shall identify and eliminate participation of any individual in operational situations where a conflict of interest may be involved.

E. No elected official, employee, or agent of the County shall, at any time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from Vendors that might influence or appear to influence purchasing decisions.

F. The Department of Procurement Management shall keep the Board and County departments informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

G. The elected officials, employees, and agents of the County shall neither seek nor dispense personal favors. Each administrative problem shall be handled objectively and empathetically, without discrimination.

H. Acceptance of gifts at any time, other than advertising novelties, is prohibited. Acceptance of entertainment is also prohibited. Elected officials, employees, and agents of the County must not become obligated to any Vendors and shall not participate in any County transaction from which they, or their Immediate Family, may personally benefit.

I. No elected official, employee or agent of the County shall participate in a County Solicitation, enter into, or be in any manner interested in any Contract for County Purchases nor shall any officer or employee seek to influence the Purchase of a Commodity or Service from any Offeror; except this restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the Commodity to be Purchased or Service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the Purchase.

J. No elected official, employee, or agent of the County shall participate in the selection or in the Award or administration of a Contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the elected official, employee, or agent, or his or her Immediate Family has a financial or other interest in the firm selected or considered for Award or any other circumstance concerning the selection, Award or administration of any Contract that would violate the standards of conduct in Section 112.313, Florida Statutes.

K. The provisions of Section 112.313, Florida Statutes, pertaining to standards of conduct for public officers, employees of agencies, and local government attorneys expressly apply to the Lee County Procurement Ordinance. A violation of Section 112.313, Florida Statutes, pertaining to purchasing or contractual relationships shall also be deemed a violation of this Ordinance. Specific statutory provisions pertaining to purchasing and contracting include but are not limited to: Section 112.313 (Standards of conduct), Section 218.70 (the Florida Prompt Payment Act), Section 255.05 (Performance and Payment Bonds for Public Works), Section

255.0525 (Advertising for Competitive Procurements), Section 255.101 (Minority Business), Section 287.055 (Consultants' Competitive Negotiation Act), Section 287.087 (Preference to Businesses with Drug Free Workplace), and Sections 336.41 and 336.44 (county roadwork).

L. A violation of any of the policies and procedures in this Ordinance may be grounds for disciplinary action and may result in the County's refusal to pay for any improperly procured Commodities or Services.

SECTION 3. GENERAL GUIDELINES.

3.1. Procurement Thresholds. Unless otherwise authorized in this Ordinance, all Purchases for Commodities and Services, when the estimated cost thereof reaches or exceeds one hundred thousand dollars (\$100,000.00), shall be Purchased through a Competitive Procurement in the manners specified herein. All Purchases of \$99,999.99 or less shall be Purchased as an Informal Procurement in the manners specified herein, which are designed to maximize competition and ensure the County is receiving a fair price while balancing that against the need for an efficient use of staff resources. At the discretion of the County Manager or Designee or the Board, in accordance with the authority granted herein, the requirements for Competitive Procurement or Informal Procurement may be waived when deemed in the best interest of the County.

3.2. Procurement Categories: Summary and Approval Authority.

A. The Procurement method and approval authority varies based upon the amount of the Purchase. Unless otherwise authorized in this Ordinance, the following Procurement thresholds and procedures are hereby established to govern the Procurement of Commodities and Services. Additionally, the authority for approving Purchases within the established thresholds set forth below is hereby assigned and delegated to the persons and entities with designated approval authority.

PROCUREMENT THRESHOLDS				
TIERS	PROCUREMENT REQUIREMENTS	THRESHOLD AMOUNTS	PROCURING ENTITY	APPROVAL AUTHORITY
Tier 1	Petty Cash*	Not to exceed \$200	Department	Department Director
Tier 1	P-Card*	Not to exceed \$5000 or unless authorized in accordance with Sec. 4.1(C).	Department	Department Director
Tier 2	Quotation/Written Work Orders, Change Orders, Amendments	Not to exceed \$49,999.99	Department	Department Director
Tier 3	Three (3) Written Quotations Work Orders, Change Orders, Amendments	\$50,000.00 to \$99,999.99	Department or Procurement	County Manager, or Designee County Attorney, or Designee
Tier 4	Competitive Procurement	\$100,000.00 and up	Procurement	Board
Tier 5	Competitive Procurement	Up to \$150,000.00 for the Purchase of Real Property, new Construction, or rehabilitation of existing homes for the purposes described in Section 3.2(E) of this Ordinance.	Housing Only	County Manager, or Designee
Tier 6	Competitive Procurement	Over \$150,000.00 for the Purchase of Real Property, new Construction, or rehabilitation of existing homes for the purposes described in Section 3.2(E) of this Ordinance.	Housing Only	Board

*See Requirements in Section 4.1.

B. The calculation of the threshold amount for approval authority purposes is based on the total anticipated cost for the original period of the Award and all optional renewals or extensions.

C. Supplemental Task Authorizations (STA's) and County Project Authorizations (CPAs) are approved by the approval authority based on the threshold amount per project.

D. An Amendment, County Project Modification (CPM) or a Change Order must be approved by the approval authority for the total threshold amounts for the project.

E. Purchasing by Lee County Department of Human Services – Housing.

1. For the purposes of new Construction, the acquisition of vacant land and/or rehabilitation of existing houses that does not exceed \$150,000.00, the County Manager, or Designee is authorized to approve. Any Purchase over \$150,000.00 will require Board approval. Such Purchases are solely for rehabilitation, Construction or replacement of affordable and/or supportive housing for use by the elderly, disabled, low income families and hurricane survivors for revitalization in targeted neighborhoods.

2. For all other Purchases made by the Department of Human Services, the County Manager's signature is required for purchases from \$50,000.00 to \$100,000.00. Purchases under \$100,000.00 require three (3) quotes and Purchases over \$100,000.00 require a Competitive Procurement to be issued, as provided in Procurement Threshold Tier 4.

F. The County Attorney is authorized to Purchase services and commodities up to \$99,999.00.

G. Splitting Purchases to avoid obtaining Quotations or Competitive Procurement is prohibited.

3.3. Budget and Authority.

A. It is the responsibility of each Department Director to ensure sufficient and proper funding is available prior to obligation and/or expenditure.

B. No County employee, except in cases of Emergency as defined in this Ordinance, or as provided by Chapter 252, Florida Statutes, and as instructed by the County Manager, shall issue any order for delivery on a Contract or open market Procurement until there is, to the credit of the using Department concerned, a sufficient unencumbered Appropriation balance, in excess of all unpaid obligations, to defray the amount of such order and the order is for a budgeted Commodity or Service.

C. All Procurement requirements as set forth in this Ordinance must be met or waived for expenditures made by the County.

3.4. Emergency Procurement.

A. Emergencies under this section are defined in Section 1.0 Definitions, or as otherwise provided by applicable law.

B. In the case of emergencies that require the immediate Purchase of Commodities or Services, the County Manager or Designee, is empowered to secure such Commodities or Services without Competitive Procurement. In this event, all measures as are reasonably possible under the circumstances, shall be taken to assure the maximum cost benefit to the County of the Commodities or Services procured. Written quotes should be obtained to ensure competition for Tier 3 and above, if time permits.

C. As soon as possible following all Purchases under this Emergency Procurement section, an emergency form shall be prepared by the Department that initiated the Procurement. The report must include complete documentation clearly stating justification for exception from normal Procurement procedures, an itemization of all individual transactions relating to the Emergency Procurement, an itemization of any additional work hours above and beyond the affected employees usual work schedule, and documentation of communication with other governmental entities (FEMA, SERT, etc.) that have taken place. This report must be submitted to the Procurement Management Department, and, if required, to the Board of County Commissioners in concurrence with any ratification.

D. All Emergency Purchases at Tier 4 and 6 level shall be submitted to the Board for ratification at the next regularly scheduled Board meeting.

E. In the event of a State of Local Emergency where the County is no longer operational, all Emergency Procurement shall be handled in accordance with this Ordinance.

F. In the event a State of Emergency is declared by the State of Florida, all Emergency Procurement shall be handled in accordance with this Ordinance and all applicable State requirements.

G. In the event a State of Emergency is declared by a National Declaration, all Emergency Procurement shall be handled in accordance with this Ordinance and 2CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

3.5. Local Preference.

The Procurement Management Department will adhere to the Lee County Ordinance No. 00-10, as amended by Ordinance Nos. 08-26 and 17-16, and as may be amended from time to time (the County's "Local Vendor Preference"). It shall be at the discretion of the County Manager or Designee whether to apply Local Vendor Preference to any particular Solicitation.

- A. The County's Local Vendor Preference, as it relates to Bidding preferences for local Vendors, is not applicable to Solicitations or Contracts when Commodities and/or Services may be provided in the event of an Emergency.
- B. The County's Local Vendor Preference shall not apply in any procurement for Commodities or Services if the use of the Local Vendor Preference is prohibited by the terms of a grant or funding agreement or other prevailing law or policy.

3.6. Cooperative Procurement and Piggybacking.

A. The County shall have the authority to Purchase from and join with other units of governments in Cooperative Procurement ventures when the best interest of the County would be served thereby. It is standard policy of the County to cooperate with other government agencies in the Purchase of Commodities and Services required by the County.

B. In the event the County participates in a Cooperative Procurement and is not the lead agency, the applicable policies and procedures of the lead agency shall govern the solicitation and Award process unless otherwise in conflict with State or federal law. The term "lead agency" shall mean the member entity responsible for issuance of the cooperative Solicitation.

C. Where the public purchasing unit administering a cooperative Purchase complies with the requirements of their applicable policies and procedures when participating in such a Purchase, they are deemed to have complied with the provisions of this Ordinance. Such Purchases may be made without additional County Competitive Procurement provided that funding has been appropriated and approved by the Board and the Purchase has been authorized by the entity granted approval authority in Section 3.2.

D. Unless a Piggyback is prohibited by State or federal law, the County may Piggyback when any other government agency or cooperative (e.g., National Joint Powers Alliance (NJPA)) has competitively procured and Awarded a Contract for any Commodity or Service. The County may Purchase that Commodity or Service from the Awarded Vendor if the originating agency's solicitation and/or award includes language that allows it.

E. The County may solicit and Award the Purchase of any Commodities or Services with the stipulation that any other government agency may also Purchase the Awarded Commodity or Service at the same Awarded price.

3.7. Contracts and Purchase Orders.

A. All Procurements will be formalized by entering into either a Contract with the successful Vendor or issuing a Purchase Order to the successful Vendor in accordance with the County's policies and procedures.

B. For Competitive Procurements, the Award of a Procurement and approval of a Contract with the Vendor may be brought to the Board at the same time and approved with a single majority vote of the Board members who are present and eligible to vote.

C. Contracts and Purchase Orders must be approved and executed by the entity with approval authority as provided in Section 3.2.

D. STAs and CPAs must be approved and executed by the approval authority as provided in Section 3.2.

E. For Contracts, STAs or CPAs that were originally executed below the Board approval threshold set forth in Section 3.2, Change Order and Amendment documents shall be executed by the person authorized by Section 3.2 based on the entire value of the Contract, STA, or CPA, including the proposed change. Therefore, any Contract, STA, or CPA that meets or exceeds a total of \$100,000.00 as a result of changes must be approved by the Board. Subsequent to Board approval, the approval thresholds for Change Orders and Amendments shall be based on the cumulative amount of all changes made after the Board's approval. If a proposed change will

result in the total changes reaching \$100,000.00 or more, the change must be approved by the Board. Any further increases to the Contract, STA, or CPA price, regardless of the cost, will require Board approval.

F. For Contracts, STAs, and CPAs that were originally executed by the Board, the approval thresholds for Change Orders and Amendments shall be based on the cumulative amount of all changes made after the Board's approval. If a proposed change will result in the total changes reaching \$100,000.00 or more above the original Board-approved amount, the change must be approved by the Board. Any further increases to the price, regardless of the cost, will require Board approval. Any contingency amount approved by the Board for a particular project shall not be included in the calculation of the cumulative value of changes for the purpose of determining the applicable approval threshold.

G. Zero cost changes or changes that result in a lower Contract amount may be approved and executed by the County Manager or Designee.

3.8. Exemptions.

A. The requirement for Competitive Procurement and written Quotations for Informal Procurements is waived for the following Purchases unless the Procurement Management Department determines that a Competitive Procurement or written Quotation is warranted in the best interest of the County for a specific Purchase:

1. All books, periodicals, software, printed materials, photographs, film, disk or similar materials in either physical or electronic format;
2. All Purchases of used Equipment having a value of \$49,999.99 or less; however, each such Purchase shall be supported by one independent estimate of value;
3. Cooperative Procurement (ref: Section 3.6);
4. The Purchase, lease, or rental of Real Property, except to the extent required by State law;
5. Real estate brokering, appraisals, abstracts of titles for Real Property and title insurance;
6. Sole Source Purchases (ref: Section 3.9);
7. Public utility services whose rates are determined and controlled by the Public Service Commission or other governmental authority, including but not limited to electricity, water, sewer, telephone and cable television Services;
8. Social Services (e.g., burials and indigent patient Services);

9. Advertisements;
10. Postage;
11. Dues and memberships in trade or professional organizations;
12. Fees and costs of job-related seminars and training;
13. Travel;
14. Artists, music ensembles (bands) and other entertainment providers;
15. Emergency Procurement (ref: Section 3.4);
16. Statutorily dictated or exempt Procurements (such as medical examiners, forestry fire assessments, etc.);
17. Interlocal governmental Contracts;
18. Other Commodities or Services, as determined by the Board; and
19. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. The term also includes, but is not limited to, substance abuse and mental health services involving examination, diagnosis, treatment, prevention, or medical consultation if such services are offered to eligible individuals participating in a specific program that qualifies multiple Vendors and uses a standard payment methodology.

B. Legal Services, including attorney, paralegal, expert witness, appraisal, or mediator services are not subject to the competitive-solicitation requirements of this Ordinance.

C. Purchases made through Florida State Contracts or from Federal General Services Administration Schedules are exempt from Competitive Procurement and written Quotations for Informal Procurements. Should the Purchase meet or exceed the Tier 4 threshold, Board approval is required.

D. The following are exempt from Competitive Procurement, written Quotations for Informal Procurements, and Board approval, and may be Purchased using a Purchase Order:

1. Purchases made from agencies employing the blind and other severely handicapped individuals such as RESPECT of Florida, pursuant to Chapter 413, Florida Statutes.
2. Purchases made from the corporation operating the correction work plan

- programs (PRIDE of Florida) per Section 287.042(2)(a), Florida Statutes.
- 3. Purchases made from the State of Florida, Department of Management Services, Surplus Federal Bureau of Properties, pursuant to Section 287.056, Florida Statutes.
- 4. Direct Material Purchases – exempt as long as authorized by the Board on agenda item as part of original Construction Contract Award.

E. The following are exempt from competitive quoting requirements and Board approval and may be Purchased through the Direct Voucher process:

- 1. Internal service charges on governmental purchase of Commodities and Services such as ITG (Communications and ITG).
- 2. Any payments made to another governmental entity (local, State or federal) unless there is a specific interlocal agreement with a Contract number and Board date.
- 3. The purchase of utilities, such as water, electric, telephone, natural gas, etc. to include: impact fees, permit fees, relocation fees, repairs, etc., relating to the purchase of utilities (e.g. cable cuts or telephone line repairs must be paid by Purchase Order). Maintenance Contracts are not exempt.
- 4. Newspapers, radio stations, and television stations; advertising for all Departments and divisions.
- 5. Purchase of titles and related title media formats, in either physical or electronic formats, for the Lee County Library System.
- 6. Computerized and published legal material.
- 7. Court ordered payments.
- 8. Housing and utility assistance payments and related Amendments and documents.
- 9. Payment for hospital care under the Health Care Responsibility Act pursuant to Section 154.306, Florida Statutes.
- 10. Payment for the County's portion of hospital and nursing home care for Medicaid eligible recipients pursuant to Section 409.915, Florida Statutes.
- 11. Payment for initial costs of medical examinations, x-rays, and medical treatment of abused, abandoned, or neglected children pursuant to Section 39.304, Florida Statutes.
- 12. Purchases made from Florida Bar, which is a branch of the Supreme Court of Florida.
- 13. Funds disbursed under the Attractions Co-Op Marketing Program and Event Marketing Program up to Tier 3.
- 14. The County's annual membership in the Florida Association of Counties.

F. At the discretion of the County Manager or Designee, or the Board, the requirement for Competitive Procurement may be waived for the Purchase of:

- 1. Single or Sole Source Purchases (ref. Sections 3.9 and 3.10);
- 2. Professional Services, other than CCNA Professional Services;

3. Other Commodities or Services.

3.9. Sole Source.

A. Except as otherwise provided under State law, Purchases of Commodities or Services may be Awarded without Competitive Procurement or obtaining written Quotations when the Procurement Department certifies in writing, after conducting a good faith review of available Vendors, that there is only one Sole Source for the required Commodities or Services.

B. Prior to the Sole Source certification, the Solicitation for the Commodities or Services shall be Posted on the County website for a minimum of seven (7) business days to verify that a Sole Source certification is warranted.

C. Such Awards will be made within the authorized Procurement limits identified in Section 3.2 of this Ordinance. When a Purchase exceeds the threshold amount for Tier 3 approval, the item and certification that the Vendor has been determined to be a Sole Source will be placed on an agenda for Board approval.

D. The Procurement Management Department is authorized, after initial Sole Source certification, to make additional Purchases from the Sole Source Vendor for one year, or until contrary evidence is presented regarding Sole Source eligibility, whichever period is less.

3.10. Single Source.

A. Except as otherwise provided under State law, Purchases of Commodities or Services from a Single Source may be exempted from the Competitive Procurement and written Quotation requirements when the Procurement Management Department certifies in writing that: (1) the use is justified based on costs or interchangeability of parts, standardization, or compatibility factors; and (2) the use is recommended by the project architect, engineer, or affected Department Director.

B. Prior to the Single Source determination, the Solicitation for the Commodities or Services shall be posted on the County website for a minimum of seven (7) business days to verify that a Single Source determination is warranted.

C. Such Awards will be made within the authorized Procurement limits identified in Section 3.2 of this Ordinance. When a Purchase exceeds the threshold amount for Tier 3, the item will be placed on the agenda for Board approval and certification that the Vendor has been determined to be a Single Source.

D. The Procurement Management Department is authorized, after initial Single Source certification, to make additional Purchases from the Single Source Vendor for one year, or until contrary evidence is presented regarding Single Source eligibility, whichever period is less.

SECTION 4. INFORMAL PROCUREMENT.

4.1. Tier 1: Petty Cash/P-Card (not to exceed \$5,000).

A. Commodities and Services with an estimated cost within the thresholds authorized in Section 3.2 for Tier 1 shall be procured through petty cash or by Purchasing Card.

B. Petty cash transactions are limited (maximum of \$200.00) to the immediate need of making change for citizen's Purchases or small cash Purchases necessary to continue productivity, such as tools, supplies and repair parts that do not individually exceed \$200.00. Purchases at this level do not require Quotations, except when required by the Procurement Management Department. Employees who are authorized cardholders in the County's Purchasing Card Program, are required to use the Purchasing Card whenever possible to reduce administrative time and costs.

C. Purchases by Purchasing Card (P-Card) are limited to a single item Purchase limit of \$999.99, for fixed asset only and a travel expense Purchase limit of \$5,000.00 unless otherwise approved by the Procurement Management Department in advance. Purchases at this level do not require Quotations, except when required by the Procurement Management Department.

D. Purchasing Cards will be issued to individual employees who frequently Purchase Commodities and Services for the County. Non County employees and Contract employees may be issued Purchasing Cards if the County Manager or Designee deems it beneficial to the County in accordance with the County's policies and procedures. The County Manager or Designee, in conjunction with the Department Director, is authorized to increase spending limits for certain designated Purchasing cardholders. The purpose of the increased spending limits is to allow properly approved Purchases or payments, otherwise meeting County standards and protocols, to occur using the Purchasing Card.

4.2. Tiers 2 and 3: Written Quotations (not to exceed \$100,000).

A. Commodities and Services with an estimated cost within the thresholds for Tiers 2 and 3 in Section 3.2 shall be procured by competitive, written Quotations. In the Solicitation for the written Quotations, the requested Commodities or Services must be adequately described on a consistent basis to assure a like-to-like comparison among Vendors.

1. For Purchases within the threshold for Tier 2, only one (1) written Quotation must be obtained for each Purchase unless the Procurement Management Department determines that additional Quotations are warranted to ensure the County is receiving a fair and competitive price for the Commodities or Services.

2. For Purchases within the threshold for Tier 3, at least three (3) written Quotations must be obtained for each Purchase. In those instances where the securing of three (3) Quotations is not practicable, the Department Director shall provide written justification to the Procurement Management Department that they attempted to obtain written qualifications from at least five (5) qualified Vendors, and then the County Manager or Designee may waive the requirement for three (3) written Quotations.

B. Quotations must be provided through email, hand delivered, or faxed on a County approved Quotation form, or in a similar format. The Quotation must include a date and be submitted by an authorized representative of the Vendor.

C. All Vendors providing Quotations must have the required expertise and capability to perform the work or supply the Services and/or Commodities. In determining if a Vendor has the capability to perform the work or supply the Services or Commodities, consideration may be given to the Vendor's geographic proximity to the County for future ease of delivery, mobilization, or customer support after a Purchase. The Responsible Vendor with the lowest Responsive Bid, who is capable of performing the Services or supplying the Commodities shall be Awarded the Contract or Purchase Order, as applicable.

D. Noticing of Requests for Quotation shall not require a newspaper ad.

SECTION 5. COMPETITIVE PROCUREMENT.

5.1. Tier 4: Competitive Procurement Methods.

Commodities and Services with an estimated cost within the threshold for Tier 4 (and Tier 6 for Housing Only) shall be procured competitively through one of the following methods:

A. Invitation to Bid

1. The Invitation to Bid is used when the County is capable of establishing precise Specifications or defining, with specificity, a scope of Services for the Commodities or Services sought. Through this process, Vendors are able to compete on a cost basis for like Commodities or Services.

2. Invitations to Bid shall include Specifications, required qualifications, and all principal terms and conditions applicable to the Procurement.

3. The Award will be made to the Responsible Vendor with the lowest Responsive Bid.

4. In an Invitation to Bid process, the County may consider the following factors in addition to price when determining whether a Vendor is Responsible and a Bid is Responsive:

- a. Ability, capacity and skill of the Vendor to perform the Contract.
- b. Whether the Vendor can perform the Contract within the time specified, without delay, interference, or conflict with current workload.
- c. Character, integrity, reputation, judgment, experience and efficiency of the Vendor.

- d. Quality of performance of previous engagements.
- e. Previous and existing compliance by the Vendor with laws and regulations relating to the Contract.
- f. Sufficiency of the financial resources and ability of the Vendor to perform the Contract or provide the Commodity or Service.
- g. Quality, availability and adaptability of the Commodities or Services to the particular use required.
- h. Ability of the Vendor to provide further maintenance and Service for the use of the subject of the Contract.
- i. Number and scope of conditions attached to the Bid.
- j. Qualifications of Vendor, licensing and corporate qualifications.
- k. Evidence of negative litigation history.
- l. Use of one or more subcontractors with a record of poor performance.

5. For the purposes of this Section, the County may consider evidence from the ten (10) year period preceding the subject Invitation to Bid.

6. In the event the lowest, Responsive Bid submitted by a Responsible Vendor exceeds the architectural or engineering cost estimates, the County Manager or Designee is authorized, when time or economic considerations preclude re-bidding of work of a reduced scope, to negotiate an adjustment of the scope of work with the Responsible Vendor with the lowest, Responsive, Bid, in order to bring the Bid within the amount of available funds.

B. Request for Proposal

1. The Request for Proposal method of Procurement is used when it is not practicable for the County to specifically define the scope of work for which the Commodities or Services are needed. Instead, the County can describe what it wants to accomplish but the methods or means to accomplish the desired outcome cannot be easily defined. There may be several methods available to accomplish a task and the County is considering all the available options.

2. Requests for Proposal shall include a description of desired outcome to be accomplished through the Procurement, evaluation criteria for the specific Procurement which set forth the relative importance of price and the other evaluation criteria, and all principal terms and conditions applicable to the Procurement

3. All Responses to a Request for Proposal that are deemed to meet the basic requirements of the Competitive Procurement and have not been rejected shall be distributed to a

selection committee for review in accordance with the established time frames outlined in the Competitive Procurement. Proposers shall be ranked by an evaluation committee designated by the Board or Procurement Management Department based upon the evaluation criteria included within the Request for Proposal. Presentations/Interviews may be held by the evaluation committee for consideration.

4. The selection will be Awarded to the highest ranked Proposer or as outlined in the Solicitation documents.

C. Invitation to Negotiate

1. The Invitation to Negotiate is used when the scope of the project is not clearly defined and the County has determined that negotiations may be necessary to receive the best value. The Invitation shall invite Vendor input on the scope, schedule, and process for initiating the project. This method of Procurement may be used in areas of Procurement experiencing constant change in the marketplace, when the County wants the opportunity to obtain current up-to-date Commodities or Services at the time of Contracting, and/or if the County wishes to identify one or more Responsible Vendors with whom to negotiate.

2. Invitations to Negotiate shall include a description of the questions or issues being explored, the facts being sought, and the specific goals or problems that are the subject of the Procurement, along with evaluation criteria, and all principal terms and conditions applicable to the Procurement.

3. All Responses to an Invitation to Negotiate that are deemed to meet the basic requirements of the Competitive Procurement and have not been rejected shall be distributed to a selection committee for review in accordance with the established time frames outlined in the Competitive Procurement. Proposers shall be ranked by the evaluation committee designated by the Board or Procurement Management Department based upon the evaluation criteria included within the Invitation to Negotiate. Presentations may be made to the evaluation committee for consideration.

4. The selection will be Awarded to the highest ranked Proposer or as outlined in the Invitation to Negotiate.

D. Procurement Methods

Other Procurement methods may be used as deemed necessary by the County Manager or Designee.

5.2. Advertisements for Competitive Procurement.

A. Adequate public notice of all Competitive Procurements shall be provided as follows:

1. Noticing of all Competitive Procurements (unless otherwise provided

herein, by general law, grant funding requirements or waived by the Board) shall be done by publishing an Advertisement once in a newspaper of general circulation in the County at least fifteen (15) calendar days prior to the date set for the receipt of Competitive Procurement Responses as follows:

Purchase Amount	Publishing Date of Advertisement
\$100,000.00 to \$200,000.00	15 calendar days
\$200,000.01 to \$500,000.00	21 calendar days
Over \$500,000.00	30 calendar days

2. Construction projects, projected to cost more than two hundred thousand dollars (\$200,000.00), shall be publicly advertised in accordance with Section 255.0525, Florida Statutes.

3. All Procurements for CCNA Professional Services must be noticed by publishing an Advertisement once in a newspaper of general circulation at least thirty (30) calendar days prior to the date set for receipt of Responses.

4. The Advertisement shall include a general description of the Commodities or Services to be Purchased, the location where Specifications may be obtained, closing date, and the time and place for receipt of and the opening of the Competitive Procurement.

B. All Advertisements shall be listed on the official County website.

C. Any Addendums to a Competitive Procurement shall be listed on the official County website.

D. Upon the Advertisement of a Competitive Procurement, the Cone of Silence shall apply. The Cone of Silence shall terminate upon the issuance of a Contract, the rejection of all Responses, or the termination of the Competitive Procurement, whichever occurs first. Violation of the Cone of Silence by a Vendor shall disqualify the Vendor from participation in the Competitive Procurement and may subject the Vendor to Suspension or Debarment in accordance with Section 8 of this Ordinance. The Cone of Silence shall not apply to:

1. Communications at any public proceeding or meeting, including Pre-Bid Conferences, selection committee presentations or pre-Award meetings.

2. Communications during Contract negotiations between designated County employees and the intended Vendor.

3. Communication with a Vendor by a Procurement Management Department employee following Competitive Procurement opening to clarify the Vendor's Response.

4. Communication following the filing of a protest to a Competitive Procurement between the protesting Vendor or the selected Vendor and the Procurement Management Department, County Manager's Office, and County Attorney's Office concerning the protest.

5. Purchases exempt from Competitive Procurement pursuant to this Ordinance.

5.3. Competitive Procurement Responses.

A. Responses to all Competitive Procurements must be submitted to the County no later than the date and time designated in the Solicitation. The Procurement Management Department shall date and time stamp each Response as it is received and file the Responses, unopened, in a secure file until the time designated for the Competitive Procurement opening. Responses received after the designated time will be returned unopened to the sender.

B. All Competitive Procurement Responses shall be opened in public at the time and place stated in the public notice with at least one (1) witness present.

C. The purpose of the opening is to record the Responses received and to ensure that the Responses are in compliance with the basic requirements of the Competitive Procurement. Responses are not analyzed for quality or substance at the opening. A recording of all Responses received shall be available for public inspection in accordance with Florida law.

D. The Procurement Management Department shall have the authority to reject any and all Responses for any or no reason.

E. The Procurement Management Department or Board may, after opening, request additional information or clarification by the Offeror.

F. The Procurement Management Department may waive or accept Minor Irregularities in a Response and allow correction thereof when such actions are deemed to be in the best interest of the County and do not conflict with the basic principles of fair and open competition.

G. The Board also retains the authority to reject any and all Responses, for any or no reason, to request additional information or clarifications by a Proposer, and to waive or accept Minor Irregularities and allow correction thereof when such actions are deemed to be in the best interest of the County and do not conflict with the basic principles of fair and open competition.

H. The County shall not be responsible for any costs incurred by Offerors in the case of rejection or non-Award.

I. Correction or withdrawal of inadvertently erroneous Responses before or after the Competitive Procurement opening, or cancellation of Awards or Contracts based on such mistakes, may be permitted in the following circumstances:

1. A Response submitted to the County as part of a Competitive Procurement may be withdrawn unilaterally by the Offeror only before the opening of the Responses. Withdrawal of a Response or correction of mistakes discovered before the Competitive Procurement opening may be accomplished by written notice provided to the Procurement Management Department prior to the time set for opening.

2. After the Competitive Procurement opening, no changes in prices or other provisions prejudicial to the interests of the County or fair competition are permitted. The assigned unit price, when applicable, will be the prevailing decision when an extension price is in error. In place of correction, a low Bidder establishing a non-judgmental Material Deviation of fact may be permitted to withdraw its Response if:

- a. The Response was submitted in good faith
- b. The magnitude of the error made would make enforcement a severe hardship
- c. The miscalculation was not the result of gross negligence or willful inattention
- d. The error was reported immediately to the County

3. All decisions to permit the correction or withdrawal of Responses, or to cancel Awards or Contracts based on Material Deviations, must be supported by a written determination by the Procurement Management Department.

5.4. Award and Negotiation.

A. Once a Vendor has been selected in accordance with Section 5 of this Ordinance, the Procurement Management Department shall prepare and Post a Notice of Intended Decision.

1. The Notice of Intended Decision shall also be Posted on the County website within a reasonable time of the selection.

2. The time period for a Procurement Protest, as outlined in Section 5.7, shall begin to run upon Posting of the Notice of Intended Decision.

B. After the Protest period in Section 5.7 has expired, the Procurement shall be Awarded with reasonable promptness. After conclusion of Contract negotiations, as provided below, all Procurements will be formalized by entering into either a Contract with the Awarded Vendor or issuing a Purchase Order to the Awarded Vendor.

C. After the Notice of Intended Decision is issued, the Negotiation Team, if one is appointed, or the Department Director and Procurement Management Department with the assistance of the County Attorney's Office and County Manager's Office, if requested, will negotiate a Contract with the top ranked Vendor or a Purchase Order shall be issued to the selected Vendor in accordance with County policies and procedures. In the event the selected Vendor and County are unable to enter into a satisfactory Contract within a reasonable time, the Procurement Management Department may formally terminate negotiations, and begin negotiations with the next ranked Vendor. The Procurement Management Department may repeat this process with the ranked Vendors, in order, until a satisfactory Contract is achieved; however, at any time the

Procurement Management Department may determine that it is in the best interest of the County to re-procure rather than continue negotiations with the ranked list of Vendors.

D. Once a satisfactory Contract has been reached, the Contract shall be presented for approval and execution by the Department with Approval Authority as provided in Section 3.2. Upon execution by both parties, the Notice to Proceed shall be issued to the Vendor. For Purchases that must be approved by the Board, the Award of a Procurement and approval of a Contract with the Vendor may be brought to the Board at the same time and approved with a single majority vote of the Board members who are present and eligible to vote.

E. In the event of a Tie in a Competitive Procurement, the Procurement Management Department shall Award the Contract as outlined in the Solicitation documents.

5.5. Consultants' Competitive Negotiation Act (CCNA) Professional Services.

5.5.1. General.

A. The purpose of obtaining CCNA Professional Services is to offer to the County special expertise, practical experience, knowledge, resources and an objective outside professional opinion. The provisions and exemptions contained in Section 287.055, Florida Statutes (commonly known as the Consultants' Competitive Negotiation Act, "CCNA"), shall apply herein for the Procurement of all professional architecture, engineering, landscape architecture, or registered surveying and mapping Services for projects that exceed the CCNA Thresholds.

B. The following provisions are applicable to the County's selection, engagement, and use of CCNA Professional Services for County projects exceeding CCNA Thresholds and for which CCNA Professional Services are required to be secured pursuant to the Consultant's Competitive Negotiation Act, set forth in Section 287.055, Florida Statutes.

5.5.2. Prohibition.

A. The County is prohibited from soliciting a CCNA Professional Services firm to perform project design and/or Construction Services if the firm has or had been retained to perform the project feasibility planning or study analysis for the same project.

B. Unless waived, as set forth herein, the Request for Proposal documents shall contain a concise statement putting all prospective Vendors on notice of this restriction. The provisions of this Ordinance may be waived and set aside by the Board for an identified project on a finding of due cause and upon a favorable vote for waiver by at least four (4) members of the Board.

5.5.3. CCNA Procurement Process.

A. The Competitive Procurement of CCNA Professional Services shall be conducted in accordance with the procedures in Section 5 of this Ordinance for Request for Proposal with the following exceptions:

1. Price and compensation shall not be considered in the initial evaluation of Responses.

2. In ranking responding Vendor's qualifications, the selection committee may consider: ability and adequacy of professional personnel; if applicable; past performance; willingness to meet time and budget requirements; location and whether the firm is a Local Vendor, if applicable; recent, current, and projected workloads; and other factors relevant to the specific Procurement, if any.

3. In lieu of the procedures in Sections 5.1(B) and (C), the selection committee will rank all Vendors in numerical order and select no fewer than the top ranked three (3) firms deemed to be the most highly qualified for purposes of competitive negotiations. In the event three (3) qualified Vendors do not respond, the Procurement Management Department will reject all Proposals and reissue the Request for Proposal unless the Procurement Management Department deems it is in the best interest of public health, safety or welfare to move forward with two (2) or less Proposals. In the event the County does not receive three (3) qualified Proposals on the second Procurement, the Procurement Management Department may proceed with less than three (3) Proposals.

B. Competitive negotiations for the Procurement of CCNA Professional Services shall be conducted in accordance with the Contract negotiation procedures in Section 5. The County may request, accept, and consider Proposals for compensation only during the competitive negotiation phase.

C. The County may enter into Continuing Contracts with Vendors providing CCNA Professional Services; provided, however, that individual projects exceeding those amounts in Section 287.055(2)(g), Florida Statutes, shall not be authorized under a Continuing Contract.

D. At the discretion of the Procurement Management Department, the County may procure Design-Build Contracts with Vendors pursuant to this Section 5.5 via a Request for Proposal with the following conditions:

1. The CCNA Professional Services Vendor that prepares the Design Criteria Package must be procured in accordance with this Section 5.5 and said Vendor will not be eligible to provide design-build Services on the same project.

2. The County shall solicit, through a Competitive Procurement process Responses based on the Design Criteria Package and evaluate the Responses based upon the evaluation criteria in the Competitive Procurement documents which shall include price, technical, and design aspects of the public Construction project, weighted for the project.

E. At the Procurement Management Department's discretion, the County may procure a Construction Manager at Risk pursuant to this Section 5.5, which Vendor shall provide advice to the County during the project planning phase on cost effectiveness of various design and Construction alternatives, scheduling, value engineering, and management, and will then take on

the obligation for Construction of the project.

1. The Construction Manager at Risk Vendor shall establish a Guaranteed Maximum Price and guaranteed completion date after the planning and design of the public Construction project is completed and prior to the initiation of Construction Services. The Guaranteed Maximum Price and guaranteed completion date shall be included in an Amendment and approved by the Vendor and the County.

2. Performance and Payment Bonds, when required, must be provided prior to the Notice to Proceed for the Construction phase.

5.6. Public-Private Partnerships.

5.6.1. General.

A. Section 255.065, Florida Statutes, outlines certain procedures for the Procurement of public-private partnership Contracts for the provision of Qualifying Projects, including the receipt and consideration of Unsolicited Proposals from interested private Vendors seeking to partner with the County.

B. The following provisions are applicable to the County's receipt and consideration of Unsolicited Proposals from interested private Vendors seeking to partner with the County on a Qualifying Project.

C. In the event the County determines on its own initiative that it is both practicable and advantageous for the County to pursue a Qualifying Project and consider a range of competing plans, Specifications, standards, terms and conditions so that adequate competition will result and Award be made not principally on the basis of price, but to the Proposer whose Proposal contains the most advantageous combination of price, quality or other features, the County shall utilize the procedures in this Ordinance for Request for Proposal or Invitation to Negotiate, as the County Manager or Designee deems appropriate.

D. If a Qualifying Project includes CCNA Professional Services, the County shall comply with the provisions of Section 5.5.

5.6.2. Unsolicited Proposals.

A. The County may receive Unsolicited Proposals for a Qualifying Project and may thereafter enter into a Contract with a private Vendor, or a consortium of private Vendors, for said Qualifying Project, subject to the procedures and conditions set forth herein. Any Unsolicited Proposal shall include sufficient detail and information for the County to evaluate the Proposal in an objective and timely manner.

B. Any private Vendor desiring to submit an Unsolicited Proposal for a Qualifying Project shall submit to the County an application fee of \$25,000.00 payable to the County in the form of a money order or cashier's check at the time of Unsolicited Proposal submittal. If the

cost of evaluating the Unsolicited Proposal exceeds \$25,000.00, the application fee shall be increased to a reasonable fee to pay the costs of evaluating the Unsolicited Proposal. The Vendor will be notified and will promptly pay the balance of the application fee needed to pay the costs of evaluating the Unsolicited Proposal. As provided for in Section 255.065(3), Florida Statutes, the purpose of this application fee is to pay the costs of evaluating the Unsolicited Proposal. The County shall refund any portion of the initial application fee paid in excess of its direct costs associated with evaluating the Proposal.

C. If the County receives an Unsolicited Proposal for a Qualifying Project pursuant to this section and the County desires to pursue the Qualifying Project, the Board will be notified of the receipt of said Unsolicited Proposal by placement of a discussion item on the next available Board meeting agenda. Upon the Board's approval to proceed with the Qualifying Project outlined in the Unsolicited Proposal, the County shall prepare a Request for Proposal or Invitation to Negotiate for the Qualifying Project. The Competitive Procurement for the Qualifying Project shall be conducted in accordance with the procedures in Section 5 of this Ordinance for Request for Proposal or Invitations to Negotiate with the following exceptions:

1. The County shall place an Advertisement of the Competitive Procurement in the Florida Administrative Register and a newspaper of general circulation at least once per week for two weeks stating that the County has received an Unsolicited Proposal and that the County will accept other Proposals for the same Qualifying Project. A copy of the notice must be mailed to each local government in the affected area of the Qualifying Project which shall mean any municipality and/or special district in which all or a portion of the Qualifying Project is located.

2. If an Unsolicited Proposal involves architecture, engineering, or landscape architecture, the County must ensure that the initial and any subsequent Responses are reviewed by an architect, landscape architect, or engineer licensed in Florida, as applicable, and such a professional shall advise the County through completion of design and Construction of the Qualifying Project.

3. The Vendor submitting the original Unsolicited Proposal may submit a more detailed Proposal in Response to the County's notice.

4. The timeframe for accepting other Proposals shall be no fewer than twenty-one (21) calendar days but no more than one-hundred-twenty (120) calendar days after the initial date of publication.

5. A selection committee shall be appointed by the County Manager or Designee for the purpose of evaluating and ranking the Responses based upon factors that include, but are not limited to: professional qualifications and experience, general business terms, innovative design techniques or cost-reduction terms, and finance plans. Vendors may be invited to make oral presentations regarding their Responses. In the event only one Proposal is received, the selection committee may proceed with the evaluation, or the County Manager or Designee may reject all Proposals, whichever is in the best interest of the County.

5.7. Procurement Protest.

A. Any Notice of Intended Decision of a Competitive Procurement may be protested by a Vendor with a substantial interest, as defined below, on the grounds of Material Deviations in the Procurement procedure or Material Deviations in the evaluation of the Responses. To initiate a protest, the protestor must file a Notice of Intent to Protest the Procurement in writing with the Procurement Management Director within seventy-two (72) hours of Posting of the Notice of Intended Decision in accordance with Section 5.4. A formal written Procurement Protest must then be filed with the Procurement Management Director within ten (10) business days of Posting of the Notice of Intended Decision. Failure to file a timely Notice of Intent to Protest or failure to file a timely formal written Procurement Protest shall constitute a waiver of the protestor's right to protest the Competitive Procurement and Award.

1. Only protestors with a "substantial interest" that has been adversely affected by the County's intended Award may protest the selection by complying with the requirements set forth herein. A protestor has a "substantial interest" if the protestor would have been Awarded the Contract but for the alleged mistake or irregularity described in the protest. If the Procurement Management Director determines that a protestor does not have a "substantial interest," that protestor is precluded from bringing a protest pursuant to this section.

2. A protestor objecting to terms, conditions, Specifications, procedures, selection criteria, or other matters set forth in the Competitive Procurement documents must make such objections in writing during the period of time set forth for questions and answers in the Competitive Procurement documents. A protestor who has not raised such objections in writing during the question and answer time may not use the Procurement Protest process to object to these matters once a Notice of Intended Decision has been Posted.

B. The Notice of Intent to Protest shall contain at a minimum:

1. Name of the protestor;
2. Protestor's address;
3. E-mail address;
4. Fax number and phone number;
5. Name of the protestor's representative to whom notices may be sent;
6. Project name and number of the Competitive Procurement; and
7. A brief factual summary of the basis of the intended protest.

C. The formal written Procurement Protest shall:

1. Identify the protestor and the Competitive Procurement involved

2. Include a clear statement of the grounds on which the protest is based, refer to the Statutes, laws, Ordinances, or other legal authorities which the protestor deems applicable to such grounds, and specifically request the relief to which the protestor deems itself entitled by application of such authorities to such grounds.

3. Any other information that the protester deems to be material to the protest.

4. A Procurement Protest bond in the form of a certified check, cashier's check, or money order made payable to Lee County in an amount equal to five (5) percent of the protestor's Bid or ten thousand dollars (\$10,000.00), whichever is less, provided, however, if no value is attached then the bond will be \$10,000.00. The entire amount of the bond is forfeited if the County determines that the protest was without merit, was filed to cause harm or delay, or was filed for some other improper purpose.

5. The protestor shall mail a copy of the Notice of Intent to Protest and the formal written Procurement Protest to the Awarded Vendor.

D. Upon receipt of a timely filed and complete formal written Procurement Protest, the Procurement Management Director shall stay Award of the Competitive Procurement until the protest is resolved unless the Procurement Management Director provides a written determination that compelling circumstances exist which require that the Award be processed without further delay in order to protect the County's interest or for the purpose of avoiding an immediate and serious danger to the public health, safety or welfare.

E. After receipt of the timely filed and complete written Procurement Protest, the Procurement Management Director, at his/her discretion, may meet with the protester to discuss the allegations and to attempt to resolve the matter. The Procurement Management Director shall issue his/her decision on the protest within fourteen (14) business days of the meeting, or if no meeting is requested, within fourteen (14) business days of receipt of the timely filed and complete written Procurement Protest. Such decision shall be e-mailed or sent by facsimile to the protester on the date of issuance.

F. The protester may appeal the decision of the Procurement Management Director to the County Manager by filing a written appeal with the County Manager's office within three (3) business days of issuance of the Procurement Management Director's decision. The appeal must be in writing and must include a full explanation of the basis of disagreement with the decision rendered by the Procurement Management Director, as well as the relief sought. The County Manager shall issue his/her decision on the appeal within ten (10) business days of receipt of the appeal. The County Manager's decision shall be e-mailed or sent by facsimile to the protester on the date of issuance.

G. The decision of the County Manager may be appealed to the Board by the filing of a written appeal with the Chair of the Board within three (3) business days of issuance of the County Manager's decision. The Board shall overturn the selection if the protester proves by

clear and convincing evidence that the selection did not comply in material respects with the requirements contained in the Competitive Procurement documents, with this Procurement Ordinance, or with applicable law.

H. Failure by a protestor to comply with the timelines and requirements set forth herein shall result in an immediate invalidation and termination of the protest and a waiver of the right to seek further redress or to appeal the alleged adverse action in a court of law.

I. Nothing herein relinquishes the County's rights to waive Minor Irregularities. Further, nothing herein shall grant any rights to the unsuccessful Offeror. All decisions of the Board are final.

SECTION 6. UNAUTHORIZED PROCUREMENT.

A. Except as herein provided, it is a violation for any officer, employee, or agent of the Board to order the Purchase of any Commodities or Services or to make any Contract within the purview of this Ordinance other than through the guidelines established in this Ordinance. Any Purchase Order or Contract made contrary to the provisions herein is an ultra vires act, shall not be approved, and the County shall not be bound thereby.

B. Purchase Orders or Contracts that are Split to circumvent the requirements of this Ordinance are considered unauthorized Purchases and are prohibited. Any Purchase Order or Contract made contrary to the provisions herein through Splitting is an ultra vires act, shall not be approved, and the County shall not be bound thereby.

SECTION 7. BONDS.

A. The Procurement Management Department shall determine if a Bid Bond shall be required for any Competitive Procurement. All contracts for Construction or facility improvements governed by 2 CFR §200.325 shall require a Bid Bond in accordance therewith for such projects exceeding the Simplified Acquisition Threshold in 2 CFR §200.88. If required, the Bid Bond will be five percent (5%) of the amount of the bid or Proposal. Unsuccessful Vendors are entitled to full return of their Bid Bond. Upon determination by the Board, the successful Vendor shall forfeit this Bid Bond, or a portion thereof, upon failure to enter into a Contract or act on the Purchase Order issued within ten (10) working days of presentation of a Contract or Purchase Order by the County.

B. The Procurement Management Department shall determine if Payment Bonds and Performance Bonds are required. All Contracts for Construction or repairs of public buildings and public works projects shall require Payment and Performance Bonds in accordance with Section 255.05, Florida Statutes. All Contracts for Construction or facility improvements governed by 2 CFR §200.325 shall require Payment and Performance Bonds in accordance therewith for such projects exceeding the Simplified Acquisition Threshold in 2 CFR §200.88. Any required bond(s) shall be noted in the Competitive Procurement documents, if applicable.

1. Payment and Performance Bonds shall be at least 100% of the Contract price.

2. All required bonds shall be from a surety company authorized to do business in the State of Florida to guarantee the full and faithful performance of the Contractual obligations and the payment of labor and material expended pursuant to the Contract whenever and in such amounts as is deemed necessary by the Procurement Management Department. Alternative surety devices, such as letters of credit or cash, may be authorized by the Procurement Management Department.

3. The Vendor is required to record the Payment and Performance Bonds and riders with the Lee County Clerk of Court and pay all associated costs.

SECTION 8. SUSPENSION AND DEBARMENT.

8.1. Suspension and Debarment.

A. As set forth below, the Procurement Management Department may suspend or debar for cause the right of a Vendor to participate in County Procurements. Additionally, any subsequent Bid, Proposal or Quotation from that Vendor during the pendency of such Suspension or Debarment shall be rejected by the County and that Vendor shall have no right to challenge that rejection or the applicable Procurement.

B. Any Vendors on a State or federal convicted Vendor's list are automatically debarred by the County until that Vendor is no longer on such list and such Vendor is reinstated in accordance with Section 8.7.

C. The County shall solicit offers from, Award Contracts to, and consent to sub-Contracts only with Vendors known to be reliable, ethical and responsible. To that end, the County may suspend or debar Vendors from County work that do not meet these criteria. The serious nature of Suspension or Debarment requires that such sanction be imposed only when it is in the County's best interest. Such Suspension or Debarment shall be imposed in accordance with the procedures contained in this Section 8.

D. Suspension or Debarment applies to all officers, principals, directors, partners, qualifiers, divisions, subsidiaries, or other organizational elements of the suspended or debarred Vendor. The Suspension or Debarment applies to any existing affiliates of the Vendor if they are specifically named and are given written notice of the proposed Suspension or Debarment and an opportunity to respond.

8.2. Suspension.

A Vendor may be suspended based upon the following:

A. Failure to fully comply with the conditions, Specifications, or terms of a Contract with the County.

- B. Failure to fulfill a Bid, Proposal or Quotation upon Award.
- C. Commission of any misrepresentation in connection with a Bid, Quotation or Proposal.
- D. Charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private Contract or sub-Contract, or in the performance of such Contract or sub-Contract. If charges are dismissed or the Vendor is found not guilty, the Suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the Vendor to the County.
- E. Charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty may affect the responsibility as a County government contractor. If charges are dismissed or the Vendor is found not guilty, the Suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the Vendor to the County.
- F. Vendor becomes insolvent, proceedings in bankruptcy regarding the Vendor are filed or, Vendor compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property.
- G. Commission of any act or omission to perform any act that is grounds for Debarment.
- H. Any other cause the Procurement Management Department determines to be compelling as to materially and adversely affect the responsibility of a Vendor as a County government contractor, including but not limited to, Suspension by another governmental entity.
- I. Violation of the ethical standards set forth in local, State or federal law.

8.3. Debarment.

A Vendor may be debarred for the following:

- A. Repeated failure to fully comply with the conditions, Specifications, or terms of a Contract with the County.
- B. Repeated failure to fulfill a Bid, Proposal or Quotation upon Award.
- C. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the Vendor's commercial enterprise stated in Section 8.2 (D) and (E). If the conviction or judgment is reversed through the appellate process, the Debarment shall be removed immediately upon written notification and proof of final court disposition from the Vendor to the County.

D. Conviction for the commission of any fraud or act of collusion in connection with any sale, Bid, Quotation, Proposal or other act incident to doing business with the County.

8.4. Effect of Suspension and Debarment.

The County will not solicit offers from, Award Contracts or Purchase Orders to, or consent to sub-Contracts with suspended or debarred Vendors unless the County Manager or Designee determines that an Emergency exists justifying such action. Such Vendors are also excluded from conducting business with the County as agents, representatives, sub-contractors, or partners of other Vendors.

8.5. Suspension and Debarment Process.

The following procedures shall be utilized for the Suspension or Debarment of a Vendor:

A. The County Department requesting the Suspension or Debarment shall submit to the Procurement Management Department a written complaint which shall state with specificity the facts supporting such a request for Suspension or Debarment and shall identify a recommended Suspension or Debarment period.

B. The Procurement Management Director shall review the complaint, verify whether it is compliant with the provisions of this Ordinance, direct any appropriate changes and forward the complaint to the Vendor.

C. The Vendor shall review the complaint and provide a written Response, with supporting documentation, to each allegation. The Response shall be provided to the Procurement Management Department within ten (10) business days of receipt of the complaint from the County. In the event the Vendor fails to respond to the complaint within the prescribed time period, the complaint, as forwarded to the Vendor, shall become an effective Suspension or Debarment decision without further appeal.

D. In the event the Vendor files a timely and complete response to the complaint, the Procurement Management Director shall determine whether the Vendor should be suspended or debarred and, if applicable, the time period for such Suspension. The Procurement Management Director's decision shall be based on the facts set forth in the complaint, the Vendor's response and the parameters set forth in this Ordinance.

E. If the Vendor chooses to appeal the Procurement Management Director's determination, the Vendor shall have three (3) business days to file an appeal with the Chair of the Board. At its next available meeting, the Board shall review the Suspension or Debarment record compiled by the Procurement Management Department and the Vendor. If the original decision to suspend or debar is determined to be proper and justified, the Vendor shall be suspended or debarred.

8.6. Suspension or Debarment Period.

A. **Suspension.** The County Manager or Designee, or the Board in the case of an appeal, shall determine the period of Suspension. Such period shall be commensurate with the severity of the cause(s). At the conclusion of the Suspension period, the Vendor shall automatically be reinstated to the status of active Vendor and be eligible to submit Bids, Proposals, Quotations, or otherwise conduct business with the County.

B. **Debarment.** The period of Debarment shall remain in effect until the Vendor is reinstated to the status of active Vendor.

C. **Reinstatement.** A suspended or debarred Vendor may appeal for reinstatement at any time during the Suspension or Debarment period based on one or more of the following reasons:

1. Newly discovered relevant and material evidence that would have changed the County's decision;
2. A reversal of the conviction, civil judgment or other action upon which the Suspension or Debarment was based;
3. Bona fide change in ownership or management;
4. Elimination of other causes for which the Suspension or Debarment was imposed; or
5. Other reasons that the Board deems appropriate.

D. The Vendor's appeal for reinstatement shall be based on one or more of the aforementioned reasons. The Procurement Management Department, with the assistance of the affected Department, shall have thirty (30) business days from receipt of such appeal to submit a written response thereto. The matter will be presented to the Board for a final determination at its next available meeting.

SECTION 9. PUBLIC RECORDS AND PUBLIC MEETINGS.

9.1. Public Records.

A. The County is governed by the State Public Records Laws provided in Chapter 119, Florida Statutes, and Article I, section 24(a) of the Florida Constitution. Pursuant to current State law, Responses to Competitive Procurements received by the County are exempt until the County provides the Notice of Intended Decision or until thirty (30) calendar days after opening, whichever occurs first. Certain proprietary and financial information from Vendors may also be trade secrets, confidential, or otherwise exempt from public disclosure.

B. If the County rejects all Responses received pursuant to a Competitive Procurement and concurrently provides notice of its intent to reissue the Competitive Procurement, the rejected

Responses remain exempt until the County provides the Notice of Intended Decision for the reissued Competitive Procurement or until the County withdraws the reissued Competitive Procurement. Responses may not remain exempt for more than twelve (12) months from the date the County rejected all Responses.

C. Unsolicited Proposals for Qualifying Projects and any Responses from a resulting Competitive Procurement pursuant to Section 5.5 of this Ordinance are subject to the following rules:

1. If the County does not elect to issue a Competitive Procurement for the Qualifying Project, the Unsolicited Proposal shall cease to be exempt 180 calendar days after receipt by the County.

2. If the County issues a Competitive Procurement for the Qualifying Project, the provisions of paragraphs A. and B. of this section shall apply except that Responses may not remain exempt for longer than 90 calendar days from the date the County rejected all Responses.

D. Official records and documents shall be retained per the requirements set forth in the Florida Statutes regarding records retention.

9.2. Public Meetings.

A. The County is governed by the State public meeting laws as provided in Section 286.011, Florida Statutes, and Article I, Section 24(b) of the Florida Constitution. Any meetings of a committee where presentations, rankings, short listings, or other Award decisions are to be made shall be done at a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes.

B. Any portion of a meeting at which a negotiation with a Vendor is conducted pursuant to a Competitive Procurement, at which a Vendor makes an oral presentation as part of a Competitive Procurement, or at which a Vendor answers questions as part of a Competitive Procurement is exempt from Section 286.011, Florida Statutes.

C. Any portion of a Negotiation Team meeting at which negotiation strategies are discussed is exempt from Section 286.011, Florida Statutes.

D. Any portion of a meeting at which an exempt Unsolicited Proposal is discussed pursuant to Section 5.5 of this Ordinance is exempt from Section 286.011, Florida Statutes.

E. For all Competitive Procurements except for Unsolicited Proposals and Competitive Procurements in accordance with Section 5.5, a complete recording shall be made of any meeting, or portions thereof, that are exempt from State public meeting laws. The recording of, and any records presented at, the exempt meeting are exempt from Section 119.07(1), Florida Statutes, until the County provides its Notice of Intended Decision or until thirty (30) calendar days after opening the Bids, Proposals, or final replies, whichever occurs first.

F. For Unsolicited Proposals for Qualifying Projects and any resulting Competitive Procurement in accordance with Section 5.5 of this Ordinance, a complete recording shall be made of any meeting, or portions thereof, that are exempt from State public meeting laws. The following rules shall then apply:

1. The recording of, and any records presented at, the exempt meeting are exempt from Section 119.07(1), Florida Statutes, until the County provides its Notice of Intended Decision or until 180 calendar days after receipt of the Unsolicited Proposal if the County does not issue a Competitive Procurement for the Qualifying Project.

2. If the County issues a Competitive Procurement for the Qualifying Project, rejects all Responses and concurrently provides notice of its intent to reissue a Competitive Procurement, the recording and any records generated at the exempt meeting remain exempt from Section 119.07(1), Florida Statutes, until such time as the County provides its Notice of Intended Decision concerning the reissued Competitive Procurement or until the County withdraws the reissued Competitive Procurement for such project.

3. A recording and any records generated during an exempt meeting are exempt for no longer than 90 calendar days after the initial notice by the County rejecting all Proposals.

SECTION 10. GRANTS.

A. Expenditures from funds Awarded to the County through a grant or government loan may require special processing because of specific legal terms and conditions placed by the funding agency. Grants often have certain purchasing requirements that are different or additional to the County's Procurement Ordinance and they require special purchasing procedures. It is the responsibility of the using Department to identify any special purchasing requirements or provisions, notify the Procurement Management Department of them, and to ensure that all requirements are followed.

B. For federal and State grant funded projects the County shall follow the Procurement process required by the funding agency and grant agreement. Unless otherwise specified in the grant, all grant funded Purchases shall follow the County's Procurement Ordinance.

C. The provisions of 2 Code of Federal Regulations (CFR) Part 200 and Chapter 73C-23, Florida Administrative Code (F.A.C.) are hereby incorporated herein by reference and shall be applicable to Procurements funded pursuant to a grant agreement that is governed by those provisions.

D. Purchases utilizing Federal Transit Administration (FTA) and/or other federal funds must comply with all requirements of Title 2 of the Code of Federal Regulations (CFR) and FTA Circular C 4220.1F, as amended from time to time, and the resulting Contract shall include all federal Contract clauses, as applicable.

SECTION 11. SURPLUS PROPERTY

11.1. Obtaining Surplus Property.

A. The Procurement Management Department has the authority to obtain property from authorized surplus property programs such as other government agencies, manufacturers, Businesses or public auction when Purchased in accordance with the thresholds established in Section 3.2 of this Procurement Ordinance.

B. Surplus property obtained from another government agency (e.g. a county or a city) shall be reviewed and the appropriate process determined by the Procurement Management Department on a case-by-case basis.

SECTION 12. DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND MINORITY BUSINESS ENTERPRISE PROGRAM (MBE).

A. The purpose of the DBE/MBE program is to provide guidance for outreach to DBE/MBE to ensure awareness and opportunities of doing business with the County.

B. The DBE/MBE program shall only apply to those Projects, Services, or Commodities funded by a federal or State grant or agreement having DBE/MBE and, not otherwise covered by a DBE/MBE program. The Procurement Management Department will ensure compliance with this purpose by ensuring its requirements are included in Informal Procurement and Competitive Procurement as it applies to both primary and sub-contractors.

C. The County will accept certification of DBE/MBE status from the State of Florida Office of Supplier Diversity and the Florida Department of Transportation (FDOT) DBE program in lieu of creating its own certification program. The County may also consider and accept certification from other State of Florida, county or city programs on a case-by-case basis.

D. The County will utilize the State of Florida Office of Supplier Diversity and, when appropriate, FDOT directories to notify certified DBE/MBE Vendors of Procurement opportunities in the County. The efforts of such outreach shall be maintained in the original Procurement Solicitation file.

E. Each Vendor that intends to use sub-contractors shall also use the State of Florida Office of Supplier Diversity and, when deemed appropriate, FDOT directories to solicit DBE/MBE for sub-contracting opportunities under a primary Contract. Each Vendor that intends to use sub-contractors shall be responsible for documenting outreach activities in accordance with the Competitive Procurement Solicitation and the Contract.

SECTION 13. CODIFICATION AND SCRIVENER'S ERRORS. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Lee County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent. Any typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his/her Designee, without the need for a public hearing.

SECTION 14. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of

competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**SECTION 15. MODIFICATIONS THAT MAY ARISE FROM
CONSIDERATION AT PUBLIC HEARING**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing. Such modifications shall be incorporated into the final version.

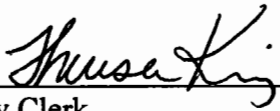
SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Hamman. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

PASSED AND DULY ENACTED by the Board of County Commissioners of Lee County, Florida in regular session, this 18th day of September, 2018.

ATTEST:
LINDA DOGGETT, CLERK

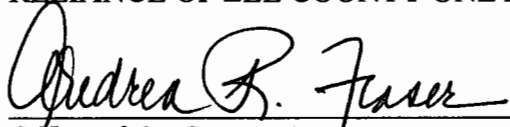
BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Office of the County Attorney

September 19, 2018

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Theresa King

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-22, which was filed in this office on September 19, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
By tking at 3:50 pm, Sep 19, 2018



Lee County

Fixed Asset User Guide

Prepared by the Lee County Clerk of Courts
General Accounting Office, Finance & Records Department
E-mail: FixedAssets@leeclerk.org Phone: (239) 533-2100

Revised May 2021

Table of Contents

<i>Overview</i>	Page
Authoritative Guidance	2
Definitions, Capitalization Thresholds, and Useful Lives	2
Maintenance vs. Improvements and Operating Projects vs. Capital Projects	4
Acquiring Assets	4
Tagging Assets	5
Asset Location, Condition, or Value Change	5
Transferring Assets	5
Disposing Assets	6
Lost Assets	6
Change in Custodian or Property Control Clerk	6
Inventorying Assets	7
Contact Information	7

E1 Inquiries and Reports

Fixed Asset Inquiry in E1	8
Printing Fixed Asset Inventory Reports from E1	9

Fixed Asset Property Control Form (FAPC) E-form Instructions

Completed FAPC e-form example	11
Explanation of Fields	11
Required Fields	23
Submitting the Form	25
Common Errors	25

Appendix

Fixed Asset Custodianship Form	28
Fixed Asset Disposition Form	29
Lee County Administration Code AC-3-14	30
Florida Administration Code-Rule Chapter 69I-73- <i>Tangible Personal Property Owned by Local Governments</i>	35
Chapter 274, <i>Florida Statutes</i>	39

Lee County Fixed Asset User's Manual

Fixed Asset Overview

Authoritative Guidance

The requirements and procedures for acquiring, capitalizing, tagging, transferring, disposing, and inventorying property, buildings, improvements, land, infrastructure, and intangible assets (collectively referred to as capital assets) are governed by several authoritative bodies and documents such as: Florida Administration Code-Rule Chapter 69I-73- *Tangible Personal Property Owned by Local Governments*, Chapter 274, *Florida Statutes*, Lee County Administrative Code AC-3-14, Lee County Purchasing Manual, Financial Accounting Standards Board pronouncements, Governmental Accounting Standards Board (GASB) Statement Number 34, *Basic Financial Statements- and Management's Discussion and Analysis- for State and Local Governments*, Governmental Accounting Standards Board Statement Number 42, *Accounting and Financial Reporting for Impairment of Capital Assets and for Insurance Recoveries*, and Governmental Accounting Standards Board Statement Number 51, *Accounting and Financial Reporting for Intangible Assets*.

Definitions, Capitalization Thresholds, and Useful Lives

According to Section 274.02(1), *Florida Statutes*, the word "property" is defined as fixtures and other tangible personal property of a non-consumable nature. Tangible personal property includes buildings, equipment, computer equipment, furniture, and vehicles and rolling stock. According to GASB Statement No. 34, paragraph 19, "capital assets" are tangible and intangible assets acquired for use in operations that will benefit more than a single fiscal period. Capital assets include land, buildings, building improvements, vehicles, machinery, equipment, infrastructure, and intangible assets such as software. GASB Statement No. 51 defines intangible assets as easements, water rights, timber rights, patents, trademarks, and computer software (discussed further below).

Pursuant to Florida Administration Code-Rule Chapter 69I-73.002, all property with a value of \$5,000 or more with a projected useful life of one year or more and "attractive items" with a value less than \$5,000 shall be recorded in the local government's financial system as property for inventory purposes. "Attractive items" are defined as tangible personal property used in operations that has a cost less than the established capitalization threshold and that requires special attention to ensure legal compliance, protect public safety, and avoid potential liability, or to compensate for a heightened risk of theft. GASB Statement No. 34 states that all capital assets must be capitalized, whether depreciable or non-depreciable, and reported in the government's financial statement, however the government can elect a threshold that suits their needs.

The County uses a threshold of \$5,000 for all assets except infrastructure, software, and land. Infrastructure and software are assigned a \$100,000 capitalization threshold. Land is always capitalized at the amount expended and has an unlimited useful life, therefore is not depreciated. Attractive items are always recorded regardless of cost.

A fixed asset must be capitalized with the associated costs to place the asset in service, such as shipping and set-up fees. A fixed asset can contain components that can be either removable or non-removable, and in some cases the removable components can be used with other fixed assets. Either non-removable components or components that is necessary for an asset to be operational, whether removable or non-removable, are considered part of the total asset cost and should be capitalized and tagged as such. Removable components that can be used with different assets should be capitalized and tagged separately. Situations involving components need to be analyzed on a case by case basis.

All capital assets are a part of the inventory system accounted for in a Fixed Asset Module in our accounting software system, E1, thereby the group and associated process is referred to as "fixed assets" which is what it will be referred to throughout this guide. "Asset" is another term that will be used throughout this guide that refers to a capital asset in the fixed assets group.

Lee County Fixed Asset User's Manual

Tangible Assets

- **Land** – Land should always be reported separate from associated assets and should include the cost of initial preparation only if preparations have indefinite useful life (excavation, fill, grading, moving power lines).
- **Artwork**
- **Buildings** – Buildings include office buildings, firehouses, garages, jails, and parks and recreational buildings.
- **Improvements** – Land improvements such as fences, bus and picnic shelters, playgrounds, and irrigation systems
- **Infrastructure** – Infrastructure assets are defined as public domain fixed assets such as roads, bridges, curbs and gutters, streets, sidewalks, drainage systems, lighting systems, and similar assets that are immovable and of value only to the government unit. Other examples of infrastructure are parks, concrete/asphalt bike paths, trestles, canals, waterways, wharves, weirs, docks, seawalls, bulkheads, boat ramps, piers, boardwalks, water control structures, culverts, water lines, fire hydrants, airport runways/strips, airport taxiways, and airport aprons.
- **Equipment** – Equipment is separated into the following sub-groups.
 - Minor equipment - Equipment (not included in another category) valued between \$5,000 and \$10,000.
 - Major equipment - Equipment (not included in another category) valued at \$10,000 or more.
 - Computer equipment
 - Furniture and fixtures – Note - modular furniture is unique subset of furniture in that the cost of tracking each separate item outweighs the benefit of doing so; therefore can be capitalized in groups as one asset. The groups can be in the same area, office, or floor, and must be identified as such.
 - Licensed road vehicles - Cars, trucks, vans, golf carts, etc.
 - Large vehicles and rolling stock - Buses, ambulances, heavy duty trucks, tractors, heavy duty equipment, and trailers.
- **Attractive Items** – Attractive Items includes all assets purchased with grants, weapons/firearms, portable computers, and portable generators less than the \$5,000 threshold.

Intangible Assets

GASB Statement No. 51 sets the rules for reporting intangible assets which include software, easements, right-of-ways, water rights, patents, and trademarks. To qualify as an intangible asset it must be identifiable and it must meet *one* of the following conditions: (1) capable of separation from the government through sale, transfer, exchange, or rent or (2) arise from legal rights, whether those rights are transferred or not.

- **Easements and Right-of-Ways** – Easements and Right-of-Ways must be capitalized separately from land and thereby have a separate Accounting Class on the Fixed Asset Property Control (FAPC) e-form.
- **Software** – Pursuant to GASB Statement No. 51 internally generated software is treated differently than a capital asset for tracking purposes; however, purchased software is no different from a capital asset thereby needs to follow the same process and procedures for both initial purchases and upgrades. One FAPC e- form should be completed per software purchase.
 - Internally generated software must be grouped into three (3) stages and only stages 1 and 2 are capitalized once completed. Stage 3 is always expensed, not capitalized.
 1. Preliminary Project Stage- Outlays for conceptual formulation, determination of needs and selection of alternatives for development should be expensed as incurred.
 2. Application Development Stage- Outlays for design, configuration, installation and testing should be considered work in progress and capitalized when operational.
 3. Post-Implementation/Operation Stage- Outlays for application, training and maintenance should be *expensed* as incurred.
- **Other Intangible Assets** – Other intangible assets, such as water rights, patents, and trademarks are grouped into the Other Intangible Assets Accounting Class code. For these types of intangible assets please contact the General Accounting Office at 533-2100 for further direction.

Lee County Fixed Asset User's Manual

The fixed asset categories and their corresponding useful lives in years are as follows:

Descriptions	Object Code	Accum Depr	Expense	Prop Code	Minimum Value/Cost	E1 Default Life	Category Range
Land	161900	N/A	5061xx	1	Always Capital	Non-depreciable	N/A
Easements	166100	N/A	5061xx	13	Always Capital	Non-depreciable	N/A
Right of Way	166110	N/A	5061xx	14	Always Capital	Non-depreciable	N/A
Artwork	166950	N/A	5067xx	10	\$5,000 +	Non-depreciable	N/A
Building	162900	163900	5062xx	2	\$5,000 +	50 yrs.	30 – 50 years
Improvements	164900	165900	5065xx	3	\$5,000 +	15 yrs.	6 – 50 years
Minor Equipment	166900	167900	506410	4	\$5,000 to \$9,999	10 yrs.	3 – 35 years
Major Equipment	166910	167910	506410	5	\$10,000 +	15 yrs.	3 – 35 years
Infrastructure	170900	170910	5063xx	6	\$100,000 +	40 yrs. 30 yrs. (Utilities)	20 – 50 years
Computer Equipment	166920	167920	506410	7	\$5,000 +	3 yrs.	3 – 10 years
Furniture & Fixtures	166940	167940	506410	9	\$5,000 +	5 yrs.	4 – 20 years
Licensed Road Vehicles	166960	167960	506430	11	\$5,000 +	7	3 – 10 years
Large Vehicles & Rolling Stock	166970	167970	506430	17	\$5,000 +	10 yrs.	10 – 12 years
Software	166120	166520	506810	16	\$100,000 +	5 yrs.	3 – 5 years
Attractive Items	166999	N/A	505281	18	No Minimum	N/A	N/A

Maintenance vs. Improvements and Operating Projects vs. Capital Projects

Some projects seem to be “capital” in nature, however pursuant to certain accounting standards they have to be classified as maintenance/operating projects and expensed when incurred as opposed to being capitalized when completed. Maintenance and operating projects are those that allow the asset to continue to be used during its originally established life and can possibly extend the life. Projects that involve a non-County owned asset are also classified as maintenance and operating projects. Examples of maintenance and operating projects are beach re-nourishment, road and parking lot resurfacing, sign replacement, fence replacement, roof replacement, and building repair and maintenance projects, to name a few.

Improvements, unlike a repair, either enhances an asset's functionality (effectiveness or efficiency), or it extends the asset's useful life. A change in capacity increases the level of service provided by an asset. A change in efficiency maintains the same service level, but at a reduced cost. Examples of such projects are adding lanes to an existing road or increasing weight capacity of a bridge. Capital projects build or create assets, such as the Midpoint Bridge project. Improvements and capital projects need to be capitalized when completed.

Some projects are “mixed” in that they are a combination of maintenance and capital acquisitions. A project that is classified as maintenance may have some capital purchases and capitalized assets. This does not preclude the total project from being classified as maintenance or operating project. The same is true for capital projects that have maintenance costs that are not capitalized. Each project and its related expenditures need to be evaluated on a case by case basis to determine its classification.

Acquiring Assets

The process of obtaining a fixed asset begins with the purchasing procedures that can be referred to in the current Purchasing Manual. Any fixed asset, that is required to be capitalized per County Administration Code AC-3-14, must be purchased out of a 506xxx object account (except Attractive Items use 505281) and a Fixed Asset Property Control (FAPC) e-form completed. Most capital assets are addressed in OnBase but if an asset is purchased outside of the OnBase system a FAPC e-form must be completed and e-mailed to the General Accounting Office's fixed asset mailbox at FixedAssets@leeclerk.org referencing NEW ASSET in the subject line. In OnBase, an electronic form will appear during the invoice approval process, which needs to be wholly completed. The initial FAPC e-form for the acquisition can be completed by the custodian, property control clerk, or designated fiscal personnel. If someone other than the property

Lee County Fixed Asset User's Manual

control clerk or custodian is completing the FAPC e-form for a purchase, the custodian or property control clerk should be notify that a purchase has been made and a FAPC e-form completed. Those who do not have e-mail will have to send a signed hard copy.

Tagging Assets

The fixed asset tags are issued in numerical order from the General Accounting Office by the Fixed Asset Coordinator. The exception is departments that purchase assets in large quantities who are pre-issued a group of tags. The County has elected to use tags with a pressure sensitive adhesive for most assets. Assets experiencing extreme or unusual environmental conditions should be tagged in some manner that will identify the asset permanently. In the placement of tags many factors should be considered. The tag should be placed in an area that is easily spotted without causing a detraction or obstruction and should not modify or destruct the asset in doing so. The asset should be tagged as soon as the tag is received or as soon as possible thereafter.

Consistency in the tag placement should be followed with the County guidelines as follows:

- Desks and Tables- front of left leg just below top
- Chairs- back of chair seat
- Files, cabinets, lockers, racks, etc.- front top, left corner
- Machinery and equipment- attach where convenient, preferably above or below the identification plate
- All other equipment- same as machinery and equipment

Tags that are lost or destroyed must be reported to the Fixed Asset Coordinator. If a tag has been removed or has fallen off it must be returned to the Fixed Asset Coordinator. If an employee notices that a tag is missing they must notify their department/division head. In these cases a replacement tag will be provided by the Fixed Asset Coordinator after receipt of a memo requesting one. When disposing an asset the tag should not be removed until the asset is picked-up by the new owner.

Asset Location, Condition, or Value Change

Often an asset experiences a change in site/building location, dollar amount, or condition, just to name a few. The appropriate information must be filled out on a FAPC e-form and e-mailed to the Fixed Asset Coordinator via the General Accounting Office's fixed asset mailbox at FixedAssets@leeclerk.org referencing CHANGE ASSET in the subject line. Again, those who do not have e-mail will have to send a signed hard copy.

Transferring Assets

Ownership of assets can be transferred from one custodian to another. The appropriate information must be filled out on a FAPC e-form and e-mailed to the Fixed Asset Coordinator via the General Accounting Office's fixed asset mailbox at FixedAssets@leeclerk.org referencing TRANSFER ASSET in the subject line. With a change in ownership the form must be e-mailed from the receiving custodian or property control clerk. Again, those who do not have e-mail will have to send a signed hard copy.

Disposing Assets

Disposals can be in the form of lost, stolen, sold, donated, traded-in, or junked assets. All dispositions, regardless of method of disposition, must have a completed *Fixed Asset Disposition Form* accompany the FAPC e-form and must contain both the signature of the responsible custodian and a witness to the disposition. Pursuant to the Florida Administration Code-Rule Chapter 69I-73.005(d), the disposition must be witnessed and the identity of the witness recorded in the fixed asset record. In addition, all dispositions must have the appropriate disposal documentation attached such as: a charitable contribution receipt, sales receipt, paperwork on trade-in, landfill receipt, or police report if stolen. If assets are sold at auction the appropriate paperwork, which includes a list of assets sold, can be

Lee County Fixed Asset User's Manual

submitted in lieu of individual forms. This is the only exception and must contain the proper authorization.

Assets that are stolen must be reported to the appropriate law enforcement agency immediately and a copy of the police report must accompany the *Fixed Asset Disposition Form* and FAPC e-form in order to remove the asset from inventory.

Email the completed FAPC e-form and all appropriate information to the Fixed Asset Coordinator via the General Accounting Office's fixed asset mailbox at FixedAssets@leeclerk.org referencing DISPOSE ASSET in the subject line. The appropriate paperwork and *Fixed Asset Disposition Form* must either be attached to the e-mail or a hard copy sent in addition to the FAPC e-form and noted as such. Again, those who do not have e-mail will have to send a signed hard copy.

Pursuant to the Florida Administration Code-Rule Chapter 69I-73.005(b), authority for disposition needs to be properly recorded in the minutes; therefore, no disposals will be allowed during the month of September so that a list of all disposals for the fiscal year can be brought before the Board of County Commissioners for acceptance.

Lost Assets

Fixed assets are considered lost when they cannot be located and have not been stolen, junked, donated, transferred, sold, or traded-in. A FAPC e-form must be completed and sent to the Fixed Asset Coordinator at which time the asset will be placed in a "lost" status. Florida Administration Code-Rule Chapter 69I-73 requires a thorough investigation to be conducted and if the asset is not located as a result of the investigation then a report must be filed with the appropriate law enforcement agency describing it as "missing". The asset will stay in a lost status and remain on the inventory report for two (2) physical inventory counts unless recovered. If the asset is recovered a FAPC e-form must be completed to place it back to active status. If the asset is not recovered after two inventory counts a FAPC e-form must be completed to officially dispose of the asset. A copy of the police report *must* accompany the *Fixed Asset Disposition Form* and FAPC e-form in order to remove the asset from inventory. The steps taken to recover the lost asset must also be documented in the *Details of Disposition* section on the *Fixed Asset Disposition Form*.

Change in Custodian or Property Control Clerk

In the event of an addition, deletion, or change in a custodian or property control clerk assignment (not to be confused with an asset transfer) a *Fixed Asset Custodianship Form* needs to be completed and e-mailed to the Fixed Asset Coordinator via the General Accounting Office's fixed asset mailbox at FixedAssets@leeclerk.org. No accompanying FAPC e-form is necessary.

Inventorying Assets

Each year, normally in April, the General Accounting Office distributes an annual inventory memo that outlines the due dates for the annual inventory process. Florida Administration Code-Rule Chapter 69I- 73 states that each governmental unit shall ensure a complete physical inventory of all property is taken annually *and* whenever there is a change of custodian or change of custodian's delegate. The inventory must indicate the existence of a property item and present physical condition. This will aide in determining if there is impairment or potential impairment of an asset.

Also, to satisfy the needs of our external auditors, we are required to take an annual inventory of all capital assets so that the financial statements will be properly stated.

Pursuant to GASB Statement No. 42, a capital asset is considered impaired when its service utility has declined significantly and unexpectedly. A capital asset generally should be considered impaired if both (a) the decline in service utility of the capital asset is large in magnitude and (b) the event or change in circumstance is outside the normal life cycle of the capital asset. If impairment is detected the asset's value needs to be adjusted accordingly. Please contact the General Accounting Office at 533-2100 for further assistance with an asset value adjustment due to impairment.

Lee County Fixed Asset User's Manual

The inventory reports are available in E1 and can be accessed by the user at any time (see E1 Inquiries and Reports). For the users who do not have access to E1, an inventory report can be obtained by request from the Fixed Asset Coordinator. Pursuant to the Florida Administration Code- Rule Chapter 69I-73.006(5), the custodian delegate (property control clerk) *shall not personally inventory* items for which they are responsible; therefore, the inventory should be counted by someone other than the custodian or property control clerk. The current condition will print for all assets and must be confirmed with a checkmark or indicated that there is a change in the reported condition of the asset. Any other changes to an asset that are noticed during the inventory process must be noted on a FAPC e- form and sent to the Fixed Asset Coordinator just as any other change.

The inventory report contains an attestation statement that the signor is confirming that all information on the inventory report is true and accurate. To complete the physical inventory process the signed inventory report needs to be returned to the Fixed Asset Coordinator.

Contact Information

To speak with someone about a fixed asset related question or issue, please call the Finance Department's main number at 533-2100 or email FixedAssets@leeclerk.org. The General Accounting Office, in the Finance Department, is located in the Administration Building at 2115 Second Street on the 3rd floor.

Lee County Fixed Asset User's Manual

E1 Inquiries and Reports

Fixed Asset Inquiry in E1

There are several ways to inquire about a fixed asset in the E1 Fixed Asset system. First locate the fixed asset Processing menu in E1 and select the Fixed Asset Master (P1204) option. A search can be done by any item, or combination of items, on the QBE row except for Location Description. A search can also be done by item(s) contained in the tabs including custodian and/or property clerk. To search by property clerk and/or custodian click on the Cat Codes 21,22,23 tab and enter the property clerk and/or custodian number(s) in the appropriate field(s) and click "find". When uncertain a drop-down list is available for all fields.

Fixed Asset Master - Work With Assets

Display Additional Selections Cat Codes 1-10 Cat Codes 11-20 **Cat Codes 21,22,23**

Responsible Area: 232203
 Group: *
 Custodian: *

Asset Master Depreciation Info Cost Summary Disposal Split Location Inquiry

Records 1 - 20 > > >

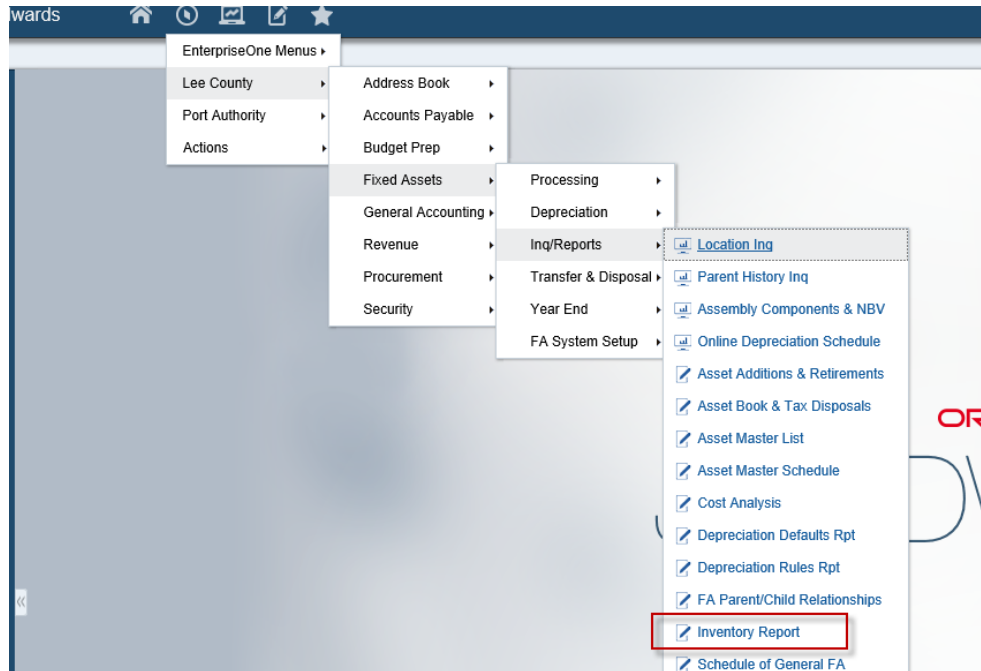
Asset Number	Asset Description	Dis Cd	Equipment Status	Location	Location Description	Begin Date	Expec Ret Dt	Asset Description 2
399	1982 CLARK DIESEL PNEUMATIC TI		Active	SB1644-0001	UTILITIES WAREHOUSE - 5180...	10/03/2003		RES C500-Y155D 0052
1127	REPLACES 19338	S	Sold	SB2214-9994	VEHICLES FOR SITE 2214	09/30/2009		
1326	FORD EXPLORER	S	Sold	SB1644-0001	UTILITIES WAREHOUSE - 5180...	06/30/2010		
1328	FORD TRUCK	S	Sold	SB1644-0001	UTILITIES WAREHOUSE - 5180...	06/13/2005		
1329	FORD TRUCK	S	Sold	SB1644-0001	UTILITIES WAREHOUSE - 5180...	06/16/2010		
1339	FORD TRUCK	S	Sold	SB1644-9994	VEHICLES FOR SITE 1644	10/01/2002		

For additional information including general ledger account numbers, book value, location, and depreciation information, the Row Exit has the following options available: Asset Master, Additional Information, Category Codes, Depreciation Information, Cost Summary (then click "Find"), Location, Location Inquiry, and Attachments.

Lee County Fixed Asset User's Manual

Printing Inventory Reports in E1

An inventory report can be run at any time by locating the Fixed Asset -> Inq/Reports menu as seen below and selecting Inventory Report (R55120004) option. There are two standard inventory reports, one to report assets by property clerks (AINVPROP) and one for custodians (AINVCUST).



Select the appropriate report and enter the correct property clerk (BC Code F/A 21 (F1201)) or custodian (BC Category Code F/A 23 (F1201)) number in the appropriate field when the Data Selection appears. If more than one property clerk/custodian numbers are entered their fixed assets will be co-mingled since the page breaks by site/building location

ORACLE® JD Edwards

Lee County > Fixed Assets > Inq/Reports

Open Applications

- Home
- Inventory Report
- Recent Reports
- Favorites

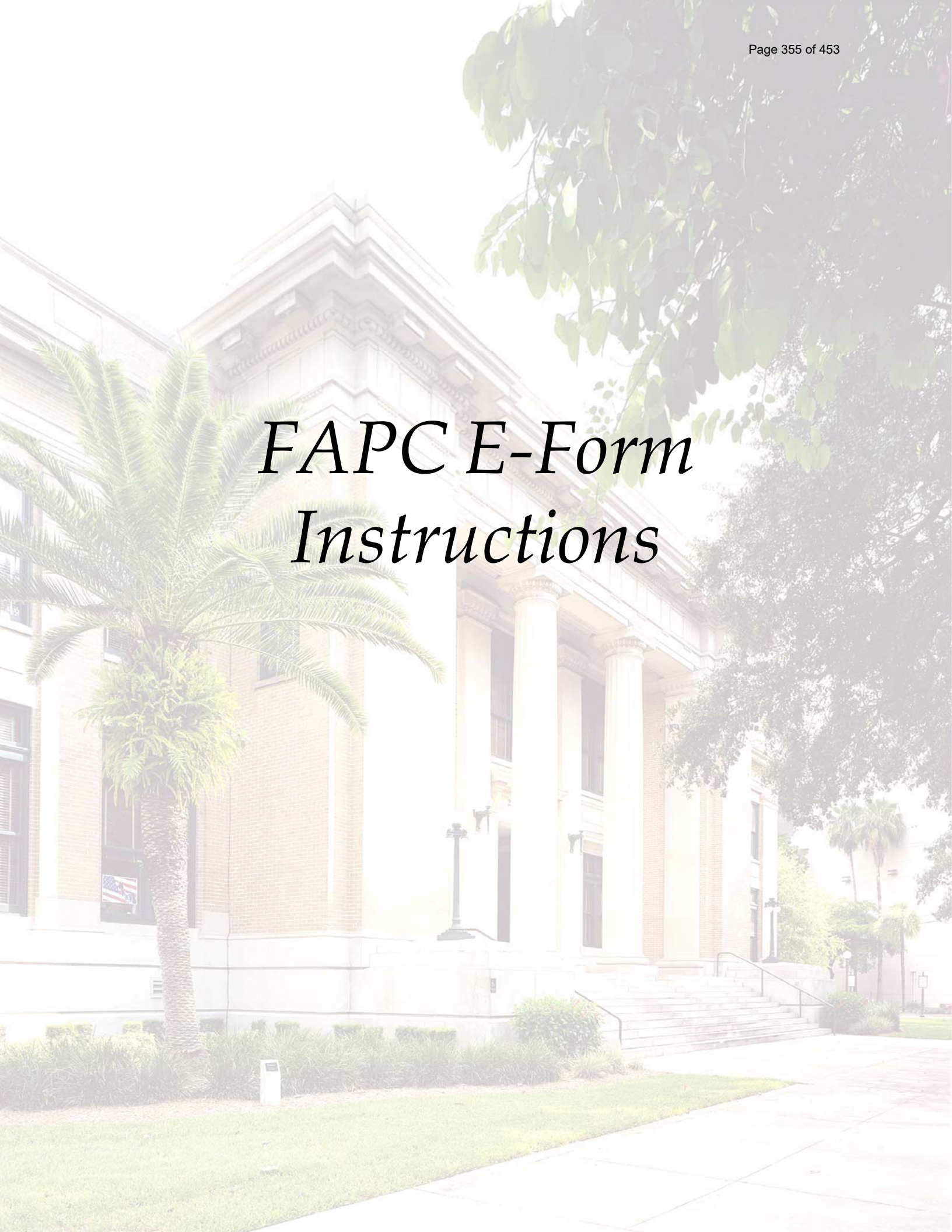
Work With Batch Versions - Available Versions

Batch Application: R55120004 Fixed Asset Inventory Report For Lee County

Read Only Report (Y/N):

Records 1 - 20

<input type="checkbox"/>	Version	Version Title	User	Last Modified	Security	Description
<input type="checkbox"/>	ACUSTODIAN	CUSTODIAN VERSION SORTED BY SITE BUILDING	AMBROSDL	05/16/2005	1	Medium Security
<input type="checkbox"/>	ADMINVCS	ASSET INVENTORY	COUNTYINQ	08/04/2016	0	No Security
<input type="checkbox"/>	AH	By Site/Building	HENKELA	06/08/2016	0	No Security
<input checked="" type="checkbox"/>	AINVCUST	Inventory Report by Custodian	COUNTYINQ	08/04/2016	0	No Security
<input type="checkbox"/>	AINVPROP	Inventory Report by Property Clerk	SSMITHTEST	05/28/2020	0	No Security
<input type="checkbox"/>	AINVPROP1	Inventory Report by Property Clerk	COUNTYINQ	08/04/2016	0	No Security
<input type="checkbox"/>	ALEE0001	Betty's Version of Property Control Clerk	HCOLLIER	11/03/2017	0	No Security
<input type="checkbox"/>	ALEE002	INVENTORY BY SITE/BUILDING ONLY	KTESTER	07/16/2019	0	No Security
<input type="checkbox"/>	ALEE003	INVENTORY SORTED BY PROPERTY CLERK AND SITE/BLDG	CONDONKB	06/07/2016	0	No Security
<input type="checkbox"/>	ANNUAL_RPT	AREA OF RESPONSIBILITY SORTED BY SITE BUILDING	AMBROSDL	06/21/2002	1	Medium Security
<input type="checkbox"/>	ASITEBLDG	SITE BUILDING SORTED BY CUSTODIAN	PSULLIV	12/28/2006	1	Medium Security
<input type="checkbox"/>	BEV	Inventory by Property Control Clerk	PSULLIV	12/28/2006	1	Medium Security
<input type="checkbox"/>	BEV1	Inventory Report by Custodian	PSULLIV	08/09/2011	1	Medium Security



FAPC E-Form Instructions

Lee County Fixed Asset User's Manual

1 ☐ New ☐ Change ☐ Dispose

2 Fixed Asset Tag Number

3 Serial Number / VIN **4** Effective Date **5** Purchase Order **6** Item Number

7 Asset Description 1 **8** Asset Description 2 **9** Manufacturer **10** FINANCE USE ONLY Parent One World Asset Id

11 Model Number **12** Title Certificate Number **13** Vendor Number **14** Invoice Number

15 Warrant Number **16** Warrant Date **17** Government Code **18** Accounting Class **19** Acquisition Method **20** Site/Building Code

21 Single / Split 1 Split 2 Split 3 Split 4 Split 5 Split 6

22 Company / Program Project S t

23 Grant Funding Sources

24 Total Asset Cost **25** Title Code **26** Disposal Code **27** Auction/Sale/Trade Price

28 Receiving Property Clerk/Custodian Name **29** Releasing Property Clerk/Custodian Name

30 Area Number **31** Group Number **32** Custodian Number **33** Area Number **34** Group Number **35** Custodian Number

Comments

Explanation of Fields

Action Boxes

1 ☐ New ☐ Change ☐ Dispose

Only one action box can be checked. Select the appropriate box based on the following:

- New - Check this box when reporting the acquisition of an asset for the first time.
- Change - Check this box when reporting a change to any previously submitted information (including, but not limited to, transfers, changes in custodian, site/building location, cost).
- Dispose - Check this box when disposing (selling, junking, trading in, donating outside County ownership) an asset.

Lee County Fixed Asset User's Manual

Fixed Asset Tag Number

2	
	<i>FIXED ASSET TAG NUMBER</i>

The Fixed Asset Coordinator will assign the Fixed Asset Tag Number and issue a pre-printed sticker to be affixed to the asset. This field is to be filled in by:

- The Department/Division when submitting the form if the asset tag number has been pre-issued (i.e. Fleet, ITG, Clerk's ISD) or to report any actions to this asset after the initial acquisition submission.
- The Fixed Asset Coordinator after the form is received from the Department/Division if the tag number will be assigned at time of invoice payment.

Serial Number/VIN

3	
	<i>SERIAL NUMBER/VIN</i>

Department/Division to enter the serial number, or in the case of an automobile, the vehicle identification number (VIN).

Effective Date

4	
	<i>EFFECTIVE DATE</i>

This date field is to be filled in by the Department/Division with the effective date of the action indicated in the Action Boxes.

Purchase Order

5	
	<i>PURCHASE ORDER</i>

Department/Division is to enter the purchase order number used to purchase the asset.

Item Number

6	
	<i>ITEM NUMBER</i>

BOCC Department/Division is to enter the same item number used on the purchase order to specify the asset. This field replaces the previously used keyword field. Constitutional Officer Department/Divisions will continue to enter a keyword in this field.

Lee County Fixed Asset User's Manual

Asset Description 1

7	ASSET DESCRIPTION 1

Department/Division is to enter a primary description up to 30 characters for the asset (includes spaces).

Asset Description 2

8	ASSET DESCRIPTION 2

Department/Division may enter a secondary description up to 30 characters for the asset. Please note that this will not appear in the Fixed Asset Master file, only on the scanned/attached image of this form.

Manufacturer

9	MANUFACTURER

Department/Division is to enter the name of the manufacturer (i.e. Dell, IBM, Chevrolet, Hewlett-Packard, etc.) of the asset.

Finance Use Only

10	Finance Use Only
	Parent E1 Asset Id
	Finance Use Only

Fixed Asset Coordinator to enter the next number assigned by E1 at the time of asset input. The number will be identified as the E1 Id number in the E1 system.

Model Number

11	MODEL NUMBER

If the asset has a model number, the Department/Division is to enter the model number in this field, including automotives.

Lee County Fixed Asset User's Manual

Title Certificate Number

12	<i>TITLE CERTIFICATE NUMBER</i>

If the asset has a title certificate number and it is available at the time of recording the asset acquisition, the Department/Division is to enter the title certificate number in this field.

Vendor Number

13	<i>VENDOR NUMBER</i>

BOCC Department/Division to enter the E1 address book number that identifies the vendor from whom the asset was purchased. Constitutional Officer Departments will leave blank.

Invoice Number

14	<i>INVOICE NUMBER</i>

Department/Division to enter the invoice number in this field. If the invoice does not have a specific number, enter the date of the invoice in MMDDYY format.

Warrant Number

15	<i>WARRANT NUMBER</i>

In this field, Constitutional Officer Departments will enter the warrant number from the check used to pay for the asset. All BOCC Department/Divisions will leave this field blank

Warrant Date

16	<i>WARRANT DATE</i>

In this field, Constitutional Officer Departments will enter the warrant date from the check used to pay for the asset. All BOCC Department/Divisions will leave this field blank.

Lee County Fixed Asset User's Manual

Government Code

17

Government Code

0 - N/A
1 - BOCC
2 - Elections
3 - Clerk of Courts
4 - Tax Collector
5 - Property Appraiser
6 - N/A
7 - Health Department
11 - State Attorney
12 - Court Admin
13 - Public Defender
14 - Airport

Department/Division to use the drop down pick list to select the appropriate government code.

Accounting Class

18

Accounting Class

↓

- 1 - Land (61XX)
- 2 - Building
- 3 - Improvement
- 4 - Minor Equipment
- 5 - Major Equipment
- 6 - Infrastructure
- 7 - Computer Equipment
- 9 - Furniture and Fixtures
- 10 - Artwork
- 11 - Licensed Road Vehicles
- 13 - Easement(s)
- 14 - Right of Way(s)
- 16 - Software
- 17 - Large Vehicle and Rolling Stock
- 18 - Attractive Items

Department/Division to use the drop down pick list to select the appropriate asset accounting class based on the object code used on the purchase order. Select Minor Equipment for equipment over \$5,000 but less than \$10,000, and select Major Equipment for equipment over \$10,000.

Lee County Fixed Asset User's Manual

Acquisition Method

19

ACQUISITION METHOD

P - Purchased

B - Built

C - Contributed

D - Developer Contributed

F - Connection Fees

G - Grant

L - Capital Lease

Department/Division to use the drop down pick list to select the appropriate asset acquisition method.
If an asset is purchased using Grant funds, select Grant rather than Purchased.

Site/Building Code

20

SITE/BUILDING CODE

Department/Division to enter in this field the site/building code location where the asset will be stored. The site/building code is a 10 digit number beginning with the letters SB followed by the site/building location code (i.e. 1234-5678 is now SB1234-5678). An up to date list of site/building codes can be viewed in the E1 Asset Master Information grid column titled "Location" by using the flashlight and keying "FA" in th BU Ty column and clicking "Find"

Fixed Asset Master - Work With Assets

✓ 🔍 + 📄 ✖ 🔧 Row Form Tools

Display
Additional Selections
Cat Codes 1-10
Cat Codes 11-20
Cat Codes 21,22,23

Skip To Description

Resp. Business Unit

Skip to Unit Number

Business Unit - Location

Sequence Grid By

☒ Asset Number

☐ Asset Description

☐ User Defined

Asset Master
Depreciation Info
Cost Summary
Disposal
Split
Location Inquiry

Records 1 - 20 > 🔍

	Asset Number	Asset Description	Dis Cd	Equipment Status	Location	Location Description	Begin Date	Expec Ret Dt
<input type="checkbox"/>	399	1982 CLARK DIESEL PNEUMATIC TI		Active	SB1644-0001 UTILITIES WAREHOUSE - 5180...		10/03/2003	
<input type="checkbox"/>	1326	FORD EXPLORER	S	Sold	SB1644-0001 UTILITIES WAREHOUSE - 5180...		06/30/2010	
<input type="checkbox"/>	1328	FORD TRUCK	S	Sold	SB1644-0001 UTILITIES WAREHOUSE - 5180...		06/13/2005	

This is a required field; contact the Fixed Asset Coordinator prior to submitting the form if a new site/building code is needed for the asset or if you do not have access to E1 and need a hard copy of available site/building codes.

Lee County Fixed Asset User's Manual

Asset Accounting

21A	Company	
------------	----------------	--

BOCC Department/Division is to enter the Company (5 digit fund/subfund) purchasing the asset. Constitutional Officer Departments will enter the following company number:

- Supervisor of Elections 90002
- Clerk of Courts 90003
- Tax Collector 90004
- Property Appraiser 90005

21B	Program	
------------	----------------	--

Department/Division is to enter the Program (first 3 digits of program number) of the program using the asset.

21C	Project	
------------	----------------	--

If applicable, the Department/Division is to enter the Project Number (first 6 digits of business unit project number), to associate the asset with the Project. This field is also used for the grant number, if applicable.

21D	Split Cost	
------------	-------------------	--

The Department/Division is to enter the cost associated with the asset acquisition referred to in the column.

Split Funds (Company), Program, or Project

	Single / Split 1
Company	00100
Program	526
Project	N/A
Split Cost	2,400.00

Single account distribution: If only one company (fund/subfund) is involved in the acquisition of an asset and one program is involved in the use of an asset, the single distribution column is all that is necessary to be completed.

In the illustration above, General Fund (00100) purchases an asset to be used by Public Safety Ambulance and Rescue (Program 526). Another example of this type of acquisition would be: Fleet (Company 59400) purchases a vehicle to be used by Parks and Rec (Program 572). In this case, the company would be 59400 and the program would be 572.

Lee County Fixed Asset User's Manual

	Single / Split 1	Split 2	Split 3
Company	00100	15500	14800
Program	526	572	571
Project	N/A	201234	N/A
Split Cost	2,400.00	1,200.00	1,200.00

Split account distribution: If more than one company (fund/subfund) is involved in the acquisition of an asset and one or more programs is involved in the use of an asset, the split distribution method is necessary to be completed. In the example above, three different companies are involved in the acquisition of the asset that cost \$4,800.00 and three different programs will be sharing in the use of the asset. The split cost shows that company 00100 spent \$2,400.00 and companies 15500 and 14800 shared in the remaining \$2,400.00 equally.

Also, if only one company is involved in the acquisition of an asset, but more than one program is involved in the use of the asset, the split distribution method is necessary to be completed. See the sample below:

	Single / Split 1	Split 2	Split 3
Company	00100	00100	00100
Program	526	572	571
Project	N/A	201234	N/A
Split Cost	2,400.00	1,200.00	1,200.00

Grant Fund Sources



Grant Funding Sources	Source	Cost %

Source

↓

1 - Federal Grants (Subject to Single Audit)

2 - State Grants (Subject to Single Audit)

3 - Federal Assistance - Other

4 - State Assistance - Other

5 - Matching Funds

Lee County Fixed Asset User's Manual

For each cost field completed, whether single or more than one split, if the asset was acquired using grant funds, the grant funding sources distribution must be completed. The Department/Division is to use the drop down pick list to select the appropriate funding source and then key in the percentage of that source. There can be more than one funding source per cost distribution. The total source distribution percentages must equal 100% per cost distribution split.

Grant Funding Sources	Source	Cost %
	1 - Federal	75.00%
	5 - Match	25.00%

Total Asset Cost

23	TOTAL ASSET COST

This field will automatically calculate the Total Asset Cost based on the split cost columns filled in. This amount should be verified by the Department/Division to insure the correct splits have been entered.

Idle Code

24	IDLE CODE

I - Idle
 L - Lost/Stolen
 S - Surplus

Department/Division to use the drop down pick list to select the appropriate asset idle code if applicable.

Lee County Fixed Asset User's Manual

Disposal Code

25	DISPOSAL CODE
	<div style="border: 1px solid black; height: 30px; width: 100%;"></div> <div style="background-color: #f0f0f0; padding: 5px; margin-top: 5px;"> D - Donated L - Lost/Stolen S - Sold T - Trade-In X - Junk </div>

Department/Division to use the drop down pick list to select the appropriate asset disposal code.

Auction Sale/Trade Price

26	AUCTION SALE/TRADE PRICE
	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>

Department/Division to enter auction or trade in price of item in this field.

Comments

27	COMMENTS
	<div style="border: 1px solid black; height: 30px; width: 100%;"></div>

Department/Division or Fixed Asset Coordinator may use this free form field to enter any other relevant information for this asset. If there is a Grant Funding source indicated above, use this field to enter the Grant Number and the Grantor Agency name.

Receiving Property Clerk/Custodian Name

RECEIVING PROPERTY CLERK/CUSTODIAN NAME	
28	<div style="border: 1px solid black; height: 30px; width: 100%;"></div>

Department/Division to enter the name of the Receiving Property Clerk or Custodian in this field.

Lee County Fixed Asset User's Manual

Releasing Property Clerk/Custodian Name

RELEASING PROPERTY CLERK/CUSTODIAN NAME	
29	

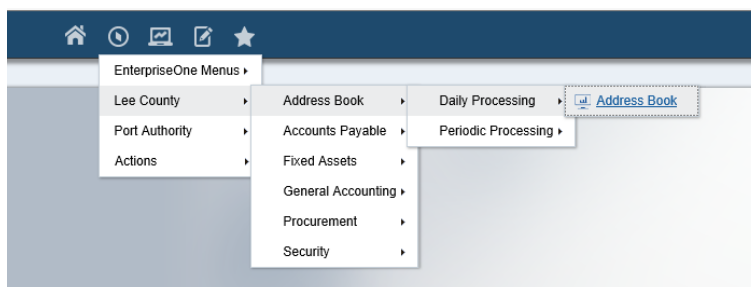
Department/Division to enter the name of the Releasing Property Clerk or Custodian in this field.

Area Number

OR	30	AREA NUMBER
	33	

Department/Division to enter their responsible area address book number in this field.

This number was formerly known as the property clerk number and an up to date listing can be found in the E1 Address Book by using the search type criteria of FAP by going to the E1 menu. Select Lee County, Address Book, Daily Processing, and then Address Book as seen below:



Address Book - Work With Addresses

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Alpha Name ☐ Display Phone

Search Type **FAP** Fixed Assets Property Clerk ☐ Display Address

Records 1 - 20 > >

<input type="checkbox"/>	<input type="checkbox"/>	Address Number	Alpha Name	Long Address	Industry Class	Sch Typ
<input type="checkbox"/>	<input type="checkbox"/>	232190	LIBRARY	11121031		FAP
<input type="checkbox"/>	<input type="checkbox"/>	232192	TAX COLLECTOR	44004001		FAP
<input type="checkbox"/>	<input type="checkbox"/>	232194	STATE ATTORNEY OFFICE	11041008		FAP
<input type="checkbox"/>	<input type="checkbox"/>	232196	UTIL METER SVC	11241075		FAP
<input type="checkbox"/>	<input type="checkbox"/>	232197	UTIL CUST SVC	11241074		FAP
<input type="checkbox"/>	<input type="checkbox"/>	232198	MAINTENANCE - UTILITIES	11241077		FAP

This number can be supplied to fixed asset users who do not have E1 access by contacting the Fixed Asset Coordinator.

Lee County Fixed Asset User's Manual

Group Number

OR

31	GROUP NUMBER
33	

If applicable, the Department/Division is to enter their group address book number in this field. Several property clerks are responsible for more than one area of responsibility; therefore, this number was developed to allow for multiple areas of responsibility. An up to date listing can be found in the E1 Asset Master Information by drilling down on the "Group" flashlight on the Cat Codes 21,22,23 tab:

This number can be supplied to fixed asset users who do not have E1 access and have multiple areas of responsibility by contacting the Fixed Asset Coordinator.

Custodian Number

OR

32	CUSTODIAN NUMBER
35	

Department/Division to enter their custodian address book number in this field. An up to date listing can be found in the E1 Address Book by using the search type criteria of FAC:

	Address Number	Alpha Name	Long Address	Industry Class	Sch Typ
<input type="checkbox"/>	232189	SIMON, MINDI			FAC
<input type="checkbox"/>	232191	HART, LARRY			FAC
<input type="checkbox"/>	232193	FOX, AMIRA D			FAC

This number can be supplied to fixed asset users who do not have E1 access by contacting the Fixed Asset Coordinator.

Lee County Fixed Asset User's Manual

Required Fields

New Assets

- Field 1: New Asset action box checked
- Field 2: Tag Number is pre-issued.
- Field 3: Serial/VIN number if applicable
- Field 4: Effective date
- Field 5: Purchase order number
- Field 6: Item number from BOCC purchase order or keyword
- Field 7: Asset Description 1
- Field 8: Asset Description 2 is optional
- Field 9: Manufacturer
- Field 11: Model Number if applicable
- Field 12: Title/Certificate Number if applicable
- Field 13: Vendor number from applicable BOCC purchase order
- Field 14: Invoice number
- Field 15: Warrant Number from Constitutional Officer Department/Divisions only
- Field 16: Warrant Date from Constitutional Officer Department/Divisions only
- Field 17: Applicable Government Code
- Field 18: Accounting Class
- Field 19: Acquisition Method
- Field 20: Site/Building Location
- Field 21: Entire column must be filled out: Company, Program, Project, if applicable, and cost. Use also for split on Company (Fund) and/or Program number(s).
- Field 22: Only if asset was acquired using Grant funds, Grant Funding Sources for each cost distribution column completed in Field 21.
- Field 23: Will automatically calculate from Field 21 split costs
- Field 27: Comments if any; if Grant funded, need Grant number and Grantor Agency
- Field 28: Receiving Property Clerk/Custodian name
- Field 30: Address Book area of responsibility number
- Field 31: Group number if applicable
- Field 32: Custodian number

Asset Transfers or Changes

FROM ONE COMPANY (FUND/SUBFUND) TO ANOTHER COMPANY (FUND/SUBFUND)
OR FROM ONE PROGRAM TO ANOTHER PROGRAM:

- Field 1: Change Asset action box checked
- Field 2: Fixed Asset Tag Number
- Field 3: Serial Number, if available, or
- Field 6: Item number from BOCC purchase order or keyword

Lee County Fixed Asset User's Manual

Field 10: OW Id Number if a serial number does not exist
 Field 20: Site/Building Code if the transfer from one company to another company will involve a new location for the asset
 Field 21: Entire column must be filled out: Company, Program, Project, if applicable, and cost of **receiving custodian**
 Field 28: Receiving Property Clerk/Custodian Name if the transfer from one company or program to another company or program will involve a new clerk or custodian
 Field 29: Releasing Property Clerk/Custodian Name if Field 28 applies
 Fields 30, 31 (if applicable) and 32: Responsibility numbers if Field 28 applies
 Fields 33, 34 (if applicable) and 35: Responsibility number if Field 29 applies
 Any other fields that would also be changing at this time.

FROM ONE CLERK OR CUSTODIAN TO ANOTHER CLERK OR CUSTODIAN THAT DOES NOT INVOLVE ANY CHANGES IN THE ACCOUNT DISTRIBUTION:

Field 1: Change Asset action box checked Field 2: Fixed Asset Tag Number
 Field 3: Serial Number, if available, or
 Field 6: Item number from BOCC purchase order or keyword Field 10: OW Id Number if a serial number does not exist
 Field 20: Site/Building Code if the transfer from one clerk/custodian to another clerk/custodian will involve a new location for the asset
 Field 28: Receiving Property Clerk/Custodian Name
 Field 29: Releasing Property Clerk/Custodian Name Fields 30, 31 (if applicable) and 32: Responsibility numbers
 Fields 33, 34 (if applicable) and 35: Responsibility numbers
 Any other fields that would change at this time not involving asset cost accounting.

FROM ONE SITE/BUILDING LOCATION TO ANOTHER SITE/BUILDING LOCATION THAT DOES NOT INVOLVE ANY CHANGES IN THE ACCOUNT DISTRIBUTION:

Field 1: Change Asset action box checked Field 2: Fixed Asset Tag Number
 Field 3: Serial Number, if available, or
 Field 6: Item number from BOCC purchase order or keyword Field 10: OW Id Number if a serial number does not exist.
 Field 20: Site/Building Code indicating new location for the asset.
 Field 28: Receiving Property Clerk/Custodian Name if the transfer from one site to another site will involve a new clerk or custodian.
 Field 29: Releasing Property Clerk/Custodian Name if Field 28 applies.
 Fields 30, 31 (if applicable) and 32: Responsibility numbers if Field 28 applies.
 Fields 33, 34 (if applicable) and 35: Responsibility number if Field 29 applies.
 Any other fields that would change at this time not involving asset cost accounting.

ANY CHANGE IN THE ASSET RECORD NOT INVOLVING A TRANSFER FROM ONE COMPANY/PROGRAM, CLERK/CUSTODIAN, OR SITE/BUILDING TO ANOTHER COMPANY/PROGRAM, CLERK/CUSTODIAN, OR SITE/BUILDING:

Lee County Fixed Asset User's Manual

Field 1: Change Asset action box checked

Field 2: Fixed Asset Tag Number

Field 3: Serial Number, if available, or

Field 6: Item number from BOCC purchase order or keyword

Field 10: OW Id Number if a serial number does not exist.

Whatever fields change; in the case of a change in cost or split cost distribution, the entire field 21 column needs to be completed.

Asset Disposal

Field 1: Dispose Asset action box checked

Field 2: Fixed Asset Tag Number

Field 3: Serial Number, if available, or

Field 6: Item number from BOCC purchase order or keyword

Field 10: OW Id Number if a serial number does not exist.

Field 25: Disposal Code

Field 29: Releasing Property Clerk/Custodian Name

Fields 33, 34 (if applicable) and 35: Responsibility numbers.

Submitting the Form

- Once the e-form has been completed, save it on your system
- Print out a hard copy to attach to the invoice submission to Accounts Payable. This copy will be returned to you by the Fixed Asset Coordinator with the fixed asset sticker attached once the asset has been entered into E.
- Attach the Word document in an e-mail to be sent to FixedAssets@leeclerk.org with a limit of 5 FAPC e-forms per e-mail. The e-form must be e-mailed from an authorized custodian, property clerk or alternate's PC to the fixed assets mailbox.
- Please use the following subject line in your e-mail:
 - For a new asset, use "NEW ASSET:VENDOR NUMBER_INVOICE NUMBER"
 - (fill in appropriate vendor number and invoice number)
 - For a change to an asset, use "CHANGE ASSET: TAG NUMBER" (fill in appropriate tag number)
 - For a transfer to another custodian, use "TRANSFER ASSET: TAG NUMBR" (fill in appropriate tag number)
 - For an asset disposal, use "DISPOSE ASSET: TAG NUMBER" (fill in appropriate tag number)

Common Errors:

- A change in site/building location is a **change**, not a transfer.
- **ALL** required information must be on the FAPC e-form or it will be returned.
- Asset tags numbers must be a **10** digit number. Include applicable zeros at beginning and end of number.
- When completing a change in custodianship, please use the **receiving custodian's** Company (Fund), Program Number, and site/building location.

Appendix

 Concourses **C** **D**



 Ticketing  Parking
 Bag Claims  Rental Cars
 Ground Transport  Exit
 Training  Lost & Found
 Bag Check  Discount Transport

Lee County

Fixed Asset Custodianship Form

Additions/Deletions/Changes

Date: _____

CHANGE TO (NEW)

Custodian Name: _____ Custodian No: _____

Property Clerk Name: _____ Property Clerk No: _____

Custodian Signature: _____ Date: _____

Property Clerk Signature: _____ Date: _____

CHANGE FROM (OLD)

Custodian Name: _____ Custodian No: _____

Property Clerk Name: _____ Property Clerk No: _____

ADD/DELETE AREA

☐

Add

☐

Delete

Custodian Name: _____ Custodian No: _____

New Area/Existing No: _____

ADD/DELETE ALTERNATE

☐

Add

☐

Delete

Alternate Name: _____ Alternate No: _____

Authorized Signature: _____ Date: _____

Lee County
Fixed Asset Disposition Form

Asset Number: _____ Date: _____

Custodian Number: _____ Custodian Name: _____

Custodian Signature: _____

Type of Disposition:

<input type="checkbox"/>	Lost
<input type="checkbox"/>	Stolen
<input type="checkbox"/>	Sold
<input type="checkbox"/>	Donated
<input type="checkbox"/>	Traded-in
<input type="checkbox"/>	Junked

Details of Disposition: _____

Witness to fixed asset disposition: _____

Written Name

Signed Name

Date

Please note that this form is required in addition to the FAPC form and does not take its place. Also, pertinent documentation must be attached such as: a charitable contribution receipt, sales receipt, paperwork on trade-in, landfill receipt, or police report if stolen. Refer to the Lee County Fixed Asset User's Guide for guidelines on lost and disposing assets.

ADMINISTRATIVE CODE BOARD OF COUNTY COMMISSIONERS	
CATEGORY: Financial/Fiscal/Budget	CODE NUMBER: AC-3-14
TITLE: Policy on Tangible Personal Property Owned by Local Governments (FS 274)	ADOPTED: 05/23/90
	AMENDED: 06/03/93; 09/29/93; 12/15/93; 03/23/94; 04/09/97; 01/09/01; 07/24/01; 08/09/05; 09/25/07; 10/14/08; 01/24/12
	ORIGINATING DEPARTMENT: County Administration
PURPOSE/SCOPE: <p>This code will define the County's policy on the recording and disposal of the County's tangible personal property of a nonconsumable nature. In all cases, Florida Statutes will govern.</p>	
DEFINITIONS: <p>The following definitions will apply for the purpose of this Administrative Code:</p> <p>COUNTY: Board of County Commissioners, Hearing Examiner, County Attorney, Port Authority, Clerk of Courts, Property Appraiser, Supervisor of Elections, Tax Collector, Medical Examiner, Health Department, Court Administration, Public Defender, State Attorney, Guardian Ad Litem, Criminal Conflict and Civil Regional Counsel and their associated departments and divisions.</p> <p>CONSTITUTIONAL OFFICERS: Clerk of Courts, Property Appraiser, Supervisor of Elections, and Tax Collector.</p>	
POLICY/PROCEDURE: <p><i>A. RECORDING OF TANGIBLE PERSONAL PROPERTY</i></p> <p>The Board of County Commissioners (Board) is required by Chapter 274, Florida Statutes, to maintain fixed asset records on tangible personal property of a nonconsumable nature, in accordance with Florida Administration Code- Rule Chapter 69I-73, except for land which</p>	

AC-3-14 (Continued)

will always be capitalized at amount expended. Additionally, when the fixed asset is acquired with federal grant monies, compliance by the department with Federal regulations identified in the grant contract must be maintained.

In order to comply with the Florida Administration Code, the Board has established a fixed assets system in cooperation with the Finance Department (Finance) of the Clerk of Circuit Courts. Finance has developed a record keeping system and an associated Fixed Asset User Guide to comply with the Florida Administration Code and to maintain adequate fixed assets records for control and financial statement purposes. All County departments, divisions and Constitutional Officers will follow the procedures in the Fixed Asset User Guide.

1. All tangible personal property obtained by the County through the use of federal grants will be controlled under the property management standards of the appropriate Federal regulations governing the grant regarding the acquisition, record keeping, use and disposal of the asset, in addition to the procedures outlined in this administrative code.

2. Donations to the County will be reported to Finance through the procedures in the Fixed Asset User Guide. Donated items are subject to the same rules as all other property of the County. The value to be reported on donated fixed assets is the appraised or estimated value at the time of the donation.

3. Constructed assets will be recorded to the fixed assets inventory by the County's property control clerk via the fixed assets property control form upon substantial completion of the project (for example, issuance of certificate of occupancy for a building; park, bridge, or road opened for public use).

- a. Capitalized costs do not include cost of grand opening ceremonies, machinery, furniture, or any item that is not considered permanently attached to the building, bridge, or other improvement.
- b. The Board has adopted the policy of capitalizing infrastructure constructed or purchased through either a governmental or proprietary fund with a minimum \$100,000 threshold. Infrastructure is defined as public domain fixed assets such as roads, bridges, curbs and gutters, streets and sidewalks, drainage systems, lighting systems, and similar assets that are immovable and of value only to the government unit.

4. Pursuant to Chapter 274.03, Florida Statutes, the Board has delegated the custodian function to the County Manager, Hearing Examiner, County Attorney, Port Authority Executive Director, Medical Examiner, Health Department Director, Court Administrator, Public Defender, State Attorney, Guardian Ad Litem Director, Criminal Conflict and Civil Regional Counsel Director and the Constitutional Officers who will be referred to as Custodians.

AC-3-14 (Continued)

- a. The Board also allows the Custodians to designate their custodianship to a Division/Department Director/Manager.
- b. The Board also allows for further delegation by the Custodian to assist with the custodial function. For property purposes only, the assistant shall be referred to as the Property Control Clerk.
- c. Custodians will notify Finance upon change of either position.

B. DISPOSAL OF PROPERTY – AUTHORITY

Pursuant to Chapter 274.07, Florida Statutes, the Board has delegated authority of all disposal of property through the Custodian or designee.

1. Authority for the disposal of property shall be by resolution of the Board and recorded in the minutes of the Board of County Commissioners. Such authority is specified in this administrative code.

2. The following applies for the disposal of fixed assets:

- a. Approval of the Custodian or designee must be obtained prior to the sale, donation, abandonment, trade-in, or destruction of fixed assets with an original value equal to or greater than the amount specified in the Florida Statutes.
- b. All items which are lost or stolen shall be reported to the Custodian or designee for approval to be removed from the fixed assets inventory per the procedures set forth in the Fixed Asset User Guide.
- c. Property purchased by an enterprise or internal service fund will be controlled under the fixed assets system. All transfers of assets to or from the proprietary funds will have approval of the Custodian or designee for the transfer of the asset and the amount to be paid.
- d. The department or division having custody of fixed assets acquired through the use of federal grant monies must follow the disposal procedures outlined in the appropriate Federal regulations listed in the grant contract governing the acquisition, use, and disposition of assets in addition to the procedures outlined in this administrative code.

3. The Board delegates authority of all disposal of property utilized by a Constitutional Officer to that Constitutional Officer, however, the Constitutional Officers are responsible for reporting the disposal of their assets to the Board according to the Fixed Asset User Guide.

AC-3-14 (Continued)***C. DISPOSAL OF PROPERTY UNDER THE BOARD OF COUNTY COMMISSIONERS AND THE PORT COMMISSIONERS***

No property will be received or released without a completed fixed assets property control form.

1. TRADE-IN

The department or division will request approval from the Custodian or designee to use the trade-in procedure. When trade-in (exchange of property with the seller, with the exchange allowance being applied to the cost of the property being acquired) is authorized, the specifications should be written to include a trade-in price as an alternate which may or may not be selected when awarding the quote. Regardless of the disposal method utilized, it will be the department or division's property control clerk's responsibility to have the item removed from their inventory per procedures set forth in the Fixed Asset User Guide.

2. LOST OR STOLEN ITEMS

After all efforts have been exhausted to locate lost or stolen items, they will be reported and removed from inventory per the procedures in the Fixed Asset User Guide. All stolen items will be verified by providing a police report, all lost items require a certified affidavit by the reporting property control clerk.

3. SURPLUS PROPERTY

The Custodian or designee shall determine the method of disposal of all surplus property. (Property that is 1) obsolete, 2) uneconomical or inefficient, 3) of no useful purpose, or 4) is considered scrap.) In all instances, the best interests of the County, the value and condition of the property classified as surplus, and the probability of such property being desired by prospective bidders will be considered. Mobile equipment, including but not limited to trucks, automobiles, trailers, tractors, and riding lawn mowers will not be cannibalized for spare parts until they have been declared junk by the Custodian or designee.

4. SURPLUS VEHICLES**a. Procedure**

Vehicles placed into County surplus will be evaluated by the Fleet Manager to determine an estimated value. Value will be determined by using the Kelley Blue Book or National Automobile Dealers' Association (NADA). Based on that value, the proper method of disposal will be determined.

AC-3-14 (Continued)**b. Value > \$5,000**

Vehicles whose retail value is estimated to be \$5,000 or more “.....can only be sold to the highest responsible bidder or at public auction...” in accordance with Chapter 274.06, Florida Statutes.

Value < \$5,000

The method for disposal of vehicles whose retail value is less than \$5,000 according to Kelley Blue Book or National Automobile Dealers' Association (NADA) will be determined by the Fleet Manager. These methods may include trade-in, sale at public auction or competitive bid. This equipment may be offered for sale only to other local governmental units within Lee County prior to auction at prices determined by the above methods. Prior sales history may be used to determine selling price if no listing is available through Kelley Blue Book or NADA. Private individuals or other local non-profit agencies will be allowed to bid on equipment at the County's public auction.

c. General

Funds received from the sale of equipment will be deposited into each department's Vehicle Replacement Fund account and used to offset the replacement costs of that equipment. Deposited funds will be less the costs of conducting the auction (auctioneer's fees, advertising, etc.)

Donations of County equipment to outside agencies must meet all of the following criteria:

1. Majority vote of the Board of County Commissioners; and
2. Alternative funding source identified to replace lost departmental revenues

5. JUNK PROPERTY

Junk property (property without commercial value or which is unable to function as intended without repair, the cost of which exceeds its book value) may be donated, destroyed, or abandoned. The procedures for disposing Junk property are set forth in the Fixed Asset User Guide.

6. DONATIONS

All donations of County property will be made in compliance with Florida Statutes and will be approved by the Custodian or designee.

CHAPTER 69I-73

Tangible Personal Property Owned by Local Governments

69I-73.001	Definitions.
69I-73.002	Threshold for Recording Property.
69I-73.003	Recording of Property.
69I-73.004	Marking of Property Records.
69I-73.005	Disposition of Property.
69I-73.006	Inventory of Property.

69I-73.001 Definitions.

(1) “Attractive Items” means tangible personal property used in operations that has a cost less than an established capitalization threshold and that requires special attention to ensure legal compliance, protect public safety, and avoid potential liability, or to compensate for a heightened risk of theft.

(2) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records that establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and, through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any time.

(3) “Cost” means the amount paid to acquire or procure property (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property exchanged by the custodian in satisfaction of a portion of the purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(4) “Custodian” has the meaning set forth in section 274.01(2), F.S.

(5) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and, from whom the custodian receives custody receipts.

(6) “Financial System” means the fund accounting process used by the local government for recording cash and other financial resources, expenditures, and other financial uses, together with all related liabilities and residual equities or balances.

(7) “Governmental Unit” has the meaning set forth in Section 274.01(1), F.S.

(8) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and to differentiate one item of property from another.

(9) “Property” has the meaning set forth in section 274.02(1), F.S. Data processing software, as defined in section 119.011(6), F.S., is not considered to be property within the meaning of this rule chapter.

(10) “Unaccounted for Property” means property held by a custodian, subject to the accountability provisions of section 274.03, F.S., that cannot be physically located by the custodian or custodian’s delegate, and has not been otherwise lawfully disposed of.

(11) “Value” means the worth or acquisition value at the date of acquisition for donated property.

Rulemaking Authority 274.02 FS. Law Implemented 274.02 FS. History—New 3-25-08, Amended 10-1-2020.

69I-73.002 Threshold for Recording Property.

All property with a value or cost of \$5,000 or more and a projected useful life of 1 year or more shall be recorded in the local government’s financial system as property for inventory purposes. For the purpose of this rule chapter, “cost” is used if the property is purchased and represents the purchase price of the property item; “value” is used if the property is donated and represents the worth or acquisition value of the property item at the date of donation. Attractive items with a value or cost less than \$5,000 shall be recorded in the local government’s financial system as property for inventory purposes.

Rulemaking Authority 274.02 FS. Law Implemented 274.02 FS. History—New 3-25-08, Amended 10-1-2020.

69I-73.003 Recording of Property.

(1) Maintenance of Property Records – Governmental units shall maintain records of property in their custody that shall contain, at a minimum, the information required by this rule.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group. A property group may be accounted for in one record if the component items are separately identified within the record. Examples of property items that may be accounted for as a property group item include modular furniture, computer components, book sets, and similar association of items. All property group items, the total value or cost of which is equal to or greater than \$5,000 shall be inventoried under this rule.

(3) Content of Individual Property Records – Each property record shall include the following information unless the information listed below does not exist for the property in the record:

- (a) Identification number.
- (b) Description of item or items.
- (c) Physical location (the city, county, address or building name, and room number therein).
- (d) Name of custodian with assigned responsibility for the item.
- (e) In the case of a property group, the number and description of the component items comprising the group.
- (f) Name, make, or manufacturer.
- (g) Year and model(s).
- (h) Manufacturer's serial number(s).
- (i) If an automobile, the vehicle identification number (VIN) and title certificate number.
- (j) Date acquired.

(k) Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined and recorded. Estimated historical costs shall be identified in the record and the basis of determination established in the governmental unit's public records. The basis of valuation for property items constructed by personnel of the governmental unit shall be the costs of material, direct labor, and overhead identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at acquisition value at the date of acquisition. Regardless of acquisition method, the cost or value of a property item shall include ancillary charges. Ancillary charges are costs that are directly attributable to placing the asset into its intended location and condition for use, such as freight and transportation charges, installation costs, and professional fees.

(l) Method of acquisition and, for purchased items, the voucher and check or warrant number.

(m) Date the item was last physically inventoried and the condition of the item at that date.

(n) If disposed of, the information prescribed in Rule 69I-73.005, F.A.C.

(4) Control Accounts – A governmental unit-wide control account showing the total cost or value of the custodian's property shall be maintained. A governmental unit may keep additional control accounts for property for different funds or sub-funds. Control accounts shall not be established by periodically summarizing the costs or values recorded on the individual property records. Entries to control accounts shall be derived from documents evidencing transactions affecting the acquisition, transfer, or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) Depreciation shall be recorded to meet local governments' financial reporting requirements relating to depreciation accounting. However, depreciation shall not be recorded on the individual property records or in control accounts in such a manner as to reduce the recorded acquisition cost or value (i.e., depreciation shall be recorded as an item separate from the acquisition cost).

Rulemaking Authority 274.02 FS. Law Implemented 274.02 FS. History—New 3-25-08, Amended 10-1-2020.

69I-73.004 Marking of Property Records.

(1) Marking of Property – Each property item shall be permanently marked with the identification number assigned to that item to establish its identity and ownership by the governmental unit holding title to the item. The marking shall visually display the property identification number of the item and may include an electronic

scanning code (“barcode”) to facilitate electronic inventory procedures.

(2) Exemptions for Marking Property – Any item of property whose value or utility would be significantly impaired by the attachment or inscription of the property identification number, is exempt from the requirement for physical marking. However, the custodian’s property records shall contain sufficient descriptive data to permit positive identification of such items.

(3) Location of Marking – Items of a similar nature shall be marked in a similar manner to facilitate identification. In determining a marking location, careful consideration shall be given to the intended use of the items; the probability that the marking could be obliterated by wear, vandalism or routine maintenance functions; and, the appropriateness of the marking method chosen. Additionally, the location of the marking and the marking method chosen shall not mar the appearance of the item. When utilizing an electronic scanning format system, electronic codes shall be placed on property in the same manner as other markings specified in this section.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New 3-25-08.

69I-73.005 Disposition of Property.

(1) Methods of Disposition – Property within the meaning of these rules may be lawfully disposed of, as provided in Sections 274.05, 274.06 and 274.07, F.S. Property of the governmental unit which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See Rule 69I-73.006, F.A.C.).

(2) Required Information – The following information shall be recorded on the individual property record for each item lawfully disposed of, pursuant to Sections 274.05, 274.06 or 274.07, F.S.:

- (a) Date of disposition.
- (b) Authority for disposition (resolution of the governing body properly recorded in the minutes as required by Section 274.07, F.S.).
- (c) Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).
- (d) Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.
- (e) For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).
- (f) For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 274.05 or 274.06, F.S.

(3) Transfer of Property Records – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) Control Account – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New 3-25-08.

69I-73.006 Inventory of Property.

(1) Physical Inventory Required – Each governmental unit shall ensure a complete physical inventory of all property is taken annually and whenever there is a change of custodian or change of custodian’s delegate.

(2) Inventory Forms – The form used to record the physical inventory pursuant to Section 274.02(2), F.S., shall be at the discretion of the governmental unit. However, the form shall display at a minimum for each property item, the following information:

- (a) Date of inventory.
- (b) Identification number.
- (c) Existence of property item (or not).
- (d) Physical location (the city, county, address or building name and room number therein).
- (e) Present physical condition.

- (f) Name and signature of the employee or other individual attesting to the existence of the item.
- (g) In the case of a property group, the number and description of the component items comprising the group.
- (3) Electronic scanning format used for the identification number is acceptable only if the recorded data is downloadable to a computer and can then be used to generate reports that will include all information required on the hardcopy inventory form.

(4) Unrecorded Property – Any property item found during the conduct of an inventory which meets the requirements for accounting and control as defined in Rule 69I-71.003, F.A.C., and which item is not included on the inventory forms described above, shall have an inventory form created for the item when located. After appropriate investigation to establish the ownership of the item, it shall be added to the governmental unit's property records or, if ownership cannot be reasonably established, the item may be disposed of in the manner provided by law as applicable to surplus property, pursuant to Section 274.05 and 274.06, F.S.

(5) Custodian Delegate Shall Not Inventory Certain Items – The custodian delegate shall not personally inventory items for which they are responsible.


(6) Reconciliation of Inventory to Property Records – Upon completion of a physical inventory:

(a) The data listed on the inventory forms shall be compared with the individual property records. Noted differences such as location, condition and custodian shall be investigated and corrected as appropriate or alternatively, the item shall be relocated to its assigned location and custodian in the individual property record.

(b) Items not located during the inventory process shall be promptly reported to the governmental unit which shall cause a thorough investigation to be made. If the investigation determines that the item was stolen, the individual property record shall be so noted, and a report filed with the appropriate law enforcement agency describing the missing item and the circumstances surrounding its disappearance.

(7) Unaccounted for Property – For items identified as unaccounted for and reported to the State's Chief Financial Officer, recording of the items as dispositions, or otherwise removing of the items from the property records, shall be subjected to approval of the State's Chief Financial Officer, as provided in Section 17.041, F.S., and Rule 69I-71.003, F.A.C.

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[Chapter 274](#)
 TANGIBLE PERSONAL PROPERTY OWNED BY
 LOCAL GOVERNMENTS

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CHAPTER 274

TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS

274.01 Definitions.

274.02 Record and inventory of certain property.

274.03 Property supervision and control.

274.04 Property acquisition.

274.05 Surplus property.

274.06 Alternative procedure.

274.07 Authorizing and recording the disposal of property.

274.08 Penalty.

274.09 Construction.

274.10 Initiation of act.

274.11 County health department property.

274.12 Special districts subject to chapter.

Interpreter Services
for the Hearing Impaired




274.01 Definitions.—The following words as used in this act have the meanings set forth in the below subsections, unless a different meaning is required by the context:

- (1) “Governmental unit” means the governing board, commission or authority of a county or taxing district of the state or the sheriff of the county.
- (2) “Custodian” means the person to whom the custody of county or district property has been delegated by the governmental unit.
- (3) “Property” means all tangible personal property, owned by a governmental unit, of a nonconsumable nature.
- (4) “Fiscal year” means the governmental unit’s fiscal year established pursuant to law; otherwise, it means the calendar year.

History.—s. 1, ch. 59-163; s. 1, ch. 61-102.

274.02 Record and inventory of certain property.—

- (1) The word “property” as used in this section means fixtures and other tangible personal property of a nonconsumable nature.
- (2) The Chief Financial Officer shall establish by rule the requirements for the recording of property and for the periodic review of property for inventory purposes.

History.—s. 2, ch. 59-163; s. 8, ch. 69-82; s. 1, ch. 73-87; s. 5, ch. 82-104; s. 1, ch. 88-53; s. 5, ch. 96-209; s. 2,

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ch. 2004-296; s. 41, ch. 2006-122.

274.03 Property supervision and control.—A governmental unit shall be primarily responsible for the supervision and control of its property but may delegate to a custodian its use and immediate control and may require custody receipts. A governmental unit may assign to or withdraw from a custodian the custody of any of its property at any time; provided, that if the custodian is an officer elected by the people or appointed by the Governor, the property may not be withdrawn from the officer's custody without his or her consent. Each custodian shall be responsible to the governmental unit for the safekeeping and proper use of the property entrusted to his or her care. If the custodian is not a bonded officer, the governmental unit may require from the custodian a bond conditioned upon such safekeeping and proper use. In each county the sheriff shall be the custodian of the property of the office of sheriff.

History.—s. 3, ch. 59-163; s. 2, ch. 61-102; s. 186, ch. 95-148.

274.04 Property acquisition.—Whenever acquiring property, the governmental unit may pay the purchase price in full or may exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the governmental unit may best serve the interests of the county or district by outright sale of the property to be replaced, rather than by exchange as a trade-in, it may make the sale in a manner otherwise prescribed in this act for the disposal of property. The receipts from the sale may be treated as a current refund if the property to be acquired shall be contracted for within the same fiscal year of the governmental unit in which the property sold is disposed of.

History.—s. 4, ch. 59-163.

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

History.—s. 5, ch. 59-163; s. 21, ch. 94-226; s. 6, ch. 96-209; s. 1, ch. 96-236.

274.06 Alternative procedure.—Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit

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estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the governmental unit. Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

History.—s. 6, ch. 59-163; s. 22, ch. 94-226; s. 7, ch. 96-209.

274.07 Authorizing and recording the disposal of property.—Authority for the disposal of property shall be recorded in the minutes of the governmental unit. The disposal of property within the purview of s. 274.02 shall be recorded in the records required by that section.

History.—s. 7, ch. 59-163.

274.08 Penalty.—Any person who violates any provision of this act or any rule prescribed pursuant to its authority shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 59-163; s. 158, ch. 71-136.

274.09 Construction.—The provisions of this act shall be liberally interpreted to be cumulative and supplementary to any general, special or local law, heretofore or hereafter enacted.

History.—s. 10, ch. 59-163.

274.10 Initiation of act.—This act shall govern the administration of the property of each governmental unit from the beginning of such governmental unit's fiscal year next succeeding May 28, 1959.

History.—s. 11, ch. 59-163.

274.11 County health department property.—Title to property purchased by county health departments established pursuant to the provisions of chapter 154, whether purchased with federal, state or county funds, or any combination thereof, shall be vested in the board of county commissioners of the county where said county health department is located and shall be accounted for in accordance with the provisions of this chapter.

History.—s. 1, ch. 61-46.

274.12 Special districts subject to chapter.—Every special district governed by the provisions of this act shall comply with the provisions of this chapter.

History.—s. 12, ch. 79-183; s. 3, ch. 2004-296.

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GRANTS

Administration Manual



Approved by Lee Board of County Commissioners on
X, 2023

DRAFT

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TABLE OF CONTENTS

MANUAL UPDATES AND REVISIONS	1
CHAPTER 1: LEE COUNTY GRANTS ADMINISTRATION POLICY.....	1
A. PURPOSE/SCOPE.....	1
B. GRANTS ADMINISTRATION NOTICE OF POLICY	1
CHAPTER 2: ROLES, RESPONSIBILITIES, AND RESOURCES	4
A. MAJOR ROLES AND RESPONSIBILITIES	5
1. BOARD OF COUNTY COMMISSIONERS (BoCC)	5
2. COUNTY MANAGER'S OFFICE (COUNTY ADMINISTRATION)	5
3. GRANTS MANAGEMENT COORDINATOR.....	5
4. GRANTS COMMITTEE.....	6
5. DEPARTMENT	6
a. Department Director.....	6
b. Grant Manager and Grant Project Manager	7
c. Fiscal Contact	8
6. PROCUREMENT MANAGEMENT	9
7. MANAGEMENT & BUDGET	9
8. RISK MANAGEMENT	9
9. COUNTY ATTORNEY	9
B. RESOURCES AND INFRASTRUCTURE.....	9
1. GRANTS MANAGEMENT INFORMATION SYSTEM (GMIS)	9
2. FINANCIAL SOFTWARE.....	10
3. AGENDA MANAGEMENT SYSTEM (NOVUS).....	10
CHAPTER 3: PROCESS AND PROCEDURES.....	11
A. PROCESS STEP 1: PROJECT-GRANT IDENTIFICATION AND PLANNING	12
1. PROJECT IDENTIFICATION	12
2. GRANT IDENTIFICATION	12
3. PROJECT-GRANT FEASIBILITY REVIEW	12
4. USING A CONSULTANT FOR GRANT SUPPORT TASKS	13
B. PROCESS STEP 2: APPLICATION PREPARATION AND SUBMITTAL	14
1. PRE-APPLICATION PLANNING	14
2. APPLICATION PREPARATION	14
3. AGENDA ITEM (APPROVAL TO APPLY when required)	15
4. SUBMITTAL.....	16
5. TRACKING	16

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

C.	PROCESS STEP 3: AWARD NOTIFICATION, AGREEMENT DEVELOPMENT AND EXECUTION	17
1.	AWARD NOTIFICATION	17
2.	REQUEST FOR INFORMATION	17
3.	FUNDING AGREEMENT REVIEW	17
	Authorized Signatory Determination	18
4.	AGENDA ITEM TO BOARD (ACCEPTANCE AND APPROPRIATION)	19
5.	EXECUTED FUNDING AGREEMENT	19
6.	AWARD AND PROJECT SETUP IN Financial Management System.....	19
7.	TRACKING	19
D.	PROCESS STEP 4: PROJECT-GRANT INITIATION and General QA/QC	20
1.	KICK-OFF TO PROJECT	20
2.	TRACKING	22
E.	PROCESS STEP 5: PROJECT MANAGEMENT AND COMPLIANCE	23
1.	MONITORING OF THE GRANT	23
a.	County Administration/Senior Team-Level Monitoring.....	23
b.	Department-Level Monitoring.....	23
c.	Communicating Project Status	23
d.	Key Personnel Changes	24
e.	Notice of Audit, Monitoring Visit or Review.....	24
f.	Fiscal Accountability	24
g.	Risk Assessment	24
2.	REPORTING OF SUSPECTED NONCOMPLIANCE, waste, FRAUD, OR CRIMINAL ACTIVITY	25
3.	GRANT REPORTING	26
	Types of Reports.....	26
4.	FILE MANAGEMENT, ACCESS, AND RETENTION.....	26
5.	GRANT MODIFICATIONS	26
a.	Cancellations.....	27
b.	Renewal and Continuation of Agreements	27
F.	PROCESS STEP 6: GRANT CLOSEOUT	28
	CHAPTER 4: SUBRECIPIENTS	29
A.	PROCUREMENT AND SUSPENSION AND DEBARMENT.....	29
B.	SUBRECIPIENT.....	30
C.	CONTRACTOR	30
D.	SUBAWARDS TO SUBRECIPIENTS	30

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

1. SUBRECIPIENT RISK ASSESSMENT	30
2. SPECIAL SUBAWARD CONDITIONS	31
3. SUBRECIPIENT AGREEMENTS	31
4. MODIFYING SUBAWARDS (AMENDMENTS AND TERMINATION)	32
5. SUBRECIPIENT MONITORING	33
6. SUBAWARD CLOSEOUT	33
CHAPTER 5: COMPLIANCE REQUIREMENTS AND STANDARDS.....	34
A. LOCAL REQUIREMENTS.....	34
B. FLORIDA REQUIREMENTS	35
C. FEDERAL REGULATION AND REQUIREMENTS	35
1. NATIONAL POLICY REQUIREMENTS.....	36
a. Civil Rights.....	36
b. Equal Services Provider	36
c. Americans with Disabilities Act (ADA).....	36
d. Fair Labor Standards Act	37
2. CFR TITLE 2: UNIFORM GUIDANCE FOR FEDERAL AWARDS	37
a. Procurement	37
b. Conflict of Interest	37
c. Lobbying	38
d. Fiscal Management	38
3. CFR TITLE 24: HOUSING AND URBAN DEVELOPMENT	39
4. CFR TITLE 29: LABOR.....	40
5. CFR TITLE 40: PROTECTION OF ENVIRONMENT	40
6. CFR TITLE 41: PUBLIC CONTRACTS AND PROPERTY MANAGEMENT	40
7. CFR TITLE 49: TRANSPORTATION	40
Disadvantaged Business Enterprise (DBE)	40
8. FEDERAL REQUIREMENTS FOR CONSTRUCTION PROJECTS.....	41
a. Davis-Bacon Act.....	41
b. Uniform Relocation Assistance Act	41
c. Buy American Act	41
d. National Environmental Policy Act (NEPA)	42
e. American Iron and Steel Act (AIS)	42
f. Disadvantaged Business Enterprise (DBE)	42
9. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)	42

- 10. DUPLICATION OF BENEFITS.....42
- 11. REPORTING OF SUSPECTED NONCOMPLIANCE, waste, FRAUD OR CRIMINAL ACTIVITY43
- 12. PERSONALLY IDENTIFIABLE INFORMATION43
- 13. FAIR HOUSING43
- D. EXTERNAL AUDITS43
 - 1. FEDERAL SINGLE AUDIT ACT44
 - 2. FLORIDA SINGLE AUDIT ACT.....44
 - 3. GRANTING AGENCY OR PASS-THROUGH AGENCY AUDITS.....45
- E. INTERNAL AUDITS45
 - 1. COUNTY AUDIT45
- CHAPTER 6: TRAINING AND DEVELOPMENT46**
- REFERENCES.....47**
 - SAM ID (UNIQUE ENTITY ID)47
 - TAX ID.....47
 - (GAO-14-704G) "Green Book"47
 - Standards for Internal Control in the Federal Government47
 - Internal Control United Framework (COSO)47

MANUAL UPDATES AND REVISIONS

This manual may require updates and revisions based on federal, Florida, or BoCC laws, regulations, and guidance. Additionally, processes, workflows, tools, and other circumstances may necessitate updates and revisions to the manual. The County Manager's Office (County Administration) is the owner and control manager for updates and revisions of this document.

Table 1. Grants Administration Manual Revision Log.

Number	Revision	Date	Editor

CHAPTER 1: LEE COUNTY GRANTS ADMINISTRATION POLICY

A. PURPOSE/SCOPE

Lee County's Administrative Code (AC 3-17: Grant Program Administrative Procedures) establishes the Lee County Board of County Commissioners' (BoCC) Grants Administration Policy and establishes the Lee County Grants Administration Manual as the process- and role-driven uniform guidance to manage the life cycle of Lee County grants to meet the Grantor's and County's objectives.

Lee County seeks grant funding as an option to fund projects and services that advance the County's core functions and emerging needs. Grant funding comes with expectations that all work including the management of the grant award will follow the highest standards of project performance, budgetary adherence, and regulatory compliance. The BoCC Grants Administration Policy is implemented to optimize how the County Manager's Office, departments, and staff pursue and administer grant projects and funds. Adherence to this policy will result in alignment with a strategic approach to funding opportunities, a uniform and transparent approach to pursuing grants, grant tracking, reporting, and accountability for each grant compliance requirement.

Under the authority of the County Manager's Office, all departments, individual employees, contractors, subcontractors, and subrecipients that pursue or manage grants on behalf of the BoCC are required to participate in the Grants Administration Program as outlined in the policy and detailed in the Grants Administration Manual.

Grant agreements are legal contracts. The County carries a significant legal and ethical responsibility when accepting grant funding, and management of grant awards requires heightened awareness throughout the organization. All staff involved in projects that use grant funds have responsibilities related to the successful execution of the objectives of the grant. It is incumbent upon the project/grant leadership to define specific tasks and responsibilities and to hold the project/grant staff accountable for the success of the project and grant. Failure to do so exposes the County to legal liability and jeopardizes current and future grant funding.

B. GRANTS ADMINISTRATION NOTICE OF POLICY

It is the policy of the Lee County Board of County Commissioners (BoCC) to establish and maintain a Grants Administration Program that supports the pursuit of grant funding and the implementation of grant-funded projects. The Program will comply with Grantor funding agreements; with BoCC Administrative Codes, the Lee County Procurement Management Ordinance 22-06, and the Lee County Employee Policy Manual; with the Lee County Clerk of Courts General Accounting Office - Finance Department policy and guidebooks for fiscal management; and with Federal and State requirements applicable to funding agreements.

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It is the policy of the BoCC to apply the high standards of compliance, efficiency, quality assurance/quality control, and ethics that are implemented in these regulations and in Lee County's "One-Org" culture of honesty, collaboration, trust, innovation, and professionalism to obtain alternative funding to meet the County's needs. The BoCC expects grant operations to emphasize an ownership and control environment, risk assessment and management, activity controls, information and communication, and activity monitoring.

It is the policy of the BoCC to hold staff involved with the Grants Administration Program accountable for reporting observed misuse of funds, fraud, or criminal activity related to grants. Lee County's Human Resources Policies and Procedures Manual describes the means for employees to confidentially report suspected violations of policies and or suspected instances of fraud or other criminal activity, including those related to federal grant programs. Management will address breaches of the code of conduct, ethics policy, instances of fraud, or other criminal activity; take remedial actions to prevent future violations; and notify the appropriate federal agency as required.

This policy is implemented through a systematic and unified Grants Administration Program that:

1. Establishes the Grants Administration Manual as the comprehensive guidance to implement the Grants Administration Program which:
 - a. Provides the framework for grants administration under the County Manager's Office and the County's Departments. Additionally, as it relates to grants management, the manual references the Board's policies, processes and procedures; significant Federal and State laws; and regulations.
 - b. Applies to all grants pursued by and awarded to Lee County.
 - c. Describes specific roles and responsibilities of employees related to the Grants Administration Program.
 - d. Establishes that all provisions of this manual apply to agents, contractors, and subrecipients who perform functions associated with any award or pass-through award.
 - e. Focuses on the most common federal and state compliance requirements for grants management. The manual is not a final and all-inclusive guide to compliance. Each grant funding agreement, terms and conditions, and guidance from the Grantor must be reviewed for compliance deliverables and required activities.
 - f. Complements department procedures. Conflicts with department procedures or Grantor requirements will be brought to the attention of the Grants Management Coordinator to help develop a solution to the conflict.
2. Defines the administrative and operational roles and responsibilities that are detailed in CHAPTER 2: ROLES, RESPONSIBILITIES, AND RESOURCES.
3. Outlines the internal processes for ensuring compliance, efficiency, and ethics that generally follow the COSO Framework (www.coso.org) for internal controls to provide reasonable assurance that the County is operating ethically, transparently, and in accordance with established regulatory requirements. The processes, which are detailed in CHAPTER 3: PROCESS AND PROCEDURES, will address the policy expectations to:
 - a. Identify and vet projects that are appropriate candidates for grant funding;
 - b. Research and identify grant funding opportunities for select projects and services;

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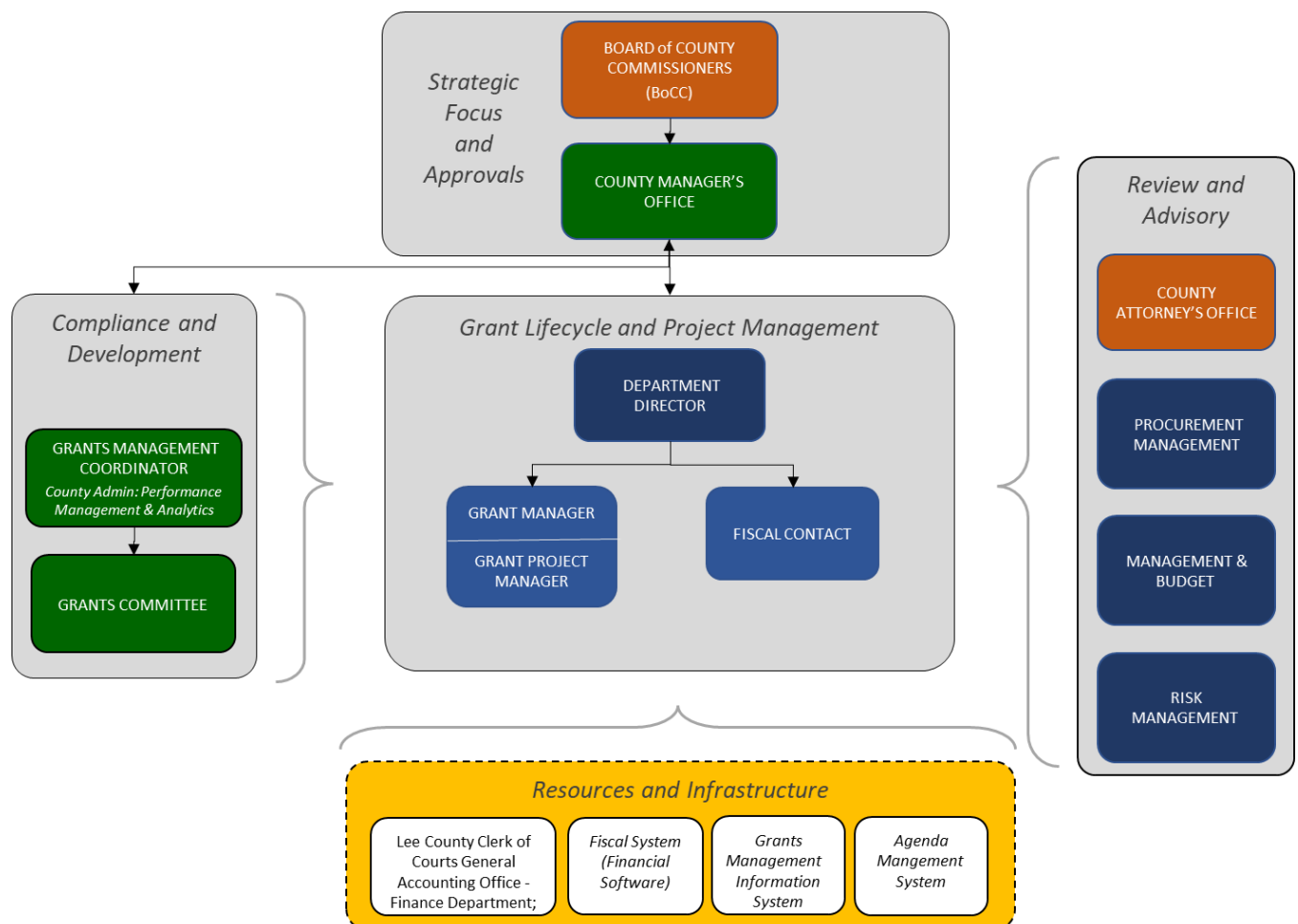
- c. Track grant awards/projects and manage grant performance and compliance requirements through a central Grants Management Information System (GMIS) that tracks grant requirements, objectives, and status. The information system will be sufficient to provide transparency and reports to make data-driven decisions related to grants;
 - d. Define the performance metrics to analyze the program's effectiveness; and
 - e. Document program processes and procedures.
- 4. Establishes that subrecipients, contractors, and others involved in Lee County grants are subject to this policy and its related regulations, and that staff have additional compliance responsibilities as it relates to these relationships as detailed in CHAPTER 4: SUBRECIPIENTS.
- 5. Ensures that all staff, subrecipients, contractors and others involved in the Grant Administration Program understand its federal, state, and local regulatory requirements by outlining them in CHAPTER 5: COMPLIANCE REQUIREMENTS AND STANDARDS.
- 6. Establishes the requirement for continued grants-related training and development as the foundation for compliance and success of the program as outlined in CHAPTER 6: TRAINING AND DEVELOPMENT.

CHAPTER 2: ROLES, RESPONSIBILITIES, AND RESOURCES

Lee County approaches grant management as a set of process-driven activities with defined roles and responsibilities within a compliant and controlled environment wherein risks are identified and minimized, and systems are implemented for information management, communication, and activity monitoring to effectively deliver the desired grant objective.

All staff involved in any aspect of grants management must understand their roles and specific responsibilities to ensure the effective delivery of the grant objectives and compliance with all grant terms and conditions, budgetary requirements, and regulatory requirements.

Figure 1. Grants Administration Program Roles and Responsibilities



A. MAJOR ROLES AND RESPONSIBILITIES

1. BOARD OF COUNTY COMMISSIONERS (BOCC)

The BoCC exercises powers and duties to approve, or designate an approver, for all grant contracts in accordance with the approval hierarchy, as defined within the Grants Administration Manual.

2. COUNTY MANAGER'S OFFICE (COUNTY ADMINISTRATION)

The County Manager and the Assistant County Managers (the Senior Team) will oversee the Grants Administration Program, guide Department Directors in strategic planning to analyze grant opportunities and oversee the grant-related activities of the Department of Procurement Management, the offices of Management & Budget and Risk Management. The County Manager's Office appoints and oversees a Grants Management Coordinator to develop and maintain the Grants Administration Program.

3. GRANTS MANAGEMENT COORDINATOR

The Grants Management Coordinator ensures that grant activities meet the priorities and desired outcomes of the Board of County Commissioners and the County Manager's Office, including the production of high-level reports. The coordinator reviews all processes outlined in this manual to ensure compliance and interdepartmental efficiencies and oversees the Grants Management Information System (GMIS) to ensure transparent oversight at the highest level of County administration.

This Coordinator also leads the Grants Committee, which assembles key departmental staff to ensure interdepartmental cooperation and overall compliance and to find solutions for process bottlenecks and temporary spikes in demand for staff resources. The Coordinator schedules the frequency of the committee meetings, which must be at least quarterly, issues the invitation to attendees, and sets the agenda.

The Committee fosters a grants-related culture characterized by:

- Open communication among staff and grantors, subrecipients, contractors and vendors, and other stakeholders;
- Ethical behavior;
- Training and grant-related staff development;
- Grants Administration Program reviews;
- Internal controls and monitoring;
- Data-informed decision making; and
- Compliance-focused operation to meet federal and state requirements for fiscal responsibility and reporting, record retention, disaster recovery, and security.

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

The coordinator supports the departments in their response to audit reports and compliance responses including:

- Single Audit Reports coordinated by the Lee County Clerk of Courts General Accounting Office - Finance Department;
- US Department of the Treasury compliance reviews;
- US Department of Justice compliance reviews; and
- Operational Self-Assessment (Office of Audit Services) reports.

On a quarterly basis, the Grants Management Coordinator will review:

- New requests for grants being vetted at the department level and new grants-related BoCC agenda items to ensure that they are entered into the Grants Management Information System (GMIS) and in line with current BoCC priorities;
- Required reporting on existing grants, specifically including:
 - Deadlines for interim monitoring reports and assignment of tasks to compile the reports;
 - Deadlines for closeout reports and assignment of closeout tasks;
 - Assignment of signatory responsibility for approval of report documents; and
 - Quarterly fiscal reports prepared by the County Fiscal Analyst for Grants Management.

4. GRANTS COMMITTEE

The Grants Committee is a working group led by the Grants Management Coordinator. The Committee includes designated departmental grant staff and representatives from Management & Budget and Procurement Management. The Committee must facilitate interdepartmental communications regarding project identification, grant opportunities and challenges, and training needs. The Committee provides input and feedback to ensure that the centralized Grants Management Information System (GMIS) meets the needs for documentation and reporting.

5. DEPARTMENT

The County Departments, under authority of their respective Assistant County Manager, have primary responsibility for identifying grant opportunities, applying for grants, meeting the performance and compliance requirements, meeting fiscal accounting requirements, reporting as required, and cooperating with auditors.

a. Department Director

The Department Director has programmatic and fiscal responsibilities for a designated department. The director ensures adequate resources are provided to staff for the appropriate conduct of project management duties and grant award management. The Department Director will:

- 1) Establish departmental standard operating procedures to ensure that:
 - Potential grants are feasible and consistent with the County's mission and strategic priorities, departmental services, or emergent needs;

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- Departments obtain the necessary authorization for grant applications and grant awards. Authorization hierarchies are provided in the Grants Administration Manual. These are detailed in CHAPTER 3: PROCESS AND PROCEDURES;
 - Grant managers and fiscal staff are following all requirements of the Grants Management Information System (GMIS);
 - Personnel, subrecipients, contractors, and other grant-related entities understand the applicable laws, and are trained and qualified to carry out tasks related to grant administration;
 - Programmatic reports are accurate; and
 - Critical reporting timelines (internal and external) are met and grants comply with all applicable regulations.
- 2) Identify a separate Grant Project Manager and Fiscal Contact and ensure:
- Separation of duties between the Grant Project Manager and the Fiscal Contact as internal controls require that no one individual may simultaneously serve in both positions;
 - Compliance with the requirements outlined in this manual;
 - Familiarity with the grant guidelines and deliverables;
 - Compliance with cross-cutting federal requirements of the grant;
 - Initiate the grant applications, including the identification of requirements of the application, scope of work, and sources of matching funds or in-kind services for each grant; and
 - Manage the County approvals for grants, including the Agenda Management process.

b. Grant Manager and Grant Project Manager

Depending upon the scale/scope and the department's operational preferences, grant project management roles and responsibilities may be combined and carried out by a single individual, or they may be separated under a Grant Manager, who coordinates multiple Grant Project Managers within a department. In either case, these roles and responsibilities will be distinguishable and separate from the Fiscal Contact responsibilities to maintain internal controls and separation of duties. The Grant Manager and Grant Project Manager typically reside within the department receiving the grant. However, there may be exceptions to facilitate interdepartmental efficiency.

If required by the terms and conditions of the funding agreement, the Grant Manager or Grant Project Manager will:

- 1) Manage/oversee the grant life cycle, including:
- Attending Grants Committee meetings, informing the committee of any grants that are being vetted and pursued, and contributing to the grants management process as outlined in this manual;
 - Overseeing grant contract compliance, and ensuring compliance with all grant funding agreement terms, reporting and requirements. Collaborate

and communicate with the Fiscal Contact to ensure successful execution of the grant;

- 2) Initiate all approved grant applications by identifying the purpose, scope of work, requirements, and sources of matching funds or in-kind services for each grant;
- 3) Collaborate with Procurement Management prior application for any grant that includes a purchase of goods, services, or construction, to build a realistic project schedule and ensure that major milestone deadlines are feasible;
- 4) Coordinate with the Department Director for the required involvement of the BoCC, County Manager or the designee, for required approvals, amendments, etc.;
- 5) Support the Agenda Management process in coordination with the Department Director for any requirements for all grants; and
- 6) Cooperate with the Fiscal Contact to ensure complete task tracking and document storage in the Grants Management Information System (GMIS);
- 7) Notify Management & Budget and the Grants Management Coordinator upon receipt of a notice of a site or monitoring visit to be performed by the grantor; and
- 8) Ensure that real property acquisition, appraisal, negotiation, and relocation grant requirements are met.

c. Fiscal Contact

The Fiscal Contact manages the financial requirements and maintains the award record in the County's financial system. Although some tasks may be delegated, the Fiscal Contact is primarily accountable for the overall fiscal conduct of the grant award, for meeting the budgetary terms and conditions of the award, and for representing the accounting of the project to the grantor. A Fiscal Contact typically resides within fiscal services for the department receiving the grant; however, there may be exceptions to facilitate interdepartmental efficiency.

Fiscal Contact responsibilities are distinguishable and separate from the Grant Manager or Grant Project Manager. The Fiscal Contact and the Grant Manager or Grant Project Manager will collaborate, communicate, and cooperate to ensure successful execution of the grant.

The Fiscal Contact will:

- 1) Attend Grants Committee meetings and contribute to the BoCC grants management process as necessary;
- 2) Oversee compliance of fiscal activities;
- 3) Ensure compliance with all grant terms, reporting, and requirements;
- 4) Prepare the budget portion of grant requests in coordination with the Grant Project Manager and/or Department Director;
- 5) Coordinate with Management & Budget for the generation of the grant identification project numbers and set up new accounts;
- 6) Assign split funding cost accounting for staffing and budget items;
- 7) Request grant reimbursements;

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- 8) Notify Management & Budget and the Grants Management Coordinator upon receipt of a notice of a Single Audit or any other audit, and prepare and participate in all required monitoring reviews and audits;
- 9) Cooperate with the Grant Manager or the Grant Project Manager to ensure complete task tracking and document storage in the Grants Management Information System (GMIS); and
- 10) Communicate the financial status of the grant to the Grant Project Manager and Department Director.

6. PROCUREMENT MANAGEMENT

Procurement Management supports the departments during grant project implementation by reviewing agreements, preparing solicitation packages in compliance with grant requirements, reviewing contracts, collaborating on purchasing timelines, and providing guidance for questions regarding compliant purchases.

7. MANAGEMENT & BUDGET

The Office of Management & Budget supports the departments and the Grants Administration Program during the grant planning and project execution by coordinating with departments to generate budgetary account codes for all grant awards, maintaining a grants inventory reference list, supporting audit responses, and coordinating with departments on project budgets.

8. RISK MANAGEMENT

Risk Management supports the department during the grant planning phase to identify potential liability to the County.

9. COUNTY ATTORNEY

The County Attorney's Office reviews agreements for legal liability and for legal sufficiency and form if the BoCC is the signatory on the funding agreement. The County Attorney's Office also responds to departments requesting reviews of grant agreements.

B. RESOURCES AND INFRASTRUCTURE**1. GRANTS MANAGEMENT INFORMATION SYSTEM (GMIS)**

The County provides a Grants Management Information System (GMIS) for all departments to centralize grant project information. The system supports grant level project planning for compliance deliverables, milestones, project tasks and allows for uploads of key grant-related documents. Key documents that chronicle the proposal submission, receipt of award, agreement, reporting, and other key management documents and correspondence through award closeout, will be added to the Grants Management Information System. Data updates will be made to the grant entry throughout the lifecycle of the grant project.

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

All reports of suspected noncompliance, waste, fraud, or criminal activity will be recorded in the Grants Management Information System (GMIS) by the Grant Manager, Grant Project Manager, or Fiscal Contact.



Grants Management Information System *Users' Guide* (employee Intranet):
[Home - Project: Grants Management \(leegov.com\);
 https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx](https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx)

Contact the Grants Management Coordinator for questions regarding the Grants Management Information System (GMIS).

2. FINANCIAL SOFTWARE

The Lee County Clerk of Courts General Accounting Office – Finance Department provides all Board of County Commissioner Operations with a financial management system. It allows for systematic management of grant funds, separation of duties, and accounting of expenditures. It will serve as the grant project's general ledger. Grant Fiscal Contacts will be trained on the system and procedures.

3. AGENDA MANAGEMENT SYSTEM (NOVUS)

When it is determined that the grant action needs to be approved by the Board, an Agenda Item Report (AIR) is created.

It is the responsibility of the preparer and department management to ensure that all AIRs are prepared with content that complies with County guidelines. Failure to comply with the guidelines could result in a delay of the agenda item being heard by the Board.



Agenda Management Process and Agenda Item Requirements (employee Intranet):

<https://employee.leegov.com/novus>

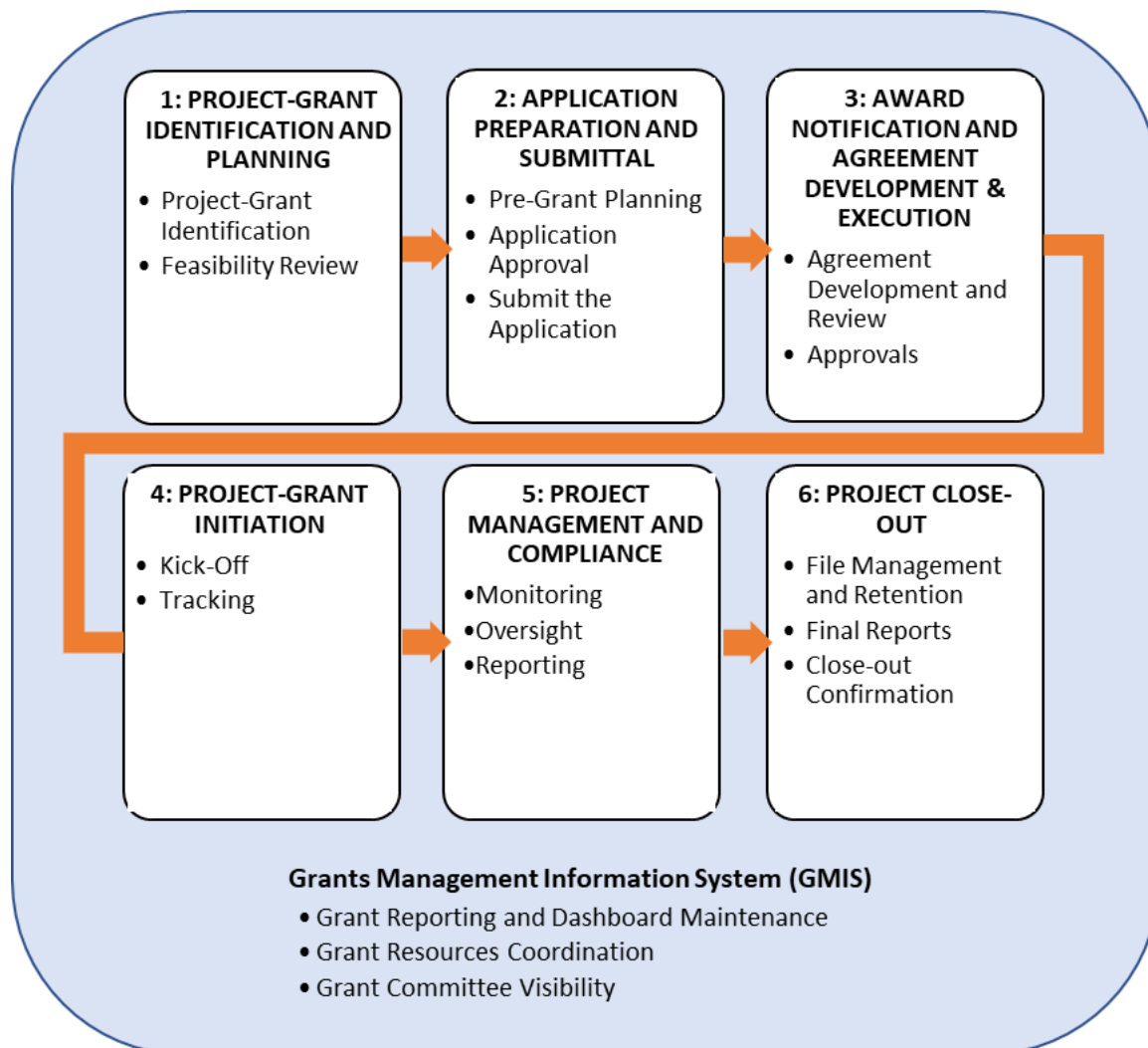
For questions regarding the AIR process and item requirements, please contact the Lee County Agenda Item Administrator in the County Manager's Office.

CHAPTER 3: PROCESS AND PROCEDURES

Lee County Government recognizes the grant life-cycle processes below as a conceptual means for internal communication regarding grants administration workflow. While all grant processes are viewed through this sequence, all phases, processes, and subprocesses may not apply to all grants.

- 1) Project-Grant Identification and Planning
- 2) Application Preparation and Submittal
- 3) Award Notification and Agreement Development and Execution
- 4) Project-Grant Initiation
- 5) Project Management and Compliance
- 6) Project Closeout

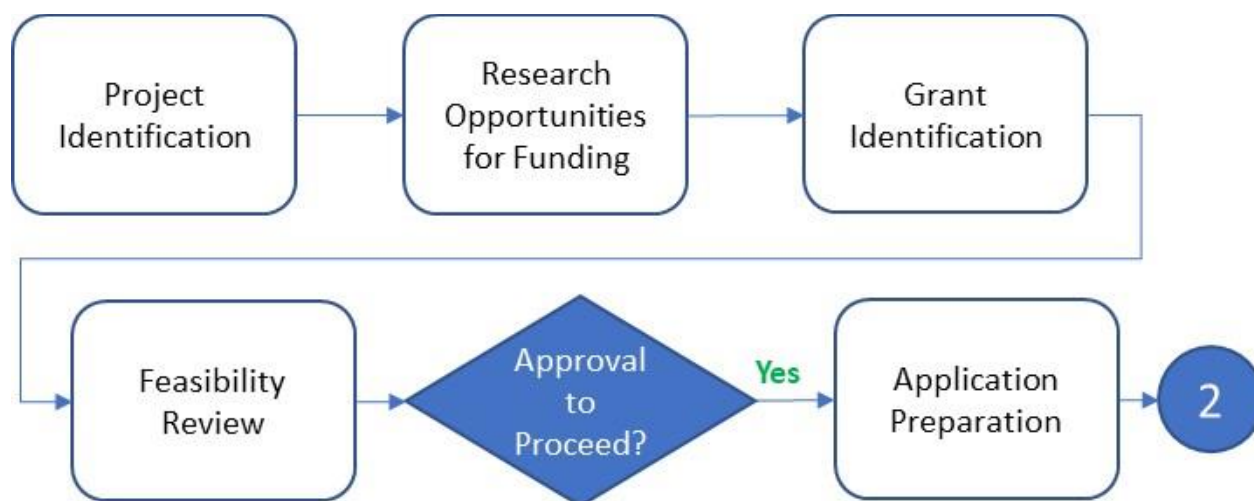
Figure 2. Grant Management Process



More information for each of the six steps above is provided in the Process Step sections below.

A. PROCESS STEP 1: PROJECT-GRANT IDENTIFICATION AND PLANNING

Figure 3. Process Step 1



1. PROJECT IDENTIFICATION

Each department will identify and document projects and service opportunities that are candidates for grant funding. All efforts to secure new grant funding or decisions of whether to continue or renew current grant programs must begin with an evaluation of whether the grant program addresses underfunded core services, emerging needs, or aligns with at least one of the priorities of the Lee Board of County Commissioners, which may be updated annually.

The opportunities may be current, or new, services or projects. For example, a department's project-grant opportunity list could include approved projects on the 5-year capital improvement plan, long-term planned projects, underfunded core services, or special services such as disaster response. Departments will inform the Grants Management Coordinator of all projects being vetted for grant funding.

2. GRANT IDENTIFICATION

The grant-seeking process must be part of the department's strategic planning and funding identification process. After having identified project and funding opportunities, the department will begin a feasibility review process.

3. PROJECT-GRANT FEASIBILITY REVIEW

The Department Director and the Grant Project Manager will perform a review that may include the following:

- How does the funding opportunity align with the department's core mission and the County's strategic priorities?
- What level of approval does the grant application require?
- What is the funding match or in-kind contribution; and what is the plan to address these requirements?

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- d. What additional costs are associated with this grant, particularly federal grants (e.g., construction, engineering, and inspections costs (CEI), an environmental review, the hiring of a consultant to support the grant identification, planning, and project management process)?
- e. What are the long-term operations, maintenance, personnel, and equipment costs/concerns? How will they be funded?
- f. What cost-benefit advantages does the grant project provide (e.g., conduct a funding analysis; this analysis is separate from a cost-benefit analysis that may be required by Grantors to prioritize their awards)?
- g. What are the obligations of compliance to the policies of the funding source and its agreements?
- h. What are the closeout requirements (e.g., disposition of equipment)?
Can the County achieve all the deliverables within the time constraints of the grant, considering staff workloads, procurement timeframes, cash-flow, workload, supplies and equipment, and current projects/other grants?

The Department Director will determine if the project-grant opportunity will move forward to the grant application preparation and submittal process.

4. USING A CONSULTANT FOR GRANT SUPPORT TASKS

At either the County Manager or Departmental level, staff may consider hiring a consultant to assist with any part of the grant process, including feasibility analysis, application submittal, and/or project management. This may be implemented through the County's existing procurement practices for new solicitations or for change orders to existing contracts. It may occur as part of the County's regular fiscal planning or in compliance with Federal Procurement Standards for emergency declarations under 2 CFR Part 200.

In any scenario and prior to engaging a consultant, the process must include:

- a. Approval through the County Manager or Department Director for hiring the grant management consultant;
- b. Consideration of whether all or a portion of the consultant's fee will be paid from grant proceeds or will be reimbursable under any other funding stream;
- c. Consultation with Procurement Management to ensure compliance with Lee County, federal, state, and grantor procurement compliance;
- d. A specific Scope of Work that may include, but is not limited to:
 - Period of performance;
 - Deliverables and tasks with clear performance standards;
 - Clear delineation of the consultant's responsibilities and how the consultant specifically interacts with Lee County staff; and
 - A plan for communicating status reports to the Lee County Grant Project Manager.

The Lee County Grant Project Manager, not the consultant, is responsible for complying with the Lee County Grants Administration Program including all provisions of this manual and use of the Grants Management Information System (GMIS).

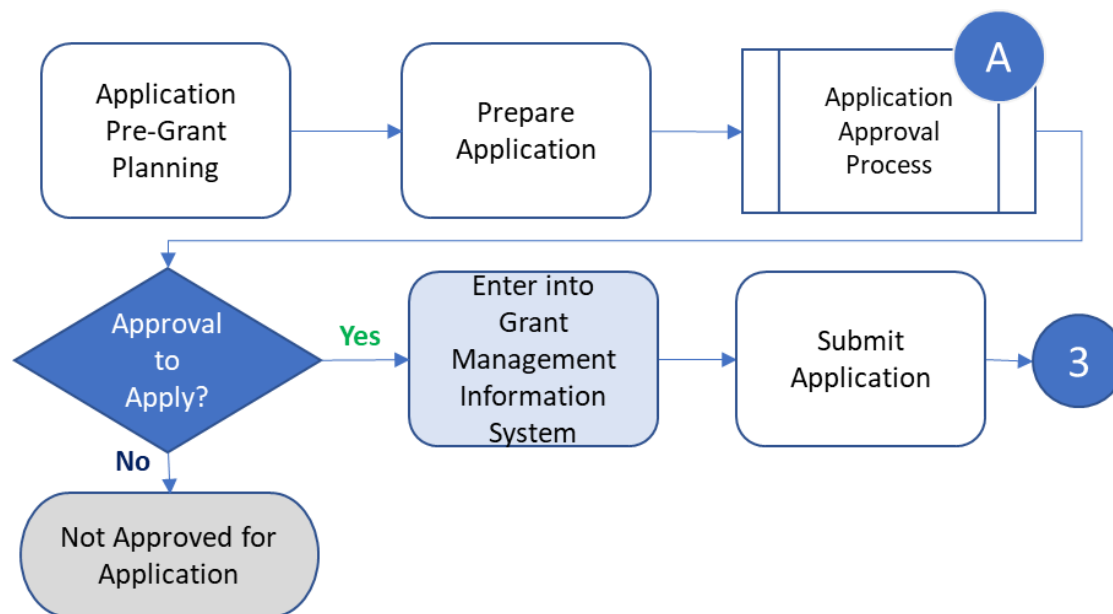
[Lee County's Procurement Ordinance Appendix II](#) deals with compliance for hiring grant management consultants and other contractors during emergencies. Please contact Procurement Management for the current version and to initiate the process for procuring such

services.

<https://www.leegov.com/procurement/Documents/APPENDIX%20II%20CLAUSES%20May%202021.pdf>

B. PROCESS STEP 2: APPLICATION PREPARATION AND SUBMITTAL

Figure 4. Process Step 2



1. PRE-APPLICATION PLANNING

Application planning and preparation is the responsibility of the submitting department. As part of planning, project roles will be defined for inter- and intra-departmental cooperation, project management and fiscal responsibilities, including the tasks of application, which department's budget will receive the funding, and the grantors point of contact.

2. APPLICATION PREPARATION

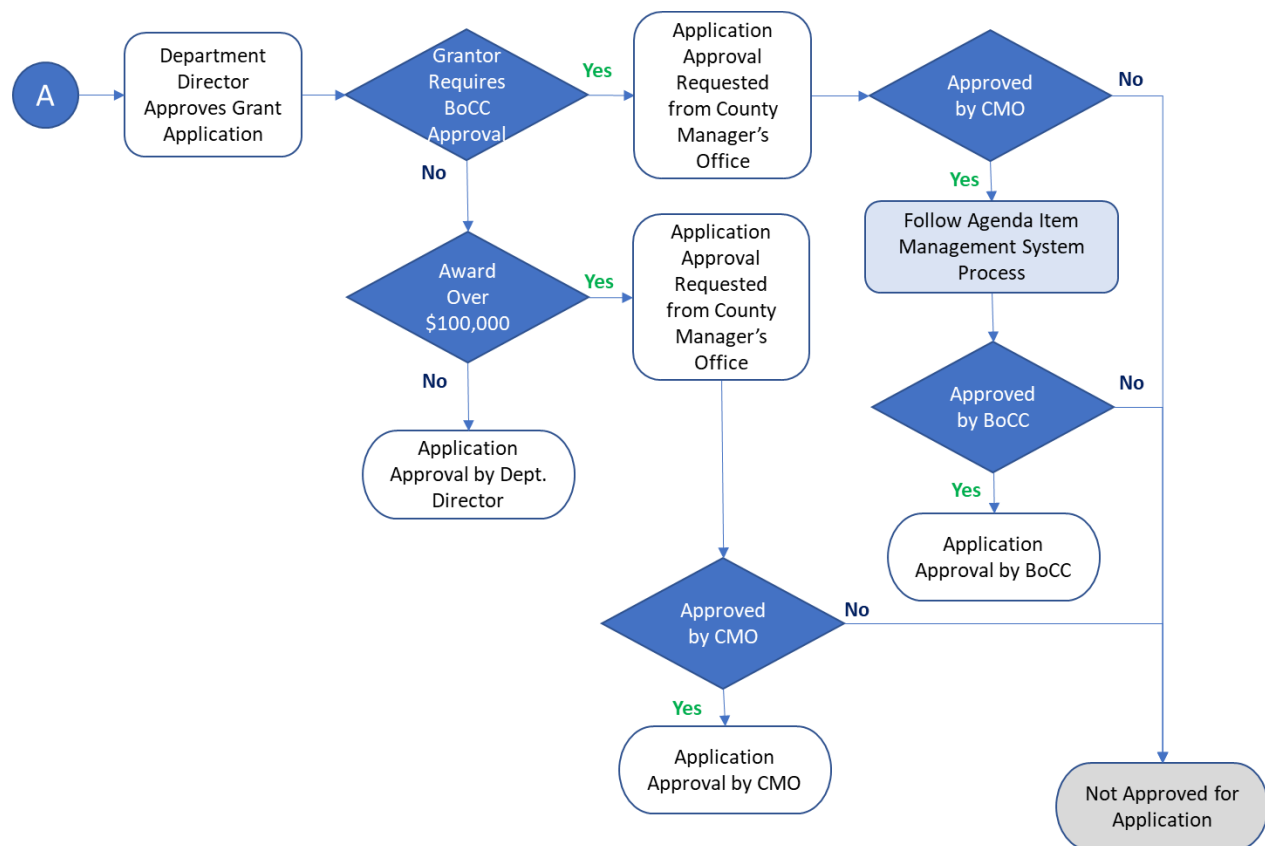
When preparing for an application, the submitting department will review the eligibility, pre-requisites, application sections and requirements for submission, and the grant compliance obligations, if awarded. This many include a final review of topics that may also have been covered in the feasibility review.

Application Planning:

- a. Contact Procurement Management for guidance on estimating costs, searching for comparable scopes of work, and scheduling a project timeline, as required by the application.
- b. Consult the Grant Management Coordinator and Fiscal Contact to discuss proposed budget lines for administrative fees, in-kind services, and any required match.

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- c. Consult the Grant Management Coordinator, Procurement Management, and Grant Project Managers on how to package environment review, design services, and construction implementation costs and phases.
- d. For submissions using web portals that require registration for multiple users, consult the Grant Management Coordinator **prior to registration**. This discussion will ensure that the County is properly registered in the system of the Grantor. It is important that the appropriate programmatic and fiscal personnel are established within these systems for access and award application/management. Some submissions may involve County Administration, County Attorney, Management & Budget, or personnel from departments other than the Grant Project Manager's department.
- e. The correct level of approval for the grant application will be determined. (See Figure 5.)

Figure 5. Application Approval Subprocess**3. AGENDA ITEM (APPROVAL TO APPLY WHEN REQUIRED)**

When the Grantor requires approval of the application by the BoCC or when County Administration chooses to present it to the BoCC for approval, then the initiating Department Director will create an Agenda Item requesting permission from the Board to apply for the grant. Timing of the Agenda Item may be critical depending upon the Grantor deadline.

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As part of the Agenda Item review, multiple departments will review the item, such as County Manager, County Attorney, Procurement Management, and Management & Budget.

The Board meeting completes the approval process to apply and the initiating department is authorized to formally submit the application to the Grantor contingent on BoCC approval.



Agenda Management Process and Agenda Item Requirements (employee Intranet):

<https://employee.leegov.com/novus>

For questions regarding the AIR process and item requirements, please contact the Lee County Agenda Item Administrator in the County Manager's Office.

4. SUBMITTAL

Once all required approvals have been obtained, the designated department will submit the application per the Grantor's requirements.

5. TRACKING

The County provides a Grants Management Information System (GMIS) for all departments to centralize management of all grant applications with final approval from either the Department Director, County Manager's Office or BoCC. Data updates will be made to the entry throughout the lifecycle of the grant project including decision of award.



Grants Management Information System *Users' Guide* (employee Intranet):

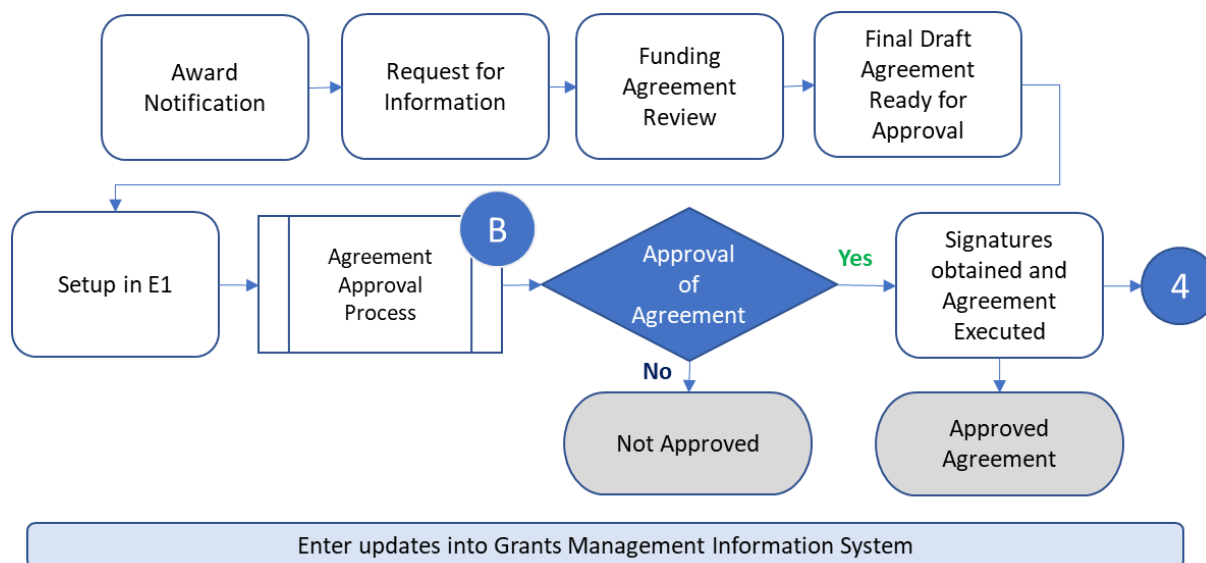
[Home - Project: Grants Management \(leegov.com\);](https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx)

<https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx>

Contact the Grants Management Coordinator for questions regarding the Grants Management Information System (GMIS).

C. PROCESS STEP 3: AWARD NOTIFICATION, AGREEMENT DEVELOPMENT AND EXECUTION

Figure 6. Process Step 3



Depending on the type of grant (e.g., competitive grant vs. an entitlement grant), the process may begin at various points within this process.

1. AWARD NOTIFICATION

For competitive grants, Grantors may provide an award notice to begin discussions for the funding agreement. The Grants Management Information System (GMIS) will be updated regardless of whether the award is granted or denied.

2. REQUEST FOR INFORMATION

In preparation to provide a draft funding agreement, Grantors may initiate a process called the Request for Information (RFI), which consists of the grantor requesting additional information.

3. FUNDING AGREEMENT REVIEW

If the Grantor is offering terms different from the grant proposal (e.g., a reduced budget, period of performance, or deliverables and tasks) the County must ensure the grant can still be accomplished within the terms proposed by the Grantor. The Grant Project Manager will inform all stakeholders when these revisions are under consideration.

- a. When the award terms are negotiated to the initiating department's satisfaction, the Grantor must provide the updated draft funding agreement.
- b. When the department determines it cannot accept the revised terms, the County may choose not to accept the award. Whether to decline the award must be reviewed by the approval chain. The Department will follow the Grantor's process for declining the award.

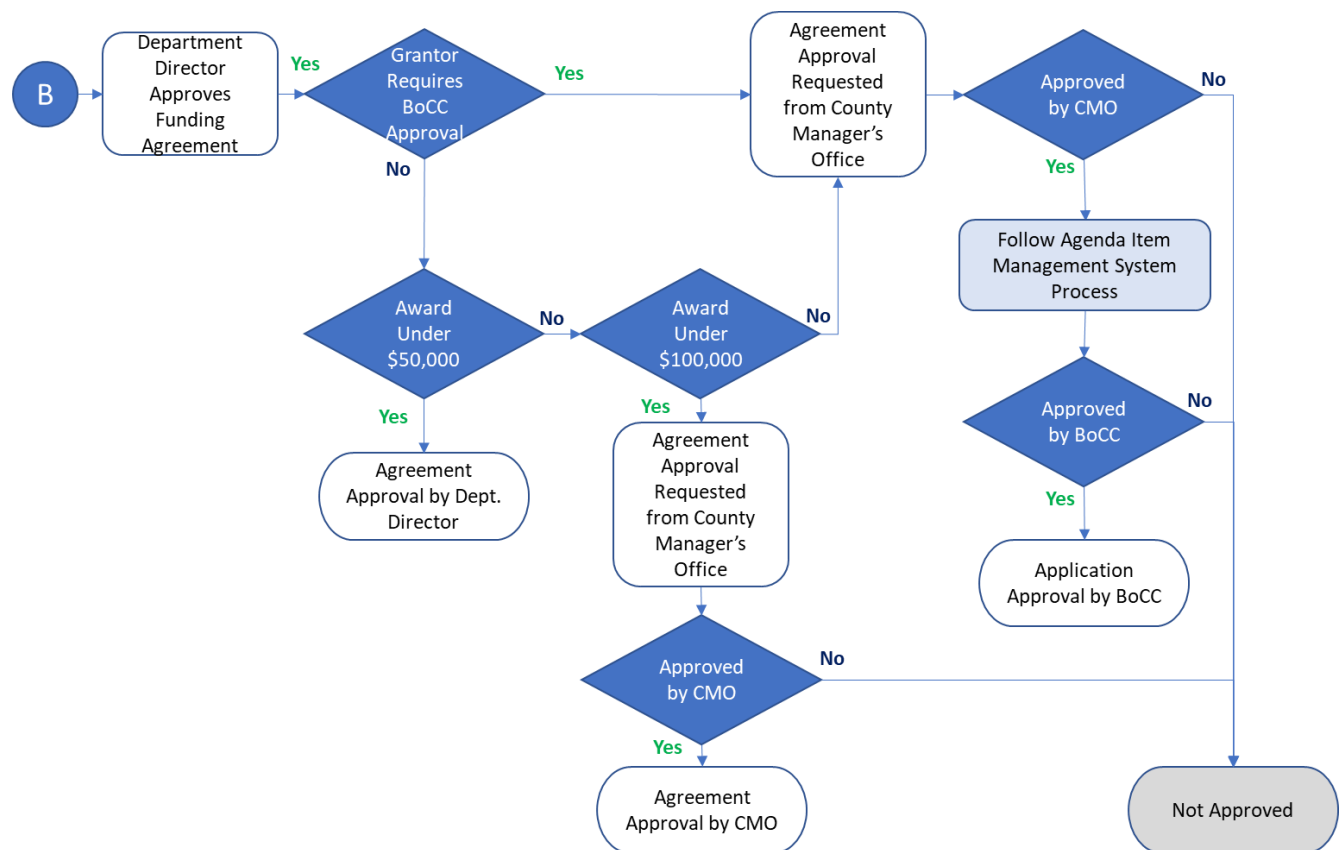
Once the award scope and budget are agreed upon, the draft funding agreement will be provided to the County by the Grantor.

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The draft funding agreement will be reviewed by the project team for finalization of the grant amount, management and fiscal compliance requirements, and the appropriate signatory. Once the funding agreement has passed the project team review, the funding agreement is ready for approval by the Department Director, County Manager (or designee), or the BoCC. If the grant requires BoCC approval, the County Attorney's Office will review the agreement as part of the BoCC Agenda Item Review. Otherwise, the department may ask the County Attorney's Office to review the grant agreement.

For projects with subrecipients, please see CHAPTER 4: SUBRECIPIENTS for more details.

Figure 7. Agreement Approval Subprocess



Authorized Signatory Determination

- When the Grantor requires that the Board of County Commissioners serve as the authorized signatory, then the chair or official designee will sign the funding agreement and subsequent grant related documents.



Reference: Lee County AC 1-3 Rules of Procedure (Appointing and Duties of Chair; <https://www.leegov.com/bocc/Administrative%20Codes/AC-1-3.pdf>)

- When allowable, the County Manager or designee will sign as the authorized signatory for the funding agreement and subsequent grant related documents.

Code of Ordinance Article II. Section 2.1 grants executive responsibilities and powers of the County to the County Manager to carry out directives and policies of the BoCC and to enforce all orders, resolutions, ordinances, and regulations of the BoCC, the County Charter, and all applicable general law, to ensure that they are faithfully executed.

- When allowable, the Department Director or designee will sign as the authorized signatory for the funding agreement and subsequent grant related documents.

4. AGENDA ITEM TO BOARD (ACCEPTANCE AND APPROPRIATION)

When the Grantor requires approval of the funding agreement by the BoCC or when the agreement is presented to the BoCC for approval, then the initiating Department Director will create an Agenda Item requesting permission from the Board to approve the funding agreement. Certain budget adjustments or amendments for grants may also require board approval.

The Board meeting completes the local approval process to formally execute the funding agreement.

5. EXECUTED FUNDING AGREEMENT

Typically, once the agreement is signed by Lee County, the funding agreement is sent back to the Grantor for execution. Lee County must obtain a copy of the fully executed agreement.

If the BoCC approved the agreement, then the Grants Project Manager will ensure the Lee County Clerk of Courts – Minutes receives a copy. The Grant Project Manager will provide an electronic copy of the fully executed grant agreement to all major stakeholders.

6. AWARD AND PROJECT SETUP IN Financial Management System

After signing the funding agreement, the Fiscal Contact will contact Management & Budget to obtain the grant business unit for the Lee County Clerk of Courts General Accounting Office - Finance Department.

7. TRACKING

The Grants Project Manager will ensure that updates are made to the Grants Management Information System (GMIS) with additional project information required by the system.



Grants Management Information System *Users' Guide* (employee Intranet):

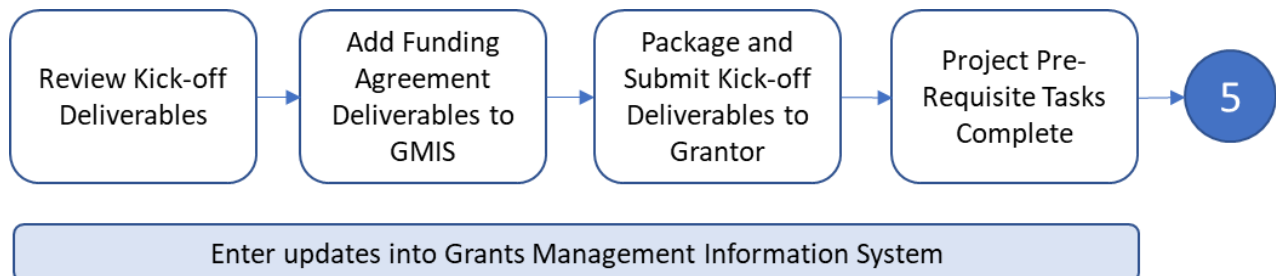
[Home - Project: Grants Management \(leegov.com\);](#)

<https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx>

Contact the Grants Management Coordinator for questions regarding the Grants Management Information System (GMIS).

D. PROCESS STEP 4: PROJECT-GRANT INITIATION AND GENERAL QA/QC

Figure 8. Process Step 4



1. KICK-OFF TO PROJECT

Internal project teams will meet to:

- 1) Review tasks/deliverables as outlined in the funding agreement and overall quality control/quality compliance requirements of the Grantor and the County;
- 2) Use the Grants Management Information System (GMIS) to document the tasks/deliverables;
- 4) Package and submit the kick-off deliverables as required by the Grantor; and
- 5) Complete all pre-requisite tasks.

This process may be guided by an onboarding/introduction meeting held by the Grantor to reiterate the requirements of the funding agreement. Lee County's overall quality control/quality compliance requirements are drafted specifically to comply with 2 CFR Part 200, US Department of Treasury Requirements for RESTORE Act and ARPA, and the Florida departments of Transportation, Emergency Management, and Economic Opportunity – specifically the Office of Long-Term Recovery. If the Grantor identifies any inadequacies, the Grant Project Manager or Fiscal Contact will bring those items to the attention of the Grants Management Coordinator.

The Grants Management Coordinator ensures that all staff involved in grant project management follows the Quality Assurance/Quality Control (QA/QC) procedures addressed specifically in the Lee County Employee Policies and Procedures Handbook, the Lee County Procurement Ordinance, the Grants Administration Manual, and the Lee County Clerk of Courts General Accounting Office – Finance Department policy and guides, and BoCC policies specifically for grievances related to the Americans with Disabilities Act Title II, Civil Rights Act Title VI, Equal Employment Opportunity, and Harassment in addition to the grantors' specific requirements.

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

All other process concerns, public inquiries or complaints, compliance findings or general verbal or written statements of concern – including phone calls, emails, faxes, or letters that are received by the County, its contractors, and/or other program sources – will be reviewed by the Grants Management Coordinator and will be addressed at the Lee County Administration level. A log of these interactions will be recorded both digitally and in print including:

- Name of the complainant and contact information;
- Date the complaint was received;
- Description of the complaint;
- Name of each person contacted in relation to the complaint;
- A summary of the result and the date of the response to complainant;
- Explanation of the resolution of the file; and
- Any follow-up actions.

The Grants Management Coordinator's investigation process will be similar to the County's established policies for ADA and Civil Rights investigations:

- Within 15 calendar days after receipt of the complaint, the coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Lee County and offer options for substantive response or resolution of the concern.
- If the response by the coordinator or designee does not satisfactorily resolve the issue, the complainant may appeal the response within 15 calendar days after receipt of the response to the County Manager or other appropriate high-level official designated as the County Manager's designee.
- Within 15 calendar days after receipt of the appeal, the County Manager or designee will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days after the meeting, the County Manager or other Lee County official or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- The County will provide the complainant with contact information for the grantor and other appropriate State and Federal agencies if the complainant chooses to pursue concerns further.

All written complaints received by Lee County's ADA Coordinator or designee, appeals to the County Manager or other appropriate designee, and responses from these two offices will be retained by Lee County for at least five years or for a longer time if specified by the Grantor.

The Grants Management Coordinator will track all complaints quarterly to determine if there is a pattern developing and whether policy changes or staff training are needed.

2. TRACKING

The Grants Management Information System (GMIS) tracking will be updated with status and documentation required.



Grants Management Information System *Users' Guide* (employee Intranet):

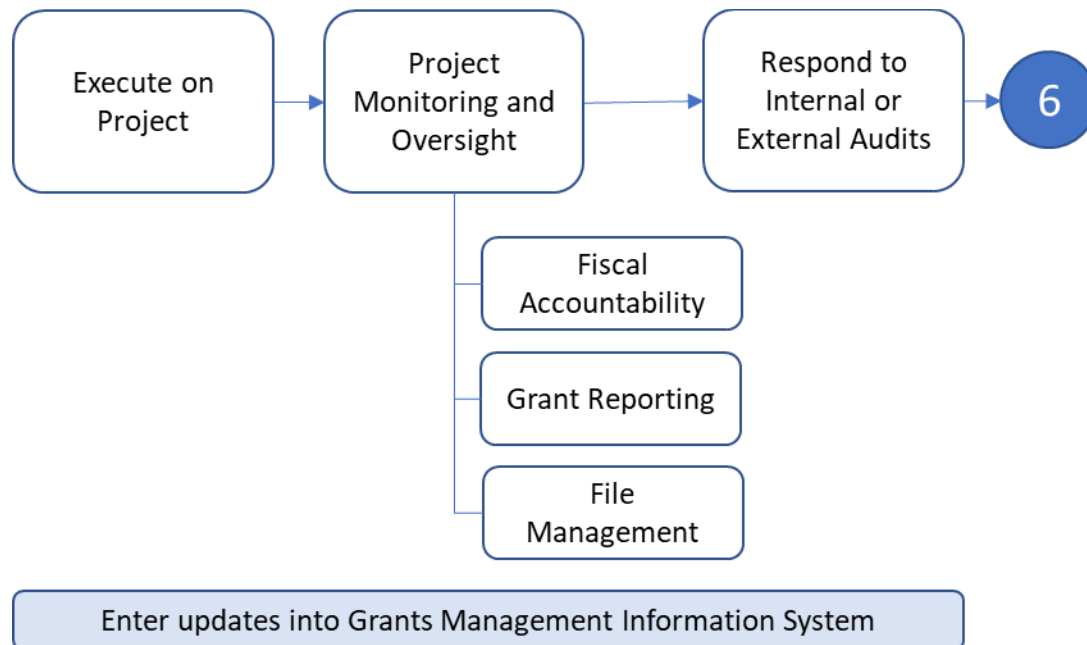
[Home - Project: Grants Management \(leegov.com\);](https://leegov.com/Projects/GrantsManagement/)

<https://intranet.leegov.com/Administration/PerformanceAnalytics/GrantsManagement/default.aspx>

Contact the Grants Management Coordinator for questions regarding the Grants Management Information System (GMIS).

E. PROCESS STEP 5: PROJECT MANAGEMENT AND COMPLIANCE

Figure 9. Process Step 5



Once all initial compliance requirements and pre-requisites have been met, the project may begin.

1. MONITORING OF THE GRANT

a. County Administration/Senior Team-Level Monitoring

High-level project oversight for all Lee County grants is assigned to the Grants Management Coordinator. To comply with Federal Single Audit requirements, there is a centralized Grants Management Information System (GMIS) that tracks grants, deliverables/tasks, timelines, and documentation. The system enables visibility countywide to Grant Project Managers and Fiscal Contacts and is the database from which the County Manager's Office can request reports.

b. Department-Level Monitoring

The Department Director must assign department-level grant oversight responsibility and implement processes for timely and updated communication to all project stakeholders.

The Grant Manager, Grant Project Manager and Fiscal Contact carry out the departmental oversight in accordance with CHAPTER 2: ROLES, RESPONSIBILITIES, AND RESOURCES. The departmental process extends the administration-level monitoring and must be recorded and implemented in a way that can be consistently articulated in the Single Audit.

2. PROJECT MANAGEMENT OVERSIGHT

a. Communicating Project Status

The Grant Manager or Grant Project Manager will oversee executing the funding agreement and other project contract deliverables and tasks, including project status meetings, risk

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

mitigation, and performance reviews. In this stage of the grant lifecycle, particular attention should be paid to:

b. Key Personnel Changes

Promptly notify the Grantor, Management & Budget, and the Grants Management Coordinator upon the reassignment, termination, or retirement of any key grant program staff member to ensure that proper retention of information and continuous grants management occurs during the transition period. Grantor approval may be required to modify key grant personnel.

c. Notice of Audit, Monitoring Visit or Review

Promptly notify Management & Budget and the Grants Management Coordinator upon receipt of a notice of a site or monitoring visit to be performed by the grantor or a Single Audit. Management & Budget staff may assist in the preparation of grantor site visits, reviews, or audits.

d. Fiscal Accountability

Fiscal accountability for each grant is controlled by Lee County Board of County Commissioners policy, Procurement Ordinance, Lee County Clerk of Courts General Accounting Office - Finance Department policy and guides, and the fiscal requirements of the Grantor. The Fiscal Contact ensures that grant funds are expended in full compliance of all applicable laws and regulations only for allowable activities and in accordance with applicable cost principles.

e. Risk Assessment

The overall goal of project management and oversight includes review of the risk level of all grant activities – programmatic and financial. This assessment includes how and why monitoring is conducted, the frequency of monitoring, and which items are monitored. In reference to HUD Community Development Block Grants, the Grants Management Coordinator will specifically reference 83 FR 28 regarding risk assessment and monitoring of the County's own grant management and the assessment of the County's grant subrecipients.

Grant Managers, Grant Project Managers, and Fiscal Contacts are encouraged to inform the Grants Management Coordinator if there are barriers to compliance and to timely preparation of status reports, tasks and deliverables. Assistance from the Coordinator and other attendees of the Grants Committee will be offered to keep projects running on time and in compliance.

3. REPORTING OF SUSPECTED NONCOMPLIANCE, WASTE, FRAUD, OR CRIMINAL ACTIVITY

As noted in the Lee County Employee Policies and Procedures Manual, Section 214, Whistleblowing, <https://www.leegov.com/hr/Documents/Policy%20and%20Procedures%20manual/214-%20Whistleblowing.pdf>

Lee County staff are required to report all suspected cases of misconduct. All employees must bring their concerns of suspected grant noncompliance, fraud, or criminal activity to the attention of their immediate supervisor or department director, the Director of Human Resources or designee(s), up to the County Manager as appropriate, and must also report to the County Grants Management Coordinator. The confidentiality of the report will be handled consistent with Section 202.3 Complaint Procedure in the Lee County Policy Manual

<https://www.leegov.com/hr/Documents/Policy%20and%20Procedures%20manual/202-Harassment%20Policy.pdf>

(Reference 2 CFR 200.112) and procedure for investigating the specific grant-related complaint will be handling in accordance with the Grants Administration Manual QA/QC policy, including:

- Provision for confidentiality; and
- Timely response within 15 days;

Additional external resources for reporting fraud or criminal activity include:

- FEMA Disaster Fraud Hotline: 866-720-5721
- Department of Housing and Urban Development (HUD): 800-347-3735 or email: hotline@hudoig.gov
- Rebuild Florida Grants

Constituents, employees and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste or Abuse online form (<http://floridajobs.org/rebuildflorida/report>; (all contact information fields are optional to allow for anonymity) or by sending an e-mail to cdbg-dr_antifraudwasteabuse@deo.myflorida.com. All suspected cases of fraud will be taken seriously, and complaints will be reported to OLTR's Compliance and Reporting Manager and DEO's Office of the Inspector General at OIG@deo.myflorida.com. If DEO's OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation. All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov) and DEO's HUD Community Planning and Development (CPD) Representative. OLTR must provide a timely response within 15 working days of the receipt of a complaint, as stated in 84 FR 169.

- Lee County Clerk of Courts Inspector General Hotline phone: 239-337-7799 or email: Info_InspectorGeneral@leeclerk.org

All reports of suspected noncompliance, waste, fraud, or criminal activity will be recorded in the Grants Management Information System (GMIS) by the Grant Manager, Grant Project Manager, or Fiscal Contact.

4. GRANT REPORTING

All grant awards have reporting requirements specified in the grant agreement. It is critical that all reports are complete, accurate, and submitted per the specified dates in the agreement.

Types of Reports

- a. Performance/Progress/Narrative/Status: The recipient department's Grant Project Manager is required to regularly submit to the Grantor and retain performance reports that reflect grant-funded operational progress as required by the grant funding agreement.
- b. Financial: The Fiscal Contact is required to regularly submit and retain financial reports that reflect a grants fiscal status as required by the grant funding agreement and supporting documents.
- c. Closeout/Final: Dependent upon the conditions of the grant contract, after the expiration or termination of the grant, the Grant Project Manager, in collaboration with the Fiscal Contact, is required to submit all financial, performance, and other reports required in the grant conditions.

5. FILE MANAGEMENT, ACCESS, AND RETENTION

Grant Project Managers will comply with the terms and conditions of their grant funding agreements for grant-related documentation, file management, access, and document retention. The Grant Manager or Grant Project Manager and the Fiscal Contact are required to have a file management and record retention plan for the grant project that identifies the documents, format, location, and the period for retention.

Lee County follows at minimum the state and federal guidelines for record retention and will extend the time for, or format of, retention if required by the Grantor. If any litigation, claim, negotiation, audit, or other action involving grant records has been started before the expiration of the retention period, the records must be retained until completion of the action and resolution of that activity.

(Record Retention Schedules GS 1-SL as approved by the State of Florida, Bureau of Archives and Records Management.)

The Grants Management Information System (GMIS) alone does not accommodate all requirements, such as availability in print or the period for retention. The file management and record retention plan will be uploaded to the Grants Management Information System.

6. GRANT MODIFICATIONS

During a grant lifecycle, it may become necessary to modify the grant. Typically, grant amendments that extend the period of performance or alter the funding level are allowable. However, it is important to follow the Grantor's procedures and the County's procedures for the modification.

These changes must be pre-approved by the Grantor before they are considered eligible. Department Directors and County Manager's Office must be made aware of the need for modification as they are ultimately responsible. Additionally, the Grants Management Coordinator must be made aware of all amendments to competitive grants (non-entitlement grants) to determine the approval path. Documentation on all requests and amendment approvals will be stored on the Grants Management Information System (GMIS).

- Written confirmation from the Grantor is required before any money is spent on items different from what was approved in the original budget. Also, project activities that deviate from those originally proposed in the grant application will be documented and prior approval will be received from the grantor before instituting these changes.
- Budget amendments or similar documentation affecting the grant budget will be entered into the fiscal management system and the Grants Management Information System (GMIS) for proper tracking. If additional funding is provided by the Grantor agency, a budget amendment resolution must be approved by the Board of County Commissioners if the Commissioner Chairman is the signatory of the grant.
- Any modifications to the Grant Agreement must be reviewed and approved by the County Attorney's Office pursuant to the grant review process.

a. Cancellations

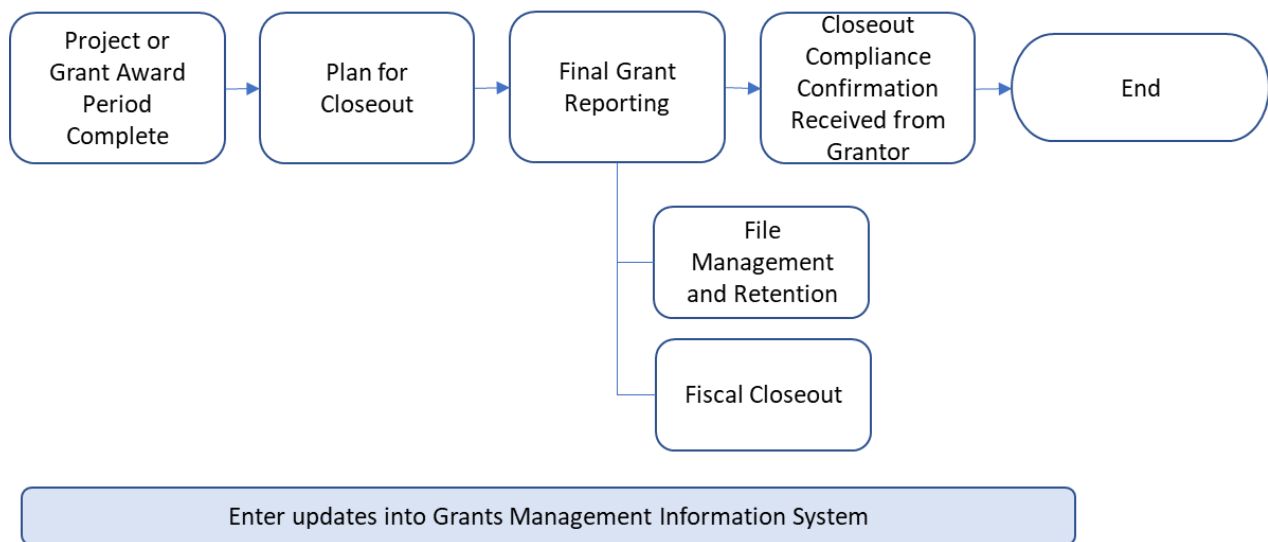
In the event a grant funding agreement must be terminated, standard practices for closing out a grant will be completed. In each of these cases, coordination will occur between the department, Grants Management Coordinator, and the County Manager's Office to discuss the impact and strategy for ending the grant.

b. Renewal and Continuation of Agreements

If a grant is set to be renewed, coordination will occur between the department, Grants Management Coordinator, and the County Manager's Office to discuss the grant's contribution to County priorities, to determine evaluation intervals, goals and outcome measures; and to review actual costs and potential benefits.

F. PROCESS STEP 6: GRANT CLOSEOUT

Figure 10. Process Step 6



The grant closeout is the process by which the Grantor and the County finalize all requirements in the grant agreement. Preparation for closeout usually begins 60 or 90 days prior to the end date of the grant to accurately forecast expenses and make any adjustments to accounting entries. Generally, the closeout process addresses the physical completion of work and the administrative and financial requirements for closeout.

Grant Project Managers will indicate in the Grants Management Information System (GMIS) that they have initiated the grant closeout process and will include confirmation from the Grantor once received.

CHAPTER 4: SUBRECIPIENTS

Only when allowed by the grant, the County may contract with non-county entities to provide specific services to fulfill objectives of grants. These service activities are funded through agreements with subrecipients and contractors.

In instances where federal funds are involved, it is important that subrecipients and contractors be defined accurately, to ensure compliance with the uniform guidance specific requirements for each as provided in 2 CFR 200.331: Subrecipient and Contractor Determinations.

A. PROCUREMENT AND SUSPENSION AND DEBARMENT

Lee County will not award agreements, grant assistance, or contracts to those who are debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549.

Procurement Management will ensure that any potential contractor or subcontractor or subrecipient who will be funded through a grant award is not prohibited from receiving federal or state funds due to suspension or debarment. A person or entity debarred or suspended is excluded from federal financial and non-financial assistance and benefits under federal programs and activities. Debarment or suspension of a participant in a program by one agency has government-wide, reciprocal effect.

- The Grant Project Manager will coordinate with Procurement Management to ensure that the federal Excluded Parties List System (EPLS) site and the state Convicted/Suspended/Discriminatory/Complaints Contractor Lists are checked prior to entering any contractual relationship or use of services.



Excluded Parties List System (EPLS): The System for Award Management (SAM) is the official federal system that consolidated the capabilities of CCR/Fed Reg, ORCA, and EPLS. It is accessed at: <https://sam.gov/content/exclusions>.

Convicted/Suspended/Discriminatory/Complaints Contractor Lists are accessed at: http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists.

LEIE: The U.S. Department of Health and Human Services Office of Inspector General maintains a list of all excluded individuals and entities called the List of Excluded Individuals and Entities. These individuals and entities are excluded from providing services for federally funded health care programs. It is accessed at: <http://exclusions.oig.hhs.gov/>.

B. SUBRECIPIENT

Subrecipients. A subaward is for the purpose of carrying out a portion of a federal award and creates a federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-federal entity as a subrecipient include when the non-federal entity:

- Has responsibility to determine who is eligible to receive financial assistance;
- Has its performance measured in relation to whether objectives of a federal program were met;
- Has responsibility for programmatic decision making;
- Is responsible for adherence to applicable federal program requirements specified in the federal award; and
- In accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

C. CONTRACTOR

Contractors. A contract is for the purpose of obtaining goods and services for the non-federal entity's own use and creates a procurement relationship with the contractor as specified in 2 CFR 200.331. Characteristics indicative of a procurement relationship between the non-federal entity and a contractor are when the contractor:

- Provides the goods and services within normal business operations;
- Provides similar goods or services to many different purchasers;
- Normally operates in a competitive environment;
- Provides goods or services that are ancillary to the operation of the federal program; and
- Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

The Grant Project Manager will contact Procurement Management to determine if a proposed agreement between the County and another non-federal entity would be considered a subrecipient or contractor agreement. The substance of the relationship is more important than the form of the agreement. All characteristics listed above may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.

D. SUBAWARDS TO SUBRECIPIENTS

1. SUBRECIPIENT RISK ASSESSMENT

The Grant Project Manager will evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring as identified in 2 CFR 200.331, which may include consideration of such factors as:

- The subrecipient's prior experience with the same or similar subawards;
- The results of previous audits including whether or not the subrecipient received a Single Audit in accordance with 2 CFR 200 Subpart F – Audit Requirements, and the extent to which the same or similar subaward has been audited as a major program;

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- Whether the subrecipient has new personnel or new or substantially changed systems; and
- The extent and results of federal awarding agency monitoring (i.e., if the subrecipient also receives federal awards directly from a federal awarding agency).

A template for Subrecipient Risk Assessment is available from the Grants Management Coordinator.

In reference to HUD Community Development Block Grants, the Grants Management Coordinator will specifically reference 83 FR 28 regarding risk assessment and monitoring.

2. SPECIAL SUBAWARD CONDITIONS

Lee County may impose specific subaward conditions upon the subrecipient based upon the evaluation of risks as described below:

- Past failure to comply with the general or specific terms and conditions of a federal award;
- Failure to meet expected performance goals; and
- Lack of experience or resources.

Subaward conditions may include:

- Requiring payments as reimbursements rather than advance payments;
- Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- Requiring additional, more detailed financial reports;
- Requiring additional project monitoring;
- Requiring the subrecipient to obtain technical or management assistance; or
- Establishing additional prior approvals.

If specific subaward conditions are imposed, Lee County will notify the subrecipient as to the nature of the additional requirements, the reason why they are being imposed, the nature of the action needed to remove the additional requirement, the time allowed for completing the actions, and the method for requesting reconsideration of the additional requirements imposed.

Lee County will promptly remove any specific conditions once the conditions that prompted them have been corrected.

3. SUBRECIPIENT AGREEMENTS

Subaward contracts to subrecipients of federal grants will include the following information:

Reference: 2 CFR 200.332 Requirements for pass-through entities.

- a. Federal Award Identification:
 - Subrecipient name;
 - Subrecipient unique entity identifier;
 - Federal Award Identification Number (FAIN);
 - Federal Award Date of award to Lee County by the Federal Agency or pass-through entity;
 - Subaward Period of Performance Start and End Date;
 - Subaward Budget Period Start and End Date;
 - Amount of Federal Funds Obligated by the current contract from Lee County to the subrecipient;

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- Total Amount of Federal Funds Obligated to the subrecipient by Lee County including current obligation;
 - Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
 - Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
 - Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity;
 - Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement;
 - Identification of whether the award is research and development (R&D); and
 - Indirect cost rate for the Federal award (including if the de minimis rate is charged per 2 CFR 200.414).
- b. Requirements imposed by Lee County on the subrecipient so that the Federal award is issued in accordance with Federal statutes, regulations and the terms and conditions of the Federal award;
 - c. Additional requirements that Lee County imposes for the subrecipient to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;
 - d. An approved, federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between Lee County and the subrecipient (in compliance with 2CFR200.331), or a de minimis indirect cost rate as defined in 2CFR200.414 Indirect Facilities and Administration (F&A) costs;
 - e. A requirement that the subrecipient permit Lee County and auditors to have access to the subrecipient's records and financial statements as necessary for Lee County to meet the requirements of 2 CFR 200.331;
 - f. Appropriate terms and conditions concerning closeout of the subaward;
 - g. Grants Project Managers must consider whether these project specific components will be added to the Subrecipient Agreement:
 - Project Details/Scope of Work
 - Project Budget
 - Project Deliverables
 - Grant-specific Requirements
 - Insurance Requirements (Risk)

All subrecipient agreements will follow the same approval process as outlined in this Manual for all grant funding agreements.

4. MODIFYING SUBAWARDS (AMENDMENTS AND TERMINATION)

Circumstances or conditions may require changes to the subrecipient contract. When approved by the Grantor, changes which are mutually agreed upon by the Grantee and Subgrantee will be incorporated in written amendments to the subrecipient contract including:

- a. Period of performance extension;
- b. Change in the scope or objective of the activity, project, or program;
- c. Additional federal funds to complete the activity, project, or program;
- d. Transfer of funds between direct cost categories or programs, functions or activities if the

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

award exceeds the Simplified Acquisition Threshold (defined at 2 C.F.R. § 34.803) and the cumulative amount of such transfers exceeds 10 percent of the total budget as last approved by the Grantor;

- e. Subawarding, transferring or contracting out of any work unless approved in the grant award (does not apply to acquisition of supplies, material, equipment, or general support services); and
- f. Inclusion of costs that require prior approval in accordance with 2 C.F.R. Part 200 - Cost Principles (unless approved in contract). Grantor and Grantee may only terminate grant agreements in accordance with 2 C.F.R. §200.340 (Termination). All proposed amendments to subrecipient agreements must be reviewed and approved by Procurement Management and the County Attorney prior to execution and will be routed through the BoCC Agenda Management System as required.

5. SUBRECIPIENT MONITORING

The departmental Grant Project Manager or department designee will monitor subrecipient activities to ensure that the subaward is used for authorized purposes in compliance with statutes, regulations, and the terms and conditions of the subaward to ensure that the subaward performance goals are achieved. Monitoring will be a requirement of the funding for most Federal grants and subrecipients will be advised of all requirements.

Monitoring will include:

- a. Reviewing financial and performance reports required to comply with federal grants;
- b. Routine review of expenses to budget;
- c. Onsite visits if required;
- d. Review annual audit reports from any subrecipients required to complete an audit;
- e. Follow-up to ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the award as detected through risk assessment, audits, on-site reviews, and other means; and
- f. Issue a management decision for audit findings pertaining to the award provided to the subrecipient.

The Grant Project Manager may use the following monitoring activities to ensure proper accountability and compliance with program requirements and achievement of performance goals:

- g. Provide subrecipient with training and technical assistance on program-related matters; and
- h. Perform on-site reviews of the subrecipient's program operations.

Based on the results of the subrecipient's audits, on-site reviews, or monitoring activities, Lee County may consider taking enforcement action against a noncompliant subrecipient.

A template for Subrecipient Grant Monitoring is available from the County Grants Management Coordinator.

6. SUBAWARD CLOSEOUT

An integral part of subcontract monitoring is closeout of the subcontract at the end of the project period. In general, a subcontract is closed when all deliverables have been met and the final payment has been made.

CHAPTER 5: COMPLIANCE REQUIREMENTS AND STANDARDS

This section of the Grants Administration Manual focuses on the most common federal and state compliance requirements for grant management but is not a final and all-inclusive guide to compliance. Each grant funding agreement, terms and conditions, and/or guidance from the Grantor must be reviewed for compliance deliverables and activities to be completed.

All staff involved in grant management and grant administration oversight are expected to understand and comply with all requirements applicable to the specific terms and conditions of the grants they manage as well as guidance from the Grantor (e.g., HUD, Treasury, FTA, DOT, FDEP, FDEM, or FDEO). Failures to do so will be addressed in annual job performance reviews.

A. LOCAL REQUIREMENTS

Lee County's Grant Project Teams, especially Grant Project Managers and Fiscal Contacts, must be aware of the provisions within the funding agreements as well as those that may apply to procurement. The Board of County Commissioners' governing documents below are local requirements and could be grant compliance deliverables. This includes, but is not limited to:

- [Lee County Administrative Code Sections; https://www.leegov.com/bocc/codes](https://www.leegov.com/bocc/codes)
 - [AC-1-10](#) Organization of County Departments and Agencies
 - [AC-1-4](#) Lee County Affirmative Action Plan (41 CFR §§ 60-741)
 - [AC-1-3](#) Rules of Procedure
 - [AC-3-1 through AC3-25](#) – Financial/Fiscal/Budget
 - [AC-3-6](#) Budget Amendment, Revenue and Expenditure Authority
 - [AC-3-9](#) Criteria for Evaluating CIP Projects
 - [AC-3-17](#) Grant Program Administration Procedures for Federal Payments (2 CFR 200.305)
 - [AC-3-20](#) Change Funds/Petty Cash/Imprest Accounts
 - [AC-3-21](#) Travel Authorization and Reimbursable Expense (Florida Statute 112.0261)
 - [AC-7-1](#) Risk Management Requirements for Contracts
- [Lee County Human Resources Policy Manual; https://www.leegov.com/hr/policies](https://www.leegov.com/hr/policies)
 - [101](#) – Behavior of Employees,
 - [201](#) – Equal Employment Opportunity (41 CFR §§ 60-741)
 - [202](#) – Harassment Policy
 - [205](#) – Drugs and Alcohol in the Workplace (24 CFR, Part 24, Subpart E) and 41 (CFR part 710)
 - [206](#) – Code of Ethics / Conflict of Interest Policy (2 CFR § 200.318(c)(1-2))
 - [214](#) – Whistleblowing
 - [401 - 408](#) – Leave of Absence from Work (2 CFR 200.431 Compensation – Leave)
 - [501](#) – Salary Administration
 - [502](#) – Performance Evaluations
 - [503](#) – Pay Procedures (2 CFR 200.431 Compensation – Fringe Benefits)
 - [504](#) – Pay for Work During Emergencies or Disasters

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- [601](#) Corrective Action Disciplinary Procedure
- [602](#) Grievance Procedure
- [Lee County Procurement Ordinance No. 22-06;](#)
<https://www.leegov.com/procurement/Documents/Ord%2022-06.pdf>
 - General Procurement Standards (2 CFR 200 317-327)
 - Division 10. – Grants
 - Cash Management Procedures (2 CFR 300.302(b)(6) and 2 CFR 200.305)
 - Cash Allowability (2 CFR 300.302(b)(7))
 - Travel Policy for Grant Contractors (2 CFR 200.475 (a))
 - Conflict of Interest Policy (2 CFR 200 318 c (1-2))
 - Competition (2 CFR 200 319(d)(1-2))
 - Technical Evaluations and Proposals and Selecting Recipients (2CFR 200.320 (b) (2) (ii))
 - Proposals 2 CFR § 200.320(b)(2)(i-iv)
 - EEO/AA (41 CFR 60-741.5(a))
- Lee County Clerk of Courts General Accounting Office - Finance Department policies and guides
 - Policies 10.1 through 10.6, Grant Management
 - Fixed Assets Users Guide (2 CFR 200.313 (d))
 - Fraud, Waste, and Abuse Policy
- Lee County Department Standard Operating Procedures

B. FLORIDA REQUIREMENTS

Lee County may be a recipient, a subrecipient, and/or a pass-through entity of funding awards from the State of Florida. Grant Project Managers and Fiscal Contacts must be aware of the provisions within the funding agreements as well as those that may apply to procurement. Governing laws and regulations referenced within funding agreements include Florida Statutes, Florida Administrative Code, Rules of the Auditor General, Chapter 10.550, Local Governmental Entity Audits, State Agency Policies and Guidance.

Requirements, include but are not limited to:

- FS 215.97 – Florida Single Audit Act
- FS 255.5025 -- Advertising for competitive bids or proposals
- FS 287.055 -- Selection of engineers
- FS 125 – Powers and Duties

C. FEDERAL REGULATION AND REQUIREMENTS

Lee County may be a recipient, a subrecipient, and/or a pass-through entity of federal funding awards. Grant Project Managers and Fiscal Contacts must be aware of the provisions specific to each federal funding agreement as well as the cross-cutting federal requirements that govern all County operations by ordinance and policy.

1. NATIONAL POLICY REQUIREMENTS

County staff will adhere to National Policy Requirements affecting grants. It is also the responsibility of the Grant Project Manager to ensure that subgrantees adhere to applicable policies. A sample of the policy requirements are provided below but are not intended to be all-inclusive.

a. Civil Rights

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. and its implementing regulations provide that no person will be subjected to discrimination on the basis of race, color, national origin under any program or activity that receives federal financial assistance. In most cases, when a recipient receives federal financial assistance for a particular program or activity, all operations of the recipient are covered by Title VI, not just the part of the program that uses the federal assistance.

Title VI includes requirements to accommodate for persons with Limited English Proficiency (LEP) where it is a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. Title VI requires that recipients take reasonable steps to ensure meaningful access to the information, programs, and services they provide.



Lee County Reference: [Lee County's Civil Rights Act, Title VI webpage;](https://www.leegov.com/civilrights)
<https://www.leegov.com/civilrights>

Title VI of the Civil Rights Act of 1964

b. Equal Services Provider

Lee County is an equal employment and services provider. All grant decisions are based on merit and program need, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, weight, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.



Lee County References:

[Lee County's Human Resources Employment Plan Reports;](https://www.leegov.com/hr/jobsearch/employmentreports)
<https://www.leegov.com/hr/jobsearch/employmentreports>

[Lee County's Employee Policy 201 – Equal Employment Opportunity;](https://www.leegov.com/hr/Documents/Policy%20and%20Procedures%20manual/201-Equal%20Employment%20Opportunity.pdf)
<https://www.leegov.com/hr/Documents/Policy%20and%20Procedures%20manual/201-Equal%20Employment%20Opportunity.pdf>

c. Americans with Disabilities Act (ADA)

In the broadest sense, it requires that state and local governments be accessible to people with disabilities. The Lee County Board of County Commissioners will not discriminate against qualified individuals with disabilities on the basis of disability in the provision of services, programs or

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

activities. For more information on Lee County's obligations under the ADA Act and to obtain a copy of Lee County's Grievance Procedure visit <https://www.leegov.com/ada>.



Lee County Reference: [Lee County's ADA Notice webpage;](https://www.leegov.com/ada/)
<https://www.leegov.com/ada/>

Title II of the Americans with Disabilities Act of 1990, as amended

d. Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.



Title VIII of the Civil Rights Act of 1968, better known as the Fair Housing Act (FHA); Fair Housing Amendments of 1988

Lee County Reference: [Lee County's Fair Housing web page;](https://www.leegov.com/dhs/fairhousing)
<https://www.leegov.com/dhs/fairhousing>

2. CFR TITLE 2: UNIFORM GUIDANCE FOR FEDERAL AWARDS

2 CFR Part 200 (also referred to as the Super Circular or Uniform Guidance) is the regulation that establishes uniform guidance for all entities receiving and administering federal awards. All staff involved with federally funded grants must follow the guidelines established in 2 CFR Part 200.

CFR references within the funding agreements must be reviewed in detail at www.ecfr.gov; search under Title 2. The code will provide details on requirements for Procurement, Costs (Necessary and Reasonable), Equipment, Subrecipients, Audits, Monitoring and Closeouts. A few highlights from 2 CFR 200 are below:

a. Procurement

Lee County's Procurement Ordinance 22-06 has been reviewed for federal grant projects funded by EPA, FEMA, HUD, and Treasury, and by Florida DEO, DEP, DOT and DEM as pass through agencies and has been found compliant with those statutory requirements of the Grantors. (Reference: 2 CFR Part 200.318 through 2 CFR Part 200.327 – Procurement Standards) This includes requirements for outreach and contracting with small and minority businesses and women's business enterprises.



Lee County Reference: [Lee County Procurement Ordinance No. 22-06;](https://www.leegov.com/procurement/Documents/Ord%2022-06.pdf)
<https://www.leegov.com/procurement/Documents/Ord%2022-06.pdf>

b. Conflict of Interest

As a part of the grant application process, the grant preparer must positively state on any grant form, when asked, that there is an absence of a financial or other interest or affiliation held by

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

them or a member of their immediate family in the funding agency or in companies from which goods and services will be obtained under the supported activity. For federally funded grants, conflict of interest language must be included in the application; and, if a potential conflict of interest is identified during grant administration, the Grant Project Manager must disclose the potential conflict, in a timely manner, in writing, to the Grant Management Coordinator and the applicable federal agency or pass-through entity. (Reference: 2 CFR 200.112)

In general, two types of conflicts of interest must be considered:

- 1) Employee Conflict of Interest. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.
- 2) Organizational Conflict of Interest. Organizational conflict of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization.

If there is an employee or organizational conflict of interest within the County, the initiating department will disclose, in writing, to the Grant Management Coordinator and the federal awarding agency or pass-through entity in accordance with applicable federal awarding policy.



Lee County References: [Lee County Human Resources Policy Manual; 206 – Code of Ethics / Conflict of Interest Policy;](#)
<https://www.leegov.com/hr/Documents/Policy%20and%20Procedure%20manual/206-%20Code%20of%20Ethics.pdf>
[Lee County Procurement Ordinance No. 22-06;](#)
<https://www.leegov.com/procurement/Documents/Ord%2022-06.pdf>

c. Lobbying

The cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans is an unallowable cost. Departments seeking federal funds for projects must disclose the lobbying activities. Use Federal form SF-LLL Disclosure of Lobbying Activities when applying for federal funding. (Reference: 2 CFR 200.450)



Lee County Reference: Lee County's Code of Ordinance; [Article VI - Lobbying Restrictions and Requirements Ordinance](#)
https://library.municode.com/fl/lee_county/codes/code_of_ordinances?nodeId=PTIICO_CH22LIBURE_ARTVILO&wdLOR=cC67DA089-B560-4DF9-9B77-8AB49E1B0127

d. Fiscal Management

Compliance to federal fiscal management practices for grants include these references:

- Written Cash Management Procedure – [§ 200.302\(b\)\(6\)](#) and [§ 200.305](#);
- Written Cost Allowability Procedures – [§ 200.302\(b\)\(7\)](#);

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- Written Travel Policy – [§ 200.475\(a\)](#);
- Written Employee Benefits Policy – [§ 200.431](#);
- Procedures for Managing Equipment – [§ 200.313\(d\)](#)



Lee County References: [Lee County Procurement Ordinance 22-06](#);
<https://www.leegov.com/procurement/Documents/Ord%2022-06.pdf>

Administrative Codes AC 3-1 to AC 3-25 [Financial/Fiscal/Budget](#),
 specifically including AC-21 Travel Authorization and Reimbursable
<https://www.leegov.com/bocc/codes>

Expenses (Florida Statute 112.061); and Lee County Clerk of Courts
 General Accounting Office – Finance Department Fixed Asset Guide

Fiscal Contacts will review Procurement Ordinance 22-06, Section 10 – Grants; Lee County Board of County Commissioners Administrative Codes AC3-1 through AC3-25: Financial, Fiscal, Budget for these provisions which comply with 2 CFR 200 302 (b)(7) Financial Management and 2 CFR 200.403 Factors Affecting Allowability of Costs:

The costs must:

- Be necessary and reasonable for the performance of the Federal award (and be allocated to that use);
- Conform to limitations or exclusions regarding type or cost;
- Be consistent with the policies and procedures the organization would apply to non-federally financed work;
- Be treated consistently with other comparable costs—for example, a cost may not be treated as a direct cost if a cost incurred for the same purpose in similar circumstances was allocated as an indirect cost;
- Be determined in accordance with US generally accepted accounting principles except as otherwise provided in 2 CFR 200 (for State and local governments and Indian tribes only);
- Not be used to meet cost-sharing or matching requirements of any other federally financed program (see also 2 CFR 200.306(b));
- Be adequately documented (see also 2 CFR §§ 200.300-200.309); and
- Must be incurred during the approved budget period. The Federal awarding agency is authorized, at its discretion, to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to § 200.308(e)(3).

3. CFR TITLE 24: HOUSING AND URBAN DEVELOPMENT

Code of Federal Regulations (CFR) Title 24 contains regulations on Housing and Urban Development. County staff will adhere to these regulations as required by the funding agreement. To reference the most recent version, go to www.ecfr.gov and search under Title 24. A sample list of regulations are provided below, but are not intended to be all-inclusive.

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- 24 CFR Part 58 – Environmental Review Procedures
- 24 CFR Part 75 – Economic Opportunities for Low- and Very Low-Income Persons
- 24 CFR Part 570 – Community Development Block Grants

4. CFR TITLE 29: LABOR

Code of Federal Regulations (CFR) Title 29 contains regulations on Labor. County staff will adhere to these regulations as required by the funding agreement. To reference the most recent version, go to www.ecfr.gov and search under Title 29. A sample list of regulations are provided below, but are not intended to be all-inclusive.

- 29 CFR Part 1 - Procedures for Predetermination of Wages
- 29 CFR Part 3 - Contractors and Subcontractors
- 29 CFR Part 5 - Labor Standards Provisions

5. CFR TITLE 40: PROTECTION OF ENVIRONMENT

Code of Federal Regulations (CFR) Title 40 contains regulations on Protection of the Environment. County staff will adhere to these regulations as required by the funding agreement. To reference the most recent version, go to www.ecfr.gov and search under Title 40. A sample list of regulations are provided below, but are not intended to be all-inclusive.

- 40 CFR Part 1500-1508 – National Environmental Policy Act (NEPA)

6. CFR TITLE 41: PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Code of Federal Regulations (CFR) Title 41 contains regulations on Public Contracts and Property Management. County staff will adhere to these regulations as required by the funding agreement. To reference the most recent version, go to www.ecfr.gov and search under Title 41. A sample list of regulations are provided below, but are not intended to be all-inclusive.

- 41 CFR 101 Property Management Regulations

7. CFR TITLE 49: TRANSPORTATION

Code of Federal Regulations (CFR) Title 49 contains regulations on Transportation, this applies to both Department of Transportation and the Federal Transit Administration. County staff will adhere to these regulations as required by the funding agreement. To reference the most recent version, go to www.ecfr.gov and search under Title 49. A sample list of regulations is provided below but is not intended to be all-inclusive.

Disadvantaged Business Enterprise (DBE)

All funding agreements that require DBE compliance will be managed to meet the requirements.

Transportation grant projects may require, for example:

DRAFT LEE COUNTY GRANTS ADMINISTRATION MANUAL

- Selection of contractors and subcontractors that comply with requirements of the Florida Department of Transportation and the Federal Highway Administration (49 CFR 26.13(b);
- Lee County participates in the Florida Department of Transportation DBE Program Plan (49 CFR Part 26); and
- Lee County and specific departments, such as LeeTran, has a signed policy statement that establishes a DBE program. (49 CFR 26.13)
- 49 CFR Part 26 Disadvantaged Business Enterprise (DBE) Program is assigned to the LeeTran Compliance Coordinator.

8. FEDERAL REQUIREMENTS FOR CONSTRUCTION PROJECTS

It is the responsibility of the recipient department, including the Grant Project Manager and Fiscal Contact to ensure compliance with the following federal requirements involving construction-related projects. Departments must plan accordingly to ensure that adequate time, funding and staffing are available to carry out these additional responsibilities. These requirements will flow-down to all subcontractors funded through a grant award. Federal grant programs can waive some of these requirements, review by the department of all conditions and terms of the grant agreement/contract is needed.

In coordination with Procurement Management, the Grant Project Manager will ensure that contracts and agreements include required clauses for ADA Title II and, when applicable, Civil Rights Act Title VI and Davis Bacon Act. Oversight of the Procurement Management Director is assigned to the Assistant County Manager over the Procurement Management Department, who will also investigate any concerns about procurement compliance.

a. Davis-Bacon Act

The Davis-Bacon Act is a federal law that established the requirement for paying prevailing wages on public works projects. All funding agreements that require this certification will be managed and procured to meet these requirements. (Reference: 40 U.S.C. 3141, et seq., the Davis-Bacon Act, as amended)

b. Uniform Relocation Assistance Act

The Uniform Relocation Assistance Act (a.k.a. Uniform Act) of 1970 is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federally funded projects. All funding agreements that require compliance with this act will be managed to meet the requirements.

c. Buy American Act

Buy American Act requires U.S. Government to prefer U.S. made products in its purchases. It does not necessarily mean a product has to be purchased in America but does give preference to domestic construction material. All funding agreements that require compliance with this act will be managed to meet the requirements.

d. National Environmental Policy Act (NEPA)

NEPA is a federal law that mandates assessment of the impacts on the environment of construction funded with federal dollars. All funding agreements that require compliance with this act will be managed to meet the requirements.

e. American Iron and Steel Act (AIS)

Requires recipients of certain federal funds, including State Revolving Fund (SRF) loans, to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works. All funding agreements that require compliance with this act will be managed to meet the requirements.

f. Disadvantaged Business Enterprise (DBE)

All funding agreements that require DBE compliance will be managed to meet the requirements.

9. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

In compliance with 2 CFR § 200.303(e) Internal Controls, the Grant Project Manager will review the funding agreement or grant guidance to determine the FFATA subaward reporting requirements. Prime awardees are required to upload the subrecipient information in the FFATA Sub-Award Reporting System (FSRS) <https://www.fsrs.gov/index>. Subrecipients must maintain an active registration in the System for Award Management (SAM) to receive federal funding.

- The Grant Project Manager will notify the Grants Management Coordinator when a FFATA reporting form is requested by the granting agency.
- The Grant Project Manager will complete an FFATA Subaward Reporting Form for all applicable subaward obligations as required.
- The recipient department will enter the information through the federal reporting system.



FFATA Sub-Award Reporting System (FSRS)
<https://www.fsrs.gov/index>.

10. DUPLICATION OF BENEFITS

Grant Project Managers and Fiscal Contacts will ensure the grant project does not duplicate of benefits. A duplication of benefits (DOB) occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance. The Grantor may require that an affidavit or form be completed to check compliance.



Section 312 of 42 U.S.C. 5155 et seq.

11. REPORTING OF SUSPECTED NONCOMPLIANCE, WASTE, FRAUD OR CRIMINAL ACTIVITY

As detailed in CHAPTER 3: PROCESS AND PROCEDURES, the Lee County Employee Policies and Procedures Manual, particularly Section 202.3 Complaint Procedure and 2 CFR 200.112 detail requirements for reporting suspected noncompliance, waste, fraud, or criminal activity. The Lee County Clerk of Courts Inspector General Hotline (phone: 239-337-7799 or email: Info_InspectorGeneral@leeclerk.org) is available to report these instances, which must also be reported to the Grants Management Coordinator and recorded in the Grants Management Information System (GMIS). Additional external resources for reporting fraud or criminal activity include:

- FEMA Disaster Fraud Hotline: 866-720-5721;
- Department of Housing and Urban Development (HUD): 800-347-3735 or email: hotline@hudoig.gov; and
- Rebuild Florida Grants: Report Fraud, Waste or Abuse online form <http://floridajobs.org/rebuildflorida/report>; all contact information fields are optional to allow for anonymity or by sending an e-mail to: cdbg-dr_antifraudwasteabuse@deo.myflorida.com

12. PERSONALLY IDENTIFIABLE INFORMATION

Records of federally funded grants may not be disseminated with Personally Identifiable Information (PII), which is defined to include a person's name in combination with information such as a social security number, passport number, credit card number, bank number, health records, and similar information. PII required to be disclosed by law is excluded.

13. FAIR HOUSING

County staff will adhere to Fair Housing requirements. A sample of the activities are provided below, but are not intended to be all-inclusive.

- Name a Fair Housing Coordinator available to assist with fair housing questions or registering complaints
- Analysis of Impediments to Fair Housing Choice



Title VIII of the Civil Rights Act of 1968, better known as the Fair Housing Act (FHA); Fair Housing Amendments of 1988

Lee County Reference: [Lee County's Fair Housing web page;](https://www.leegov.com/dhs/fairhousing)
<https://www.leegov.com/dhs/fairhousing>

D. EXTERNAL AUDITS

The Board engages independent auditor(s) to review the County's financial reports and grant reports for compliance and deficiencies. These auditors are managed by the Lee County Clerk of Courts General Accounting Office - Finance Department and annually review the CAFR (Comprehensive Annual Financial Report) and SEFA (Schedule of Expenditure of Federal Awards).



Lee County Reference:

[Comprehensive Annual Financial Reports webpage;](https://www.leeclerk.org/departments/finance/financial-reports/comprehensive-annual-financial-reports-cafr)
<https://www.leeclerk.org/departments/finance/financial-reports/comprehensive-annual-financial-reports-cafr>

1. FEDERAL SINGLE AUDIT ACT

Because Lee County expends well over \$750,000 annually in federal awards from a variety of federal sources, all federal grant programs are subject to the Single Audit process that complies specifically with 2CFR 200.514. The Lee County Clerk of Courts hires the auditor for this purpose. The auditor selects the grant agreements that are subject to the audit in any given year.

Federal audit and annual reporting requirements are contained in 2 CFR Part 200 Subpart F (200.5 Compliance and Audit Requirements.) Non-federal entities expending \$750,000 or more in a year in federal awards are required to have a single or program-specific audit conducted for that year, performed by an outside auditor. It is important that all grant activity and any changes to the grant are well documented to facilitate any audit. Audit findings made during the audit are provided to the County and the Grantor, which could prompt an audit by the Grantor.

The following activities are the fourteen types of compliance requirements considered in every audit conducted under 2 CFR Part 200 Subpart F, and are found highlighted throughout this manual:

- a. Activities: Allowed or Unallowable;
- b. Allowable Costs/Cost Principles;
- c. Cash Management;
- d. Compliance with Terms & Conditions (e.g., Davis-Bacon Act);
- e. Eligibility;
- f. Equipment and Real Property Management;
- g. Matching, Level of Effort, Earmarking;
- h. Period of Availability of Federal Funds;
- i. Procurement, Suspension and Debarment;
- j. Program Income;
- k. Real Property Acquisition and Relocation Assistance;
- l. Reporting;
- m. Subrecipient Monitoring; and
- n. Special Tests and Provisions.



Lee County Reference: [Single Audit Reports webpage](https://www.leeclerk.org/departments/finance/financial-reports/single-audit-reports)

<https://www.leeclerk.org/departments/finance/financial-reports/single-audit-reports>

2. FLORIDA SINGLE AUDIT ACT

The Florida Single Audit Act establishes uniform audit requirements for state financial assistance and follows the same cost principles and requirements established in the Federal Single Audit Act, at a \$750,000 threshold.



Florida Statutes: [FS 215.97](#)

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0215/Sections/0215.97.html

3. GRANTING AGENCY OR PASS-THROUGH AGENCY AUDITS

Each Grantor and/or pass-through agency may conduct an audit. Access to grant files and all related programmatic and fiscal documentation must be made available for audits.

E. INTERNAL AUDITS

1. COUNTY AUDIT

The Internal Audit Division audits operations of the Board of County Commissioners and the Lee County Clerk of the Courts. Grants will be evaluated as part of the Clerk's audit of a department.



Lee County Reference: [Clerk of Courts Internal Audit and Investigation](#); <https://www.leeclerk.org/departments/inspector-general/internal-audit-investigation>

CHAPTER 6: TRAINING AND DEVELOPMENT

Grant management personnel are required to receive training as required by grantors and by Lee County Policies including those below:

- Lee County Grants Administration Manual;
- Lee County Human Resources Policies and Procedures Manual:
 - 101 – Behavior of Employees
 - 201 – Equal Employment Opportunity
 - 202 – Harassment Policy
 - 205 – Drugs and Alcohol in the Workplace
 - 206 – Code of Ethics / Conflict of Interest Policy
- Fiscal procedure and policy covered by:
 - The Office of Management and Budget (OMB); 2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - Standards for Internal Control in the Federal Government (GAO-14-704G) issued by the Comptroller General as part of the U.S. Government Accountability Office "Green Book"
 - Internal Control United Framework issued by the Committee of Sponsoring Organizations (COSO) of the Treadway Commission; and
- Cross-cutting Federal Compliance:
 1. Annual Fraud or Criminal Activity Reporting as required by County Policy
 2. Annual ADA Policy Review
 3. Annual Civil Rights and EEO Policy Review.

REFERENCES

SAM ID (UNIQUE ENTITY ID)

The federal government requires that all applicants for federal grants, cooperative agreements, and subawards, with the exception of individuals other than sole proprietors, have a SAM ID (Unique Entity ID) to better identify organizations that are receiving funding under grants and to provide consistent name and address data for electronic grant application systems.

Lee County's SAM ID is SS8JCN35XH77

TAX ID

Lee County's Tax ID: 59-6000702

(GAO-14-704G) "GREEN BOOK"

Standards for Internal Control in the Federal Government (GAO-14-704G) issued by the Comptroller General as part of the U.S. Government Accountability Office "Green Book. The Lee County uses the Green Book and COSO as framework for the grants management process.

<https://www.gao.gov/assets/gao-14-704g.pdf>

STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT INTERNAL CONTROL UNITED FRAMEWORK (COSO)

The grants administration processes will follow the COSO Framework (www.coso.org) for internal controls to provide a reasonable assurance that the County is operating ethically, transparently and in accordance with established regulatory requirements. As such, grant operations will emphasize an ownership and control environment, risk assessment and management, activity controls, information & communication, and activity monitoring.

--- Agenda --- Item 9aiv

9aiv

Update on Marco Island
Vulnerability

9aiv

Agenda Item

9b

9b

Grants Activity Sheet

9b

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
Pending		Florida DEP	Margaret Wuerstle	Punta Gorda city Market Place Stormwater Management	8/15/2022	8/15/2022			\$4,000,000	\$20,000 (?)				
Pending		Florida DEO	Margaret Wuerstle	Clewiston Stanby generator at WWTP	3/13/2023	3/11/2023			\$300,000	\$10,000(?)				
YES		2022 DEO RRDG	Margaret Wuerstle	FHERO to improve economy			7/22/2022		\$139,605	\$8,000				
YES		EDA - US Economic Development Administration	Margaret Wuerstle	Hurricane Ian Recovery Coordinator		10/20/2022			\$321,826	\$321,826				64,367
YES		Florida DEP	Charity Franks/M Wuerstle	City of Marco Island Vulnerability Assessment	6/21/2022	6/21/2022	2/14/2-23		\$78,000	\$9,000				NA
YES		EPA Brownfields assessment	Tracy Whirls	Gades County Brownfield Assessment	12/1/2021	1/30/2021	May-22		\$500,000	\$20,000				NA
YES		USDA - US Dept. of Agriculture	Asmaa Odeh	SWFL Fresh Chosse Local Choose Fresh	7/6/2021	7/6/2021	Nov-21		\$752,426	\$58,500				
YES		CHMEP	Rebekah Harp	Calendar Design			6/25/2021		\$3,000	\$3,000				
YES		DEO RRDG	M Wuerstle	FHERO 2021 Regional Rural Development Grant		1/21/2021			\$126,160	\$7,000				NA
YES		DEO CDBG-MIT Planning	Margaret Wuerstle	A Resiliency Strategy for Local Food Systems in SW Florida	7/30/2020	7/27/2020			\$390,000	\$115,000				NA
YES		FL Fish and Wildlife Conservation Commission - Boating Improvement Program (FBIP)	M. Moorhouse & M. Wuerstle	Clewiston Waterfront Master Plan	4/7/2020	4/3/2020			\$175,000	\$25,000				NA
YES		CHNEP	M. Moorhouse & M. Wuerstle	EBABM Website expansion	7/24/2020	7/24/2020			\$5,049	\$3,000				\$2,049
YES		EDA - US Economic Development Administration	M. Wuerstle	SWFL Recovery & Resiliency Plan	7/21/2020	7/21/2020			\$400,000	\$360,000				NA
Yes	3421	EDA - US Economic Development Administration	C.J. Kammerer	FY20-22 EDA CEDS Planning Grant	11/14/2019	11/13/2019			\$300,000.00	\$210,000.00	1/1/2020	12/31/2022	Submitted	\$90,000.00
Yes		DEO - FL Dept. of Economic Opportunity	C.J. Kammerer	FHERO 2019-20 RDG Grant		11/13/2019			\$97,500.00	\$6,000.00			Submitted	\$0.00
Yes	3724	DEM - FL Div. of Emergency Management	C.J. Kammerer	FY19-20 Collier_Lee Hazard Analysis			8/1/2019	8/1/2019	\$19,251.00	\$19,251.00	7/1/2019	6/30/2020	In Progress	\$0.00
Yes	3181	DEM - FL Div. of Emergency Management	C.J. Kammerer	FY19-20 LEPC Agreement			7/29/2019		\$80,000.00	\$80,000.00	7/1/2019	6/30/2020	In Progress	\$0.00
Yes		USDA - US Dept. of Agriculture	Margaret Wueratle	Promise Zone Economic Development Plan Technical Assistance	4/5/2019	4/4/2019			\$0.00	\$0.00			In Progress	\$0.00
Yes	3305	DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Food Safety Plans for SWFL Small-Midsized Growers	5/7/2018	5/4/2018	9/7/2018		\$30,000.00	\$30,000.00			In Progress	
Yes	3424	EDA - US Economic Development Administration	Margaret Wuerstle	Regional Sustainability Implementation Study for SWFL Small to Mid-Sized		5/8/2018	8/9/2018	8/13/2018	\$258,182.00	\$61,545.00			In Progress	\$51,637.00
Yes	3680	EPA - US Environmental Protection Agency	C.J. Kammerer	Brownfields Assesment	11/16/2017	11/16/2017	4/25/2018		\$600,000.00	\$40,000.00	10/1/2018	9/30/2021	In Progress	
Yes	4101	Glades County	Margaret Wuerstle	Glades County SQG 2017- 2022				6/6/2017	\$22,500.00	\$22,500.00	6/6/2017	6/6/2022	In Progress	

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
Yes	3900	USDA - US Dept. of Agriculture	Margaret Wuerstle	Rural Promise Zone Designation			5/1/2016		\$0.00	\$0.00			In Progress	
Yes	3420	EDA - US Economic Development Administration	C.J. Kammerer	FY17-19 EDA Planning Grant			1/1/2017		\$300,000.00	\$210,000.00	1/1/2017	12/31/2019	Completed	\$90,000.00
Yes	3422	EDA - US Economic Development Administration	Jim Beever	SWFL Disaster Recovery Coordinator		10/31/2017			\$250,000.00	\$200,000.00	1/1/2018	12/31/2019	Completed	\$50,000.00
Yes	3205	DEM - FL Div. of Emergency Management	C.J. Kammerer	FY18-19 HMEP Agreement					\$62,164.00	\$2,889.20	10/1/2018	9/30/2019	Completed	
Yes	4007	DEO - FL Dept. of Economic Opportunity	C.J. Kammerer	FHERO 2018 RDG Grant		9/11/2018	9/17/2018		\$82,300.00	\$6,000.00	9/17/2018	9/17/2019	Completed	
Yes	3180	DEM - FL Div. of Emergency Management	C.J. Kammerer	FY18-19 LEPC Agreement			8/14/2018		\$80,000.00	\$80,000.00	7/1/2018	6/30/2019	Completed	
Yes	3723	DEM - FL Div. of Emergency Management	Margaret Wuerstle	FY18-19 Collier_Lee Hazard Analysis			7/31/2018	8/27/2018	\$19,615.00	\$19,615.00	9/1/2018	5/15/2019	Completed	
Yes	3676	EPA - US Environmental Protection Agency	Jim Beever	Master Wetland Mitigation Strategy			11/3/2016	11/3/2016	\$220,000.00	\$220,000.00	10/1/2016	12/31/2018	Completed	\$10,000.00
Yes	3204	DEM - FL Div. of Emergency Management	C.J. Kammerer	FY17-18 HMEP Agreement			10/1/2017		\$65,161.00	\$65,161.00	10/1/2017	9/30/2018	Completed	
Yes	3178	DEM - FL Div. of Emergency Management	Sean McCabe	FY17-18 LEPC Agreement	7/1/2017	7/18/2017			\$80,000.00	\$80,000.00	7/1/2017	6/30/2018	Completed	
Yes	3722	DEM - FL Div. of Emergency Management	Tim Walker	FY17-18 Collier_Lee Hazard Analysis			7/19/2017	9/13/2017	\$20,844.00	\$20,844.00	7/1/2017	6/30/2018	Completed	
Yes	4005	DEO - FL Dept. of Economic Opportunity	C.J. Kammerer	2017 FHERO RDG Grant		2/16/2017			\$79,744.00	\$6,000.00		4/30/2018	Completed	
Yes		DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Regional Strategy for Agriculture Sustainability	6/30/2017		8/17/2017		\$30,000.00	\$30,000.00			Completed	
Yes	4212	City of Bonita Springs	Jim Beever	City of Bonita Springs Flood Reduction Project			10/4/2017		\$50,000.00	\$50,000.00	10/4/2017	12/31/2017	Completed	
Yes	3730	SFRPC	C.J. Kammerer	Train the Trainers					\$10,000.00	\$10,000.00	1/1/2016	3/31/2017	Completed	
Yes	4211	Sarasota County	Jim Beever	Sarasota Climate Change Adaptation Plan					\$20,000.00	\$20,000.00	10/1/2016	5/30/2017	Completed	
Yes	4210	City of Cape Coral	Jim Beever	Cape Coral Climate Change Resiliency Strategy					\$15,000.00	\$15,000.00		6/30/2017	Completed	
Yes	3304	DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	DEO - Labelle Tourism Marketing					\$20,000.00	\$20,000.00	1/1/2017	5/30/2017	Completed	
Yes	3203	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY16-17 HMEP Grant	10/1/2016	10/1/2016	10/1/2016	10/1/2016	\$60,349.00	\$60,349.00	10/1/2016	12/31/2017	Completed	
Yes	4004	Hendry County	Margaret Wuerstle	Clewiston RGBD Grant TA					\$3,000.00	\$3,000.00			Completed	
Yes	4006	USDA - US Dept. of Agriculture	Margaret Wuerstle	City of Clewiston - Utilities Relocation -- Grant Writing Services	9/8/2017	9/13/2017	8/10/2017	8/10/2017	\$3,000.00	\$3,000.00	8/10/2017	9/13/2017	Completed	
Yes	3525- 12	Glades County	Tim Walker	Glades County Small Quantity Generators (SQG)				5/17/2012	\$3,900.00	\$3,900.00	5/17/2012	5/16/2017	Completed	\$0.00
Yes	3414	EDA - US Economic Development Administration	Margaret Wuerstle	EDA Planning Grant	1/22/2013	12/18/2013	4/18/2014	4/21/14	\$270,000.00	\$189,000.00	1/1/2014	12/31/2016	Completed	\$81,000.00
Yes	3177	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY16-17 LEPC Agreement	6/30/2016	4/6/2016	7/1/2016		\$59,000.00	\$59,000.00	7/1/2016	6/30/2017	Completed	\$0.00

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
Yes	3399	CTD - FL Commission for the Transportation Disadvantaged	Nichole Gwinnett	FY16-17 TD Planning Agreement		5/19/2016	7/1/2016		\$38,575.00	\$38,575.00	7/1/2016	6/30/2017	Completed	\$0.00
Yes	3721	DEM - FL Div. of Emergency Management	Tim Walker	Collier County Hazard Analysis - FY16-17					\$8,054.00	\$8,054.00	7/1/2016	6/30/2017	Completed	\$0.00
Yes	3302	DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	DEO - City of Fort Myers - MLK Corridor	5/31/2015	5/1/2015		11/17/2015	\$30,000.00	\$30,000.00	1/1/2016	7/30/2016	Completed	
Yes	3534	City of Bonita Springs	Jim Beever	City of Bonita Springs - Spring Creek Restoration Plan	7/1/2014	7/1/2014	8/11/2014	8/11/2014	\$50,000.00	\$50,000.00	8/11/2014		Completed	
Yes	3201	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY15-16 HMEP Planning	9/28/2015	9/28/2015	9/28/2015	9/28/2015	\$15,500.00	\$15,500.00	10/1/2015	9/30/2016	Completed	
Yes	3419	Charlotte County	Margaret Wuerstle	DEO - Charlotte County			3/30/2016	3/30/2016	\$500.00	\$500.00			Completed	
Yes	3170	DOE - US Dept. of Energy	Rebekah Harp	Solar Ready II		3/22/2013	7/18/2013		\$140,000.00	\$90,000.00	7/1/2013	1/1/2016	Completed	\$50,000.00
Yes	3673	EPA - US Environmental Protection Agency	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida	4/15/2013	4/8/2013	6/3/2013		\$294,496.00	\$148,996.00	10/1/2013	9/30/2015	Completed	\$145,500.00
Yes	3674	EPA/CHNEP - Charlotte Harbor National Estuary	Jim Beever	Mangrove Loss Project	4/4/2014	4/4/2014	12/19/2014		\$243,324.00	\$60,000.00	12/1/2014	9/30/2016	Completed	
Yes	3397	CTD - FL Commission for the Transportation	Nichole Gwinnett	Glades-Hendry TD Planning Agreement FY2014-15			5/16/2014		\$38,573.00	\$38,573.00	7/1/2014	6/30/2015	Completed	\$0.00
Yes	3725	Visit Florida	Tim Walker	OUR CREATIVE ECONOMY Marketing	2/9/2015	2/9/2015	6/25/2015	6/26/2015	\$5,000.00	\$2,500.00	7/1/2015	6/15/2016	Completed	\$2,500.00

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
Yes	3164	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY14-15 HMEP Planning				2/4/2015	\$22,000.00	\$22,000.00	10/1/2014	9/30/2015	Completed	\$0.00
Yes	3675	EPA - US Environmental Protection Agency	Jim Beever	Developing a Method to Use Ecosystem Services to	5/15/2015	5/5/2015	9/29/2015	9/29/2015	\$234,071.00	\$174,071.00	10/1/2015	9/30/2016	Completed	\$60,000.00
Yes	3171	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY15-16 LEPC Agreement	6/30/2015	5/15/2015	6/11/2015	6/11/2015	\$48,000.00	\$48,000.00	7/1/2015	6/30/2016	Completed	\$0.00
Yes	3398	CTD - FL Commission for the Transportation	Nichole Gwinnett	FY15-16 Glades-Hendry TD Agreement	6/30/2015	6/1/2015	7/1/2015	7/1/2015	\$38,573.00	\$38,753.00	7/1/2015	6/30/2016	Completed	\$0.00
Yes	3202	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY14-15 HMEP Planning Grant Modification			9/11/2015		\$50,000.00	\$50,000.00	10/1/2015	12/15/2015	Completed	\$0.00
Yes	3173	DEM - FL Div. of Emergency Management	Nichole Gwinnett	FY15-16 HMEP Training Contract	10/1/2015	9/30/2015	9/28/2015	9/28/2015	\$58,422.00	\$58,422.00	10/1/2015	9/30/2016	Completed	\$0.00
Yes	3418	Collier County	Rebekah Harp	Marketing & Data Research					\$1,200.00	\$1,200.00	12/4/2015	1/29/2016	Completed	
Yes	3176	DOE - US Dept. of Energy	Rebekah Harp	NARC - SM3 - 2016 Data Surveys			2/11/2016		\$1,000.00	\$1,000.00	2/1/2016	3/31/2016	Completed	
Yes	3005	Collier County	Margaret Wuerstle	Collier County EDC - USDA Grant Application			3/15/2016	3/22/2016	\$3,000.00	\$3,000.00	3/23/2016	3/31/2016	Completed	
Yes	3301	DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Clewiston Mainstreet Revitalization			12/8/2015		\$30,000.00	\$30,000.00	12/14/2015	6/30/2016	Completed	
Yes	3303	DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	DEO - MPO Rail Study						\$39,000.00	10/7/2015	5/31/2016	Completed	
Yes	4002	NEFRC - Northeast Florida Regional Council	Tim Walker	2016 SRESP Update					\$14,200.00	\$14,200.00	4/28/2016	7/19/2016	Completed	
Yes	4003	Rural Neighborhoods	Tim Walker	Rural Neighborhoods Mapping					\$750.00	\$750.00	6/1/2016	6/30/2016	Completed	
Yes	3720	DEM - FL Div. of Emergency Management	Tim Walker	Collier Hazard Analysis FY15-16					\$9,693.00	\$9,693.00	7/1/2015	6/30/2016	Completed	
Yes	3520	TBRPC - Tampa Bay Regional Planning Council	Rebekah Harp	2016 Disaster Planning Guide					\$4,000.00	\$4,000.00	2/1/2016	4/30/2016	Completed	
Yes	3006	SWFEC - Southwest Florida Enterprise Center	Margaret Wuerstle	SWFEC PRIME - Grant Application/Technical Assistance					\$5,000.00	\$5,000.00	5/1/2016	5/30/2016	Completed	
Yes	3004	NARC - National Association of Regional Councils	Rebekah Harp	MARC Travel SRII					\$379.58	\$379.58	10/1/2015	5/31/2016	Completed	
Yes	4001	Collier County	Margaret Wuerstle	Collier County EDA TA					\$5,000.00	\$5,000.00	4/18/2016	5/30/2016	Completed	
Yes	6200	FDEP - FL Dept. of Environmental Protection	Margaret Wuerstle	2016 Brownfields Event					\$6,887.61	\$6,887.61	4/1/2016	10/30/2016	Completed	
NO		DEO CDBG-MIT-GIP Round II Infrastructure	Margaret Wuerstle	City of Clewiston Harden transmission and distribution line	9/17/2020	9/14/2021			\$2,067,935	\$98,000				NA
NO		DEO-CDBG-MIT-GIP Round II	Margaret Wuerstle	City of Clewiston WWTP Upgrades and Expansion	9/17/2021	9/13/2021			\$13,874,000	\$200,000				NA
NO		Florida DEP	Charity Franks/M Wuerstle	Clewiston WWTP Improvement, upgrades and expansion	8/15/2022	8/11/2022			\$14,380,190	\$20,000(?)				
NO		DEO CPTA	Margaret Wuerstle	SWFLEnterprise Center Incubator Program Marketing	4/11/2022	4/1/2022	6/14/22 Denied		\$70,000	\$10,000				NA
No		EDA - US Economic Development Administration	Margaret Wuerstle/Tra cy Whirls	ARPA- BBB Regional Chanllenge- Developing an Inland Port System in rural southern Florida	10/19/2021	10/19/2021			\$460,000	\$133,000				NA

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
NO		FL Dept. Of Agriculture- SpECIALTY Crops	M Wuerstle	SWFL Fresh Coose Local Choose Fresh	2/5/2021	2/2/2021	Denied 10/7/2021		\$207,000	\$99,000				NA
No		DEO CDBG-MIT Critical Facility Harding	McKensie Moorehouse	City of Clewiston transmission lines insulators replacement	6/30/2020	6/29/2020			\$143,306	\$15,000				NA
no		SAMHSA - Substance Abuse and Mental Health Services Administration	Margaret Wuerstle	Building Resilient Kids	3/6/2020	3/2/2020			\$1,455,815	\$200,000				NA
No		Bill & Melinda Gates Foundation	Katelyn Kubasik	Opioid Epidemic Think Tank Summit		11/12/2019			\$75,000.00	\$75,000.00			Submitted	\$0.00
No		Norman Foundation	Margaret Wuerstle	Food Policy Council		11/22/2019			\$100,000	\$60,000				NA
No		Bureau of Justice Assistance	Katelyn Kubasik	Data-Driven Responses to Emerging Drug Threats			10/1/2019		\$543,772.00	\$293,772.00			Denied	\$0.00
NO		Charles M. and Mary D. Grant Foundation	Katelyn Kubasik	SWFL Harm Reduction: Take- Home Naloxone Project		4/30/2019	9/1/2019		\$38,000.00	\$10,000.00			Denied	\$0.00
No		City of Naples	Jim Beever	City of Naples Climate Resiliency Project			9/26/2019		\$25,000.00	\$25,000.00			Denied	\$0.00
No		SAMHSA - Substance Abuse and Mental Health Services Administration	Katelyn Kubasik	Building Resilient Kids	3/29/2019	3/27/2019	8/29/2019		\$1,453,315.00	\$197,815.00	9/30/2019	9/29/2024	Denied	\$0.00
No		DEO - FL Dept. of Economic Opportunity	Jim Beever	Updating the 2009 Comprehensive SWFL / Charlotte Harbor Climate Change Vulnerability Assessment		5/7/2019			\$40,075.00	\$40,075.00	1/1/2020	5/29/2020	Denied	\$0.00
No		DEO - FL Dept. of Economic Opportunity	Katelyn Kubasik	SWFL Opioid Resource Guide		5/7/2019			\$40,007.00	\$40,007.00	12/1/2019	5/31/2020	Denied	\$0.00
No		FDEP - FL Dept. of Environmental Protection	Jim Beever	Ecosystem Services- Aquatic Preserves Valuation		5/1/2018			\$90,000.00	\$90,000.00			Denied	
No		EPA - US Environmental Protection Agency	Jim Beever	WPDG- CHNEP Wetland Connectivity		5/8/2018			\$204,120.00	\$145,246.00			Denied	
No		DEO - FL Dept. of Economic Opportunity	Tim Walker	Storm Surge Evac Routes & Shelters Interactive GIS Web Map	5/7/2018	5/4/2018	9/7/2018		\$35,000.00	\$35,000.00			Denied	
No		DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Affordable Housing Directory of Resources	5/7/2018	5/1/2018	9/7/2018		\$40,000.00	\$40,000.00			Denied	
No		DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	SWFL Opioid Resource Guide	5/7/2018	5/1/2018	9/7/2018		\$40,000.00	\$40,000.00			Denied	
No		Bloomberg Philanthropies	Margaret Wuerstle	Bloomberg - City of Bonita Springs Mitigation	10/20/2017	10/19/2017			\$1,000,000.00	\$60,000.00			Denied	
No		SWFL Community Foundation	Margaret Wuerstle	Community Impact Grants - MLK Corridor	11/3/2017	11/2/2017			\$50,000.00				Denied	
No		DEO - FL Dept. of Economic Opportunity	Jennifer Pellechio	Economic Opportunity Map		4/27/2016	6/28/2016		\$40,000.00				Denied	
		DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Florida Ocean Alliance		5/2/2016	6/28/2016		\$28,000.00				Denied	
No		DEO - FL Dept. of Economic Opportunity	Margaret Wuerstle	Clewiston Downtown District Facade Program		5/2/2016	6/28/2016		\$30,000.00				Denied	
No		AETNA	Jason Stoltzfus	Cultivating Healthy Communities	4/15/2016	4/13/2016			\$100,000.00	\$100,000.00			Denied	
No		EPA - US Environmental Protection Agency	Jason Stoltzfus	2016 Brownfield Assessment		12/18/2015			\$280,000.00	\$46,900.00			Denied	

Aw+D1:Z8 Garded	Job ID	Funding Agency	Project Manager	Project Name	App Due Date	Date Submitted	Date Awarded / Denied	Date Contract Signed	Project Total (\$808,505)	RPC Amt (\$396,000)	Start Date	End Date	Status	Total Match Amt-RPC
No		USDA - US Dept. of Agriculture	Margaret Wuerstle	Mobile Market: A Nutritional Oasis for Food Markets of SWFL	3/31/2014	3/31/2014	10/1/2014		\$599,549.00	\$298,605.00	10/1/2014	9/30/2017	Denied	
No		EDA - US Economic Development Administration	Rebekah Harp	Mote Marine Programming	8/31/2012	8/31/2012	8/31/2012		\$270,000.00	\$189,000.00	1/1/2014	12/31/2016	Denied	\$81,000.00
No		USDA - US Dept. of Agriculture	Nichole Gwinnett	Opportunity Buy Program Coordinator	4/23/2013	4/23/2013	11/20/2013		\$99,667.00	\$15,000.00	11/1/2013	10/31/2015	Denied	\$53,621.00

_____	Agenda	
_____	Item	
		10

10

Committee Reports

10

Agenda

Item

10a

Executive Committee

10a

10a

--- Agenda --- Item

10b

Quality of Life & Safety
Committee

10b

10b

Agenda Item

11

11

New Business

11

Agenda Item

12

12

State Agency Comments/
Reports

12

Agenda Item

13

13

Council Member Comments

13

Agenda Item

14

14

Adjourn

14