

Chapter 2

ADMINISTRATION*

* **Cross References:** Definitions and rules of construction generally, § 1-2; special districts, Ch. 20.

Art. I. In General, §§ 2-1--2-20

Art. II. Financial Affairs, §§ 2-21--2-40

Art. III. Officers and Employees, §§ 2-41--2-60

Art. IV. Boards, Commissions, Authorities, Etc., §§ 2-61--2-90.67

Div. 1. Lobbyist Registration, §§ 2-61--2-80

Div. 2. Housing Finance Authority, §§ 2-81--2-85

Div. 3. Affordable Housing Advisory Committee, §§ 2-86--2-89

Div. 4. Reserved, §§ 2-90--2-90.6

Div. 5. Reserved, §§ 2-90.7--2-90.11

Div. 6. Reserved, §§ 2-90.12--2-90.18

Div. 7. Environmental Protection Advisory Board, §§ 2-90.19--2-90.23

Div. 8. Lake County Children's Services Council, §§ 2-90.24--2-90.30

Div. 9. Historical Museum Advisory Committee, §§ 2-90.31--2-90.35

Div. 10. Lake County Arts and Cultural Alliance, §§ 2-90.36--2-90.41

Div. 11. Sales Surtax Oversight Advisory Committee, §§ 2-90.42--2-90.46

Div. 12. Lake County Elder Affairs Coordinating Council, §§ 2-90.47--2-90.51

Div. 13. Lake County Public Land Acquisition Advisory Council, §§ 2-90.52--2-90.56

Div. 14. Reserved, §§ 2-90.57--2-90.61

Div. 15. Solid Waste Advisory Committee, §§ 2-90.62--2-90.67

Art. V. County Manager, §§ 2-91--2-100

Art. VI. County Attorney, §§ 2-101--2-220

Art. VII. Contracts and Procurement, §§ 2-221--2-247

Div. 1. Generally, §§ 2-221--2-240

Div. 2. Design-Build Contracts, §§ 2-241--2-247

ARTICLE I.

IN GENERAL

Sec. 2-1. County logo and seal.

(a) The Lake County Board of County Commissioners hereby designates the following logo to be the official logo of Lake County, Florida:

GRAPHIC UNAVAILABLE: Click here

GRAPHIC UNAVAILABLE: Click here

The imagery for the logo features palm trees, a sailboat, an orange tree, an egret and a picturesque sunset overlooking a lake. Accompanying the collection of images are the words "Lake County" and "Florida." When the logo represents an approved county department, division or the board of county commissioners, the word "Florida" is replaced with the appropriate nomenclature.

(b) The Lake County Board of County Commissioners hereby designates the following seal to be the official seal of Lake County, Florida:

GRAPHIC UNAVAILABLE: Click here

(c) The logo and seal are to be used only for official county business by county officials or employees in the performance of their official duties, unless written approval is obtained from the county manager or designee. The county manager may authorize use of the logo upon request from any person or entity with a proper purpose for use of the logo. Approval for use of the county logo may be revoked upon written notice from the county manager or designee.

(d) Any manufacture, use, display, facsimile, or reproduction of the county logo or seal other than as provided for above is prohibited. A violation of this section shall be punishable as provided in F.S. § 165.043, as a second degree misdemeanor.
(Ord. No. 2007-38, § 2, 8-7-07)

Secs. 2-2--2-20. Reserved.

ARTICLE II.

FINANCIAL AFFAIRS*

* **Cross References:** Housing finance authority, § 2-81 et seq.; additional court costs in penal cases, § 9-1; licenses, taxation and miscellaneous business regulations, Ch. 13; escrow account for private road construction, § 18-1; paving finance by special assessments, § 18-66 et seq.; local laws relating to financial affairs, App. A, § 2-76 et seq.; disclosure of office finances, App. A, § 2-226 et seq.

State Law References: County annual budget, F.S. Ch. 129.

Sec. 2-21. Reserved.

Editors Note: Ord. No. 1988-3, § 1, adopted March 8, 1988, repealed § 2-21, pertaining to assistance to Sunrise Workshop, which derived from Ord. No. 1975-6, adopted Aug. 5, 1975.

Sec. 2-22. Expenditures for hospitality.

(a) The county is authorized to make expenditures, in such amounts as the board of county commissioners may deem to be reasonable and proper, to pay for the meals, refreshment, and entertainment of elected officials, state legislators, members of appointed boards and commissions, and other distinguished visitors to the county as the board may deem to be appropriate.

(b) The provision of hospitality to visiting officials, dignitaries, and honored guests, as set forth here, is declared to be a county purpose under home powers. The benefit expected to be derived by the county from such expenditures is declared to be the knowledge, familiarity, and good will of such officials, dignitaries, and honored guests, and such benefit is declared to be sufficient to justify these expenditures.

(c) Expenditures under this section shall be paid by county warrant after approval by the board of county commissioners.

(Ord. No. 1989-2, § 1, 2-7-89)

Sec. 2-23. Lake County affordable housing assistance trust fund.

The Lake County affordable housing assistance trust fund is hereby created for the purpose of receiving disbursements from the State of Florida Local Government Housing Trust Fund pursuant to F.S. Ch. 201, § 201.15(6).

(Ord. No. 1992-13, § 1, 11-24-92)

Editors Note: Nonamendatory Ord. No. 1992-12, adopted Nov. 24, 1992, has been included herein as § 2-23 at the discretion of the editor.

Cross References: Housing finance authority, § 2-81 et seq.; Lake County affordable housing advisory committee, § 2-86 et seq.

Sec. 2-24. Lake County investment policy; investment of surplus funds; authorized investments.

(a) *Scope.* This investment policy applies to funds under the control of the Lake County (county) Board of County Commissioners (board) in excess of those required to meet current expenses. This policy does not apply to funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds.

(b) *Authority.* Investments of the county are subject to F.S. § 218.415. This investment policy is established pursuant to statutory authority. The board establishes overall investment policies, the

implementation of which is a constitutional responsibility of the clerk of courts (clerk), acting in his capacity as the clerk, and as the chief financial officer to the board.

(c) *Investment objectives.* The following are the investment objectives for Lake County invested funds.

- (1) *Safety of capital.* Safety of capital is regarded as the highest priority in the handling of investments for the county. All other investment objectives are secondary. Each investment transaction shall seek to first ensure that capital losses are avoided.

From time to time, however, securities may be traded for other similar securities to improve yield, maturity or credit risk. For these transactions, a loss may be incurred for accounting purposes, provided any of the following occurs with respect to the replacement security:

- a. The yield is increased, or
 - b. The maturity is reduced, or
 - c. The quality of the investment is improved.
- (2) *Maintenance of adequate liquidity.* The investment portfolio must be structured in such a manner that will provide sufficient liquidity to pay obligations as they become due.
 - (3) *Return on investments.* The investment portfolio shall be designed to attain a market rate of return, taking into account investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety of capital and liquidity.

(d) *Performance measurement.* The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The weighted average return earned on investments held by the Local Government Surplus Funds Trust Fund (commonly referred to as the SBA) will be the benchmark to which the portfolio will be compared to when making an investment decision.

(e) *Prudence and ethical standards.* The persons performing the investment functions, acting as a "prudent person" in accordance with these written policies and procedures, and exercising due diligence, shall not be responsible for an individual security's credit risk or market price changes provided that appropriate monitoring efforts are performed.

The "prudent person" standard states the following: Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with state statutes, county ordinances, proper execution of the investment program, or which

could impair their ability to make impartial investment decisions. Investment officials shall disclose to the board any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the county's investment portfolio. Investment officials shall subordinate their personal investment transactions to those of the county, particularly with regard to the timing of purchase and sales.

- (f) *Authorized investments.* In accordance with F.S. § 218.415(16), authorized investments include:
- (1) The Local Government Surplus Funds Trust Fund (SBA) or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in F.S. § 163.01.
 - (2) Securities and exchange commission registered money funds with the highest credit quality rating from a nationally recognized rating agency.
 - (3) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in F.S. § 280.02.
 - (4) Direct obligations of the United States Treasury.
 - (5) Federal agencies and instrumentalities.
 - (6) Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.
 - (7) Repurchase agreements comprised only of those investments as authorized in subsections (2), (3), and (4).
 - (8) Commercial Paper of U.S. Corporations rated, at the time of purchase, "Prime-1" by Moody's and "A-1" by Standard and Poor's.
 - (9) State and/or local government taxable and tax exempt debt, general obligation and/or revenue bonds rated at least "AA" by Moody's and "AA" by Standard & Poor's for long-term debt or rated at least MIG-2 by Moody's and SP-2 Standard & Poor's for short-term debt.
 - (10) The Florida Local Government Investment Trust.
 - (11) Investment in special assessment bonds issued by the county to facilitate the financing of special assessment projects within the county. Such bonds are secured by a lien on the property and by a pledge of the 9th cent gas tax collected by the county.

(g) *Maturity and liquidity requirements.*

- (1) A liquidity base of approximately two months of anticipated disbursements, excluding bond construction payments made from escrow or trust accounts, will be kept in relatively short-term investments. These include the state investment pool, repurchase agreements and U.S. treasury obligations.
- (2) Although many securities are acceptable for investment using the legal authorized list, some are not desirable from a liquidity standpoint. Accordingly, although investments may be on the authorized list, only those securities with an active secondary market may be purchased from that list.

(h) *Portfolio composition.* Prudent investing necessitates that the portfolio be diversified as to instruments and dealers. The following maximum limits are guidelines established for diversification by instrument. These guidelines may be revised by the clerk for specific circumstances:

- (1) Repurchase agreements ten (10) percent.
- (2) Certificates of deposit sixty (60) percent.
- (3) U.S. Treasury Bills/Notes seventy-five (75) percent.
- (4) Other U.S. Government agencies thirty (30) percent.
- (5) State investment pool one hundred (100) percent.
- (6) Commercial paper twenty (20) percent.
- (7) Special assessment bonds issued by the county two (2) percent.

No more than thirty (30) percent of the entire portfolio may be placed with any one (1) commercial bank, savings and loan or broker/dealer.

(i) *Risk and diversification.* The investment portfolio will be diversified to avoid incurring unreasonable risks regarding specific security types or individual financial institutions. Policies regarding portfolio composition (subsection (h)) and the use of authorized investment institutions and dealers (subsection (j)) have been adopted to minimize risk. In addition, no security shall have an estimated average return of principal exceeding five (5) years except for special assessment bonds issued by the county which may have a maturity of seven (7) years. The weighted average duration of principal return for the portfolio shall be two (2) years or less. When structuring the maturity composition of the portfolio, the team will evaluate current and expected interest rate yields based upon general market conditions. However, after an investment has been purchased, the intent will be to hold the investment until maturity, unless there is a business reason for selling it.

(j) *Authorized investment institutions and dealers.* The county shall only purchase securities from

financial institutions that are qualified as public depositories by the Treasurer of the State of Florida or from primary or secondary securities dealers (or their agents) as designated by the Federal Reserve Bank of New York.

(k) *Third party custodial agreements.* All investment securities purchased, except certificates of deposit, shall be held in safekeeping at an institution designated by the clerk. The institution shall issue a safekeeping receipt to the clerk's office listing the specific instrument, par value, rate, maturity and any other pertinent information. In addition, the safekeeping institution shall send a report on at least a quarterly basis listing all securities held in each safekeeping account that shall be verified by the clerk's office. All trades where applicable will be executed by delivery vs. payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

Certificates of deposit issued by a local bank may be held in safekeeping at that institution or secured in the county finance department. The institution shall issue a copy of the certificate of deposit, a safekeeping receipt, or some other confirmation of the purchase which is satisfactory to the clerk, to be kept on file in the clerk's office and which indicates the amount, interest rate, issue date and maturity date of the certificate of deposit.

(l) *Master repurchase agreement.* In the event that the county chooses to invest in repurchase agreements (other than that entered into in connection with a banking services contract), the county will adopt the provisions of the master repurchase agreement as published by the public securities association. The county will require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the master repurchase agreement. In addition, all repurchase agreements shall adhere to the requirements of the master repurchase agreement. The maximum maturity for any single repurchase agreement will be one (1) year.

(m) *Bid requirement.* In order to ensure that the county gets the best rates possible on its investments, investments selected for purchase will be competitively bid, except for the reinvestment of certificates of deposit. Certificates of deposit may be renewed if the rate offered by the issuing bank exceeds the return of similar certificates at local banks. Competitive quotes for various instruments will be solicited from among the authorized institutions. A record will be kept of the bids offered, the bids that were accepted and the rationale for making the decision. Alternatively, the county may use professional consultants in the purchase of securities.

(n) *Internal controls.*

(1) The chief deputy clerk - county finance department is responsible for establishing and maintaining an internal control structure designed to ensure that county assets are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. Accordingly, the chief deputy clerk - county finance shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- a. Separation of transaction authority between accounting and recordkeeping.
- b. Custodial safekeeping.

- c. Avoidance when possible of physical delivery securities.
- d. Written confirmation of transactions for investments and wire transfers.
- e. Development of a wire transfer agreement with the lead bank and third party custodian.

(o) *Investment decisions.* The clerk shall have final approval for all investments purchased. The clerk shall consult with and discuss alternative investment strategies and short-range plans and monitoring of the performance and structure of the portfolio with the chief deputy clerk - county finance, senior chief deputy clerk, accounting director, budget director, county manager and county attorney prior to making investment purchases.

(p) *Continuing education.* Annually, the clerk and chief deputy clerk - county finance will complete eight (8) hours of continuing professional education in subjects related to investment practices and products each year as required in F.S. § 218.415(14).

(q) *Reporting.* The chief deputy clerk - county finance shall submit to the board a semi-annual investment report listing all of the investments held, including book and market value, and summarizing recent market conditions, economic developments and investment conditions. The report shall also provide the amount of interest earned to date on a cash basis versus budgeted amounts and the cumulative interest earned during the year.

(Ord. No. 1994-13, § 1, 8-23-94; Ord. No. 2005-53, § 1, 7-19-05)

Sec. 2-25. Economic impact statement.

At the time that any amendment to the Lake County Code is to be considered by the board of county commissioners, the county manager or designee shall prepare and provide to the board an economic impact statement which identifies the potential economic costs and benefits of the proposed amendment. Criteria for the economic impact statement shall include the impact to Lake County relative to enforcement, and the impact to property and building owners, as well as to industry and the labor market, relative to the cost of compliance. The economic impact statement may not be used as a basis for challenging the adoption of the amendment but is only intended to provide additional information to the board of county commissioners.

(Ord. No. 2008-55, § 2, 8-19-08)

Secs. 2-26--2-40. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Local laws relating to officers and employees, App. A, § 2-201 et seq.

Sec. 2-41. Deferred compensation plan.

(a) The board of county commissioners adopts the National Association of Counties Deferred Compensation Program and establishes the deferred compensation plan for the voluntary participation of all eligible county employees, elected officials and independent contractors. The plan shall not become effective until opinions required by F.S. § 112.215(6)(b) are approved by the clerk of the board of county commissioners.

(b) The clerk of the board of county commissioners is authorized to execute for the county, individual participation agreements with each said employee requesting same, and to act as the administrator of the plan representing the county, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employee's deferrals and other minor administrative matters, there is to be no cost or contribution by the county to the program.

(Ord. No. 1983-3, §§ 1, 2, 2-15-83)

Secs. 2-42--2-60. Reserved.

ARTICLE IV.

BOARDS, COMMISSIONS, AUTHORITIES, ETC.*

* **Cross References:** Board of building examiners, § 6-46 et seq.; emergency medical services council, § 11-16; law library board of trustees, § 12-17; public library board, § 12-37; tourist development council, § 13-48; authority of Oklawaha Basin Recreation and Water Conservation and Supply Authority to protect water supplies, § 21-1; Northwest Lake County Hospital District Board of Trustees, App. A, § 11-77 et seq.; South Lake County Hospital District Board of Trustees, App. A, § 11-102 et seq.

DIVISION 1.

LOBBYIST REGISTRATION

Sec. 2-61. Title and purpose.

This division shall be known as the Lake County Lobbyist Registration Ordinance. The purpose of this division is to ensure that a permanent record is kept of any contact by a lobbyist and a County Commissioner, a Department Director, a Division Director, any employee in the County Attorney's Office, or any Employee in the County Manager's Office regarding matters that may come before the Board of County Commissioners for vote or upon matters that may require administrative action by Lake County.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-62. Definitions.

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

- (1) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal when governmental relations, acting as a governmental liaison, or communicating with

governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.

- (2) *Lobbying* means any communication either directly or indirectly, in person, or by any other means, with any county commissioners, department director, division director, employee in the county attorney's office, or employee in the county manager's office which seeks to influence the actions of any county commissioner, advisory board member, or county employee.
- (3) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (4) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity, or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.
- (5) *Compensation* means any payment received or to be received by a lobbyist for the performance of lobbyist activities. The compensation may be a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-63. Lobbyist registration.

All lobbyists shall register by signing, at each time of lobbying, on lobbyist logs maintained and available in each county office. The lobbyist or other person shall provide his or her name and business address; the name and business address of each principal represented in the course of the particular contact; the topic of the lobbying contact; and the name of each person contacted. Each county office shall submit a copy of its lobbyist log to the county attorney's office no later than the fifth of each month. In the event that a lobbyist engages in lobbying which is initiated outside of county offices, including contact initiated by email, telephone, or written means, the lobbyist shall provide the information required above to the county attorney's office within seven (7) calendar days of such lobbying.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-64. Exceptions.

The following persons shall not be required to register as lobbyists:

- (1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.
- (2) A person who appears at the specific request or under compulsion of the commission, board or staff member.
- (3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.

- (4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the county commission, and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.
- (5) Any person in contractual privity with the county who appears only in his or her official capacity.
- (6) Any person who lobbies only in his or her individual capacity for the purpose of self-representation.
- (7) Law enforcement personnel conducting an investigation.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-65. Enforcement.

If a county code enforcement officer is informed of any person engaged in lobbying activities who has failed to comply with the requirements of this division, he or she shall conduct an investigation as deemed necessary under the circumstances. In the event the county code enforcement officer determines that a violation has occurred based on the results of the investigation, the following enforcement procedures shall apply:

- (1) A notice of violation shall be transmitted to the person indicating the nature of the violation and the penalty imposed. The lobbyist shall have up to thirty (30) day after the date of the notice to seek appeal of the penalty. In the event the lobbyist fails to submit an appeal in writing to the code enforcement officer within thirty (30) days of the date of such notice, the violation shall be deemed final, and the penalty imposed shall be effective immediately. If the lobbyist contests the violation, the matter shall be referred to the Lake County Code Enforcement Special Master for hearing.
- (2) If a county code enforcement officer is informed that a person who has been prohibited from lobbying because of a violation of this division is engaged in lobbying, the county code enforcement officer shall contact the State Attorney's Office and refer the matter for prosecution.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-66. Penalties.

Violations of this division shall be punishable as follows:

- (1) Failing to properly provide lobbying contact information as required by this division for the first violation shall result in the issuance of a warning.
- (2) Failing to properly provide lobbying contact information as required by this division for each occasion after a warning has been issued shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Any person who violates the provisions of this division more than once during a twelve-month

period shall be prohibited from lobbying as follows:

- a. A second violation during a twelve-month period shall result in a prohibition of one (1) year;
- b. A third violation within a twelve-month period shall result in a prohibition of two (2) years.

- (4) Any person who violates the provisions of this division while suspended from lobbying by this section shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the Lake County Jail not to exceed sixty (60) days or both by such fine and imprisonment.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-67. Validity of action.

The validity of any action or determination of the board of county commissioners or staff shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2007-48, § 2, 10-2-07)

Secs. 2-68--2-80. Reserved.

DIVISION 2.

HOUSING FINANCE AUTHORITY*

* **Cross References:** Lake County Housing Assistance Program, § 11-31 et seq.
State Law References: Florida Housing Finance Authority Law, F.S. 159.601 et seq.

Sec. 2-81. Created.

A separate public body corporate and politic to be known as the "Housing Finance Authority of Lake County, Florida" is created. The exercise by the authority of the powers conferred by law shall be deemed to be the performance of an essential public function.

(Ord. No. 1982-4, § 1.01(1), 1-28-82)

State Law References: Authority to create housing finance authority, F.S. § 159.604.

Sec. 2-82. Staff support.

A member of the housing finance authority shall be entitled to staff support services provided by the county's development department.

(Ord. No. 1982-4, § 3(2), 1-28-82)

Sec. 2-83. Approval of certain actions by board of county commissioners required.

The following actions of the housing finance authority shall first be approved by resolution of the board of county commissioners as a prior condition to such actions becoming effective:

- (1) Any rules or regulations to be promulgated by the authority setting forth standards or criteria for determining eligible persons or qualifying housing development.
- (2) Any resolution authorizing the issuance of revenue bonds as authorized by law.
- (3) All contracts or agreements including employment contracts or agreements of the authority.
- (4) Any sale of bonds whether by public or private sale.
- (5) Any other action in which the board of county commissioners has by resolution required to be approved first by resolution of the board.

(Ord. No. 1982-4, § 20, 1-28-82)

Sec. 2-84. Interlocal agreements.

The housing finance authority is authorized to enter into interlocal agreements with other housing finance authorities to administer the powers granted to it.

(Ord. No. 1982-4, § 5(2), 1-28-82)

Sec. 2-85. Interpretation.

The provisions of this division shall be liberally construed in order to effectively carry out the purposes of this article and F.S. Ch. 15a.

(Ord. No. 1982-4, § 21, 1-28-82)

DIVISION 3.

AFFORDABLE HOUSING ADVISORY COMMITTEE*

* **Editors Note:** Nonamendatory Ord. No. 1992-11, adopted Nov. 11, 1992, has been included herein as a new division to Art. IV, Div. 3, §§ 2-86--2-89 at the discretion of the editor.

Cross References: Lake County Housing Assistance Program, § 11-31 et seq.

Sec. 2-86. Title and purpose.

- (a) The "Lake County Affordable Housing Advisory Committee" is hereby created.

- (b) The Lake County Affordable Housing Advisory Committee is hereby created in order to identify improvements needed to the housing delivery system, with particular emphasis on the provision of affordable housing to very low, low and moderate income households in Lake County.

(Ord. No. 1992-11, §§ 2, 3, 11-24-92)

Sec. 2-87. Duties.

The Lake County Affordable Housing Advisory Committee shall have the following duties and obligations:

- (1) Triennially, review established policies and procedures, ordinances, the Lake County land development regulations and the adopted Lake County Comprehensive Plan and recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
- (2) The abovementioned initiative recommendations may include the modification or repeal of existing county policies, procedures, ordinances, Lake County land development regulation provisions, or Lake County Comprehensive Plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, ordinances, Lake County Land Development Regulations, or county comprehensive plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, or policies consistent with F.S. Ch. 163, Pt. II, the Local Government Comprehensive Planning and Land Development Act.
- (3) At a minimum, the committee shall submit a report to the board of county commissioners that includes recommendations on and triennially evaluates the implementation of affordable housing incentives in the following areas:
 - a. The expedited processing of approvals of development orders (any order granting, denying, or granting with conditions, an application for a development permit) or permits (any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land) for affordable housing projects is expedited to a greater degree than other projects.
 - b. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
 - c. The allowance of flexibility in densities for affordable housing.
 - d. The reservation of infrastructure capacity for housing for extremely low income persons, very low-income persons, low-income persons, and moderate income persons.
 - e. The reduction of parking and setback requirements.
 - f. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
 - g. The modification of sidewalk and street requirements.

- h. The establishment of a process by which Lake County considers, before adoption, policies, procedures, ordinances, land development regulations, or Lake County comprehensive plan provisions that increase on the cost of housing.
- i. The allowance of affordable accessory residential units in residential zoning districts.
- j. The preparation of a printed inventory of locally owned public land suitable for affordable housing.
- k. The support of development near transportation hubs, major employment centers, and mixed use developments.
- l. Additional incentives to be considered shall include:
 - 1. Allowing compatible multifamily housing developments in all high density residential zoning districts;
 - 2. Requiring new construction above a certain threshold to reserve a percentage of its total units for affordable housing;
 - 3. Utilizing tax increment financing techniques and other tax reduction programs;
 - 4. Participating in state and federal affordable housing and housing rehabilitation grant programs, and utilizing technical assistance programs serving affordable housing needs.
 - 5. Establishing a one-stop permitting system to lower development costs and reduce the gap between project review and construction.
- (4) The recommendations shall also include other affordable housing incentives identified by the advisory committee. To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the board of county commissioners must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.
- (5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously approved strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date and place of the public hearing of the advisory committee to adopt the final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

Within ninety (90) days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the board of county commissioners shall adopt an amendment to the Lake County Local Housing Assistance Plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at minimum, the local housing incentive strategies required under F.S. § 420.9071(16). Lake County shall also consider the strategies specified in paragraphs (3)(a)-(l) above as recommended by the advisory committee.

- (6) Make recommendations to the board of county commissioners on requests for reduction of impact fees by qualified applicants as provided in Chapter 22, Education and Transportation Impact Fees, Lake County Code.
- (7) On an ongoing and continuous basis identify improvements needed to the housing delivery system in unincorporated Lake County, with particular emphasis on the provision of housing to very low, low and moderate income households.
- (8) Make recommendations to the board of county commissioners on distribution of county, state, and federal grant funds available to provide assistance to qualified developers and households to construct affordable housing.
- (9) Coordinate with the local development industry, financial institutions and governmental agencies so as to assure adequate financing is available for affordable housing, particularly for very low, low and moderate income households.
- (10) Analyze and recommend improvements to the SHIP Affordable Housing Programs which may comprise activities including but not limited to:
 - a. Home purchase assistance,
 - b. Disaster mitigation;
 - c. Home repair, rehabilitation, and replacement;
 - d. Public and private partnerships to improve very low, low and moderate income housing; and
 - e. Technical assistance to private, non profit organizations serving to improve housing and neighborhood conditions.
- (11) Conduct public meetings and take testimony from residents and housing professionals as to existing services and facilities and any required additional services and facilities.
- (12) At the request of the board of county commissioners, the committee may perform other duties including:

- a. Provide mentoring services to affordable housing partners such as developers, banking institutions, employers and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.
- b. The creation of best practices for the development of affordable housing in the community.

(13) Other tasks and functions assigned by the board of county commissioners.

(Ord. No. 1992-11, § 4, 11-24-92; Ord. No. 1996-41, § 1, 5-7-96; Ord. No. 1998-21, § 1, 3-17-98; Ord. No. 2007-57, § 2, 12-4-07)

Sec. 2-88. Membership.

(a) Members of the Lake County Affordable Housing Advisory Committee shall be appointed by the board of county commissioners by resolution and shall consist of eleven (11) members, as follows:

- (1) One (1) resident who is actively engaged in the residential home building industry in connection with affordable housing.
 - (2) One (1) resident who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
 - (3) One (1) resident who is a representative of those areas of labor engaged in home building in connection with affordable housing.
 - (4) One (1) resident who is designated as an advocate for low income persons in connection with affordable housing.
 - (5) One (1) resident who is actively engaged as a for-profit provider of affordable housing.
 - (6) One (1) resident who is actively engaged as a real estate professional in connection with affordable housing.
 - (7) One (1) resident who is actively engaged as a not-for-profit provider of affordable housing
 - (8) One (1) representative who actively serves on the local planning agency.
 - (9) One (1) resident that is a concerned citizen for affordable housing.
 - (10) One (1) resident who represents employers in Lake County.
 - (11) One (1) resident who represents essential services personnel as defined the housing assistance plan.
- (b) The term of office for each member shall be for two (2) years. Members may be reappointed. The

terms of the members representing persons actively engaged as a real estate professional, serving on the local planning agency, actively engaged in the banking or mortgage banking industry, who is an advocate for low income persons, and who is actively engaged in the residential home building industry shall expire on November 30, 2008. The terms of members representing a not for profit provider of affordable housing, a for profit provider of affordable housing, areas of labor engaged in home building in connection with affordable housing, a concerned citizen for affordable housing, essential services personnel, and employers shall expire November 30, 2009. Thereafter, all membership terms shall be for two (2) years. In the event there is a vacancy, the member appointed to fill the vacancy shall serve out the remainder of the vacant term.

(c) Members may be removed from membership on the Lake County Affordable Housing Advisory Committee by the board of county commissioners at any time.

(d) Regular attendance is required. If more than two (2) successive unexcused absences occur, the advisory committee may recommend removal of the absent member to the board of county commissioners.

(e) A current commissioner of the Lake County Board of County Commissioners shall serve as liaison to this committee in non-voting position and shall not be considered a member of the committee. (Ord. No. 1992-11, § 5, 11-24-92; Ord. No. 1996-41, § 2, 5-7-96; Ord. No. 1998-21, § 2, 3-17-98; Ord. No. 1998-91, § 1, 11-17-98; Ord. No. 2004-11, § 2, 3-2-04; Ord. No. 2007-57, § 3, 12-4-07)

Sec. 2-89. Procedure.

(a) The members of the affordable housing advisory committee shall elect a chairman and a vice-chairman for a term of one (1) year at its organizational meeting, and annually thereafter. The vice-chairman shall serve as chairman in the absence of the chairman. The same person may be elected for successive one-year terms.

(b) The members of the county affordable housing advisory committee may elect a secretary for a term of one (1) year. The same person may be elected for successive one-year terms.

(c) The county affordable housing advisory committee may appoint subcommittees to perform specific duties provided for herein, subject to final approval and recommendation to the board of county commissioners, by the full Lake County Affordable Housing Advisory Committee. The subcommittees shall be subject to the same meeting requirements provided for in this section.

(d) The county affordable housing advisory committee shall meet at least quarterly, or more often, as determined by the affordable housing advisory committee.

(e) All meetings are public meetings and shall be held in a public place and shall be open to the public.

(f) All meetings shall be noticed and minutes recorded.

(g) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.

(h) A quorum for conducting business shall be six (6) members.

(i) The affordable housing committee shall be jointly staffed by the department of community services and the growth management department.

(Ord. No. 1992-11, § 6, 11-24-92; Ord. No. 1996-41, § 3, 5-7-96; Ord. No. 2004-11, § 3, 3-2-04; Ord. No. 2007-57, § 4, 12-4-07)

DIVISION 4.

RESERVED*

* **Editors Note:** Ord. No. 2008-61, § 2, adopted September 2, 2008, repealed Div. 4, §§ 2-90--2-90.6, which pertained to the Lake County Industrial Development Authority. See also the Code Comparative Table.

Secs. 2-90--2-90.6. Reserved.

DIVISION 5.

RESERVED*

* **Editors Note:** Ord. No. 2001-15, § 2, adopted Feb. 27, 2001, repealed Div. 5, §§ 2-90.7--2-90.11, which pertained to the fire and rescue advisory board. See the Code Comparative Table.

Secs. 2-90.7--2-90.11. Reserved.

DIVISION 6.

RESERVED*

* **Editors Note:** Ord. No. 2006-27, § 2, adopted March 7, 2006, repealed Div. 6, §§ 2-90.12--2-90.18, which pertained to the agricultural advisory committee. See also the Code Comparative Table.

Secs. 2-90.12--2-90.18. Reserved.

DIVISION 7.

ENVIRONMENTAL PROTECTION ADVISORY BOARD

Sec. 2-90.19. Title.

The "Lake County Environmental Protection Advisory Board" is hereby established and hereinafter referred to as the "Environmental Protection Advisory Board."

(Ord. No. 1996-88, § 20, 11-26-96)

Sec. 2-90.20. Purpose.

The environmental protection advisory board is hereby created for the following purposes:

- (1) To provide board of county commissioners with constructive recommendations regarding the well being of the environment in Lake County.
- (2) To publicize and educate the public as to the importance of adequate environmental protection and preservation, to hold discussions, forums and institutes and arrange programs for the presentation of information by experts in the fields of environmental protection.
- (3) To evaluate existing and proposed environmental programs and initiatives, consult with existing governmental entities and private environmental organizations involved in environmental programs, and make recommendations as to the best course of action for funding and establishing environmentally beneficial programs.
- (4) To assist the board of county commissioners in identifying, promoting and implementing educational environmental programs for the citizens of Lake County.
- (5) To perform such other duties, function and responsibilities as may be assigned to the environmental protection advisory board from time to time by the board of county commissioners.

(Ord. No. 1996-88, § 20, 11-26-96; Ord. No. 2006-39, § 2, 4-18-06)

Sec. 2-90.21. Duties.

The environmental protection advisory board shall as part of its role in environmental planning have the following duties and obligations:

- (1) Conduct public meetings and consider public comment from residents and active environmental professionals as to the concerns and needs of protecting our fragile environmental community.
- (2) Make written recommendations to the board of county commissioners as to the needs and concerns of the environmental community and methods of addressing those needs.
- (3) Perform any other functions as directed by the board of county commissioners.

(Ord. No. 1996-88, § 20, 11-26-96; Ord. No. 2006-39, § 3, 4-18-06)

Sec. 2-90.22. Membership.

(a) The environmental protection advisory board shall consist of seven (7) members appointed by the board of county commissioners as follows:

- (1) One (1) member from each commission district.
 - (2) Two (2) members representing the League of Cities.
 - (b) Each member shall be appointed for a term of two (2) years. Initially, the terms of the members representing districts 1, 3, and 5 shall expire on May 30, 2007. The terms of the members representing districts 2, 4, and the League of Cities shall expire on May 30, 2008. Thereafter, all membership terms shall be for two (2) years. Members may be reappointed.
 - (c) The board of county commissioners shall appoint one (1) of their members to the board as a liaison. The commissioner shall not be a member of the board and shall not vote.
- (Ord. No. 1996-88, § 20, 11-26-96; Ord. No. 2006-39, § 4, 4-18-06)

Sec. 2-90.23. Procedures.

- (a) The environmental protection advisory board shall meet at regular intervals as determined by the environmental protection advisory board.
 - (b) The members of the environmental protection advisory board shall elect a chairman and vice-chairman.
 - (c) All meetings shall be held in a public place and shall be open to the public pursuant to Chapter 286, Florida Statutes, Section 286.011.
 - (d) Pursuant to Chapter 286, Florida Statutes, Section 286.011(6), meetings shall not be held at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.
 - (e) All meetings shall be noticed and minutes recorded.
 - (f) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.
 - (g) A quorum for conducting business shall be a majority of the members.
 - (h) The county manager shall determine who shall serve as staff to the environmental protection advisory board.
- (Ord. No. 1996-88, § 20, 11-26-96)

DIVISION 8.

LAKE COUNTY CHILDREN'S SERVICES COUNCIL*

* **Editors Note:** Ord. No. 2005-87, § 2, adopted Oct. 4, 2005, amended the title of Div. 8 to read as herein set out. Prior to inclusion of said ordinance, Div. 8 was entitled, "Lake County Citizen's Commission." See also the Code Comparative Table.

Sec. 2-90.24. Title.

The "Lake County Children's Services Council" is hereby established and hereinafter referred to as the "council."
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.25. Purpose.

The council is hereby created within Lake County, Florida, for the purpose of advising and making recommendations to the board of county commissioners on the status of children and families in Lake County.
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.26. Duties.

The council shall have as part of its role in addressing children's unmet needs the following goals and objectives:

- (a) Provide information on, and evaluate, the effectiveness of activities, services, and programs offered by the council and other Lake County service providers, if deemed desirable, including the cost effectiveness of such activities, services and programs.
- (b) Develop a detailed anticipated budget for activities, services and programs to be offered by the council which may include allocation of funds for other agencies in Lake County which are operated for the benefit of children, and a list of all sources of requested funding, both public and private.
- (c) Provides a mechanism to accept private donations for the purpose of funding children's programs in Lake County.
- (d) Act as a centralized planning and coordinating agency for available services provided by other service providers.
- (e) Serve as a clearinghouse for information regarding children and children's services.
- (f) Any and all other duties and obligations requested by the board of county commissioners.
- (g) Provide an annual written report, to be presented no later than March 15th, to the board of county commissioners.

(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.27. Membership.

- (a) The membership of the council shall consist of fifteen (15) members. Members will begin two-

year terms on May 15th of each year. The board of county commissioners shall appoint members to staggered terms with eight (8) members appointed during even years and seven (7) members appointed during odd years. Members will be appointed as follows:

- (1) Two (2) members from each commission district;
- (2) Three (3) at-large members;
- (3) The district administrator or named designee from the department of children and families;
- (4) The superintendent or named designee from Lake County School Board.

All members of the council shall be electors of Lake County. One (1) county commissioner may be appointed by the chair of the board of county commissioners to serve as a non-voting liaison. The county commissioner will be appointed for one (1) year and will not be considered a member of this council.

(b) Any member of the council may be removed at any time upon a majority vote of the board of county commissioners. If any member of the council resigns, dies or is removed for cause, the board of county commissioners shall fill the vacancy by appointment within thirty (30) days. Any such appointment shall be for the unexpired term of the vacated office.

(c) The board of county commissioners will remove any member who, without excuse, fails to attend three (3) meetings of the council within any one (1) calendar year.
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.28. Meetings.

(a) The council shall hold meetings as needed to fulfill its duties, but the council shall hold at least one (1) meeting each quarter.

(b) All meetings shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes.

(c) Meetings shall be held in a public building in Lake County, the Lake County Administrative Building or in a building in Lake County accessible to the public.
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.29. Officers.

The council shall have authority to elect such officers, including a chairperson or co-chairpersons, and promulgate such internal procedures and rules as may be necessary to conduct the business and affairs of the council.
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

Sec. 2-90.30. Procedures.

- (a) The council shall provide training and orientation to all new members sufficient to allow them to perform their duties.
- (b) The council shall maintain and update as needed, bylaws and rules and regulations for guidance, operation, governance, and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances.
- (c) The council shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.
- (d) The council members shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provision of Chapter 112, Florida Statutes, Section 112.061.
- (e) The council members shall file annually a schedule of its regular meetings with the board of county commissioners. The schedule shall include the date, time, and location of each scheduled meeting.
- (f) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.
- (g) A quorum for conducting business shall be a majority of the appointed members.
(Ord. No. 1997-35, § 1, 5-20-97; Ord. No. 2005-87, § 2, 10-4-05)

DIVISION 9.

HISTORICAL MUSEUM ADVISORY COMMITTEE

Sec. 2-90.31. Title.

The "Lake County Historical Museum Advisory Committee" is hereby established and hereinafter referred to as the "historical museum advisory committee."
(Ord. No. 1999-82, § 1, 8-24-99)

Sec. 2-90.32. Purpose.

The historical museum advisory committee is hereby created for the following purpose:

To provide the board of county commissioners with constructive recommendations regarding the operation and maintenance of the Lake County Historical Museum.

(Ord. No. 1999-82, § 1, 8-24-99)

Sec. 2-90.33. Duties.

The historical museum advisory committee shall have the following duties and obligations:

- (1) To provide advice and recommendations to the board of county commissioners and the county manager as to the operation and maintenance of the Lake County Historical Museum;
- (2) To help in the obtaining of artifacts and other materials suitable for exhibit in the Lake County Historical Museum;
- (3) Perform any other functions as directed by the board of county commissioners.

(Ord. No. 1999-82, § 1, 8-24-99)

Sec. 2-90.34. Membership.

The historical museum advisory committee shall consist of six (6) members appointed by the board of county commissioners as follows:

- (1) Three (3) members of the Lake County Historical Society, Inc.; and
- (2) Three (3) members of the public at large.

The historical society may also designate one (1) alternate historical museum advisory committee member ("alternate member") for each of its historical museum advisory committee members. The appointment(s) of historical society members and alternate members shall be based upon recommendations made to the board of county commissioners by the historical society. The members and alternate members designated by the historical society shall be submitted to the board of county commissioners which, shall, as a ministerial duty, appoint such person to the historical museum advisory committee. Either the appointed board member or the alternative member may attend historical museum advisory committee meetings and each has voting authority. However, if the board member and the alternate member are both present at a historical museum advisory committee meeting, only the appointed board member shall have voting authority; not the alternate member.

Members and alternate members of the historical museum advisory committee shall serve three-year terms. Members and alternate members of the historical museum advisory committee shall be appointed in staggered terms so that each year two (2) members terms shall end. A current commissioner of the Lake County Board of County Commissioners shall serve as liaison to this committee in non-voting position and shall not be considered a member of the committee.

(Ord. No. 1999-82, § 1, 8-24-99; Ord. No. 2004-11, § 4, 3-2-04)

Sec. 2-90.35. Procedures.

- (a) The historical museum advisory committee shall meet at regular intervals as determined by the historical museum advisory committee.
- (b) The members of the historical museum advisory committee shall elect a chairman and vice-chairman.

(c) All meetings shall be held in a public place and shall be open to the public pursuant to Chapter 286, Florida Statutes, Section 286.011.

(d) Pursuant to Chapter 286, Florida Statutes, Section 286.011(6), meetings shall not be held at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(e) All meetings shall be noticed and minutes recorded.

(f) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.

(g) A quorum for conducting business shall be a majority of the members.

(h) The county manager shall determine who shall serve as staff to the historical museum advisory committee.

(Ord. No. 1999-82, § 1, 8-24-99)

DIVISION 10.

LAKE COUNTY ARTS AND CULTURAL ALLIANCE

Sec. 2-90.36. Title.

The Lake County Arts and Cultural Alliance is hereby created, hereinafter referred to as the "alliance."
(Ord. No. 2007-21, § 3, 5-15-07)

Sec. 2-90.37. Membership.

(a) The alliance shall have seven (7) members and shall include one (1) member who is a resident of the following municipalities: Clermont, Eustis, Minneola, Leesburg, Tavares, and Mount Dora. Additionally, there shall be one (1) member who shall represent the following municipalities on a rotating basis: Astatula, Fruitland Park, Groveland, Howey-in-the-Hills, Lady Lake, Mascotte, Monteverde and Umatilla. The member representing the smaller municipalities shall serve one (1) year terms, rotating in alphabetical order.

(b) All individuals acting as a representative of a municipality shall be recommended by the governing body of that municipality. The board of county commissioners will appoint members to the alliance as recommended by the municipality. In the event that a municipality fails to recommend a member to serve on the alliance within sixty (60) days after notification of a vacancy, the appointment shall be made by the board. In the event that the municipality representing the smaller cities fails to recommend a member to serve on the alliance within sixty (60) days after notification of its term, the governing body of the next municipality shall make a recommendation to fill the position.

(c) Each permanent member shall be appointed for a term of two (2) years; provided, however, the initial terms of the members representing Clermont, Leesburg, and Minneola shall expire July 31, 2008. The

initial terms of the remainder of the members shall expire July 31, 2009. Thereafter, all membership terms shall for be two (2) years. If a vacancy occurs, the board shall appoint a replacement member to serve the remainder of the term as set forth above. Members may be reappointed.

(d) Committee members may be removed by the board of county commissioners at any time. Regular attendance at meetings is required.

(e) A member of the Lake County Board of County Commissioners shall serve as a non-voting liaison to the committee.

(Ord. No. 2007-21, § 3, 5-15-07)

Sec. 2-90.38. Duties.

The alliance shall advise the board of county commissioners on matters relating to arts and cultural affairs within the county. The alliance shall:

- (1) Encourage and facilitate more efficient use of public and private resources for the development and support of the arts.
- (2) Assess opportunities for the arts, artists, art institutions, community arts organizations and the citizens of the county relating to the arts.
- (3) Provide recommendations regarding use of Florida Arts License Plate fees received pursuant to F.S. § 320.08058(12).
- (4) Provide recommendations to the board regarding technical assistance to the arts community, including advising the board on available local, state or federal grants that may be available for application.
- (5) Stimulate public awareness and appreciation of the arts in Lake County.
- (6) Perform any other functions as directed by the board of county commissioners regarding matters related to the arts.

(Ord. No. 2007-21, § 3, 5-15-07)

Sec. 2-90.39. Procedures.

- (a) The alliance shall meet at least quarterly or more often as determined by the alliance.
- (b) The members of the alliance shall elect a chairman and vice-chairman.
- (c) All meetings shall be held in a public place and shall be open to the public pursuant to F.S. § 286.011.
- (d) All meetings shall be noticed and minutes recorded.

(e) Robert's Rules of Order, Newly Revised, shall be the reference source on all questions of parliamentary procedure.

(f) A quorum for conducting business shall be a majority of the currently appointed members.
(Ord. No. 2007-21, § 3, 5-15-07)

Secs. 2-90.40, 2-90.41. Reserved.

DIVISION 11.

SALES SURTAX OVERSIGHT ADVISORY COMMITTEE

Sec. 2-90.42. Title.

The "Lake County Sales Surtax Oversight Advisory Committee" is hereby established and hereinafter referred to as the "sales surtax oversight advisory committee."
(Ord. No. 2001-130, § 1, 10-16-01)

Sec. 2-90.43. Purpose.

The sales surtax oversight advisory committee is hereby created to review the expenditures of the revenue generated by the sales surtax to ensure the surtax revenue is being used only for the purposes specified in the November 6, 2001 referendum and Ordinance No. 2001-123.
(Ord. No. 2001-130, § 1, 10-16-01)

Sec. 2-90.44. Duties.

The sales surtax oversight advisory committee shall have the following duties and obligations:

- (1) To review the expenditures of the one-cent sales tax revenue;
- (2) To provide a semi-annual written and oral report in April and in October on the expenditures of the sales tax revenue at a joint public meeting of the board of county commissioners, the school board and the municipalities which receive surtax revenues;
- (3) To include in the bi-annual reports written recommendations as to the needs and concerns of the citizens and methods of addressing those concerns.

(Ord. No. 2001-130, § 1, 10-16-01)

Sec. 2-90.45. Membership.

The sales surtax oversight advisory committee shall consist of no more than nine (9) members and no less than six (6) members as appointed by the Lake County Board of County Commissioners as follows:

- (1) Two (2) members of the public at large as designated by the board of county commissioners; and,
- (2) Two (2) members of the public at large as designated by the school board;
- (3) Two (2) members of the public at large as designated by the Lake County League of Cities; and,
- (4) Three (3) Lake County Constitutional Officers, or their named designees, to the extent possible.

The members designated by the school board and the Lake County League of Cities shall be submitted to the board of county commissioners, which shall, as a ministerial duty, appoint such persons to the sales surtax oversight advisory committee. All members shall have voting authority. The constitutional officer members shall serve as members during their term as a constitutional officer. The remaining members shall serve four-year terms. The members shall serve without compensation.

(Ord. No. 2001-130, § 1, 10-16-01)

Sec. 2-90.46. Procedures.

(a) The sales surtax oversight advisory committee shall meet at regular intervals as determined by the sales surtax oversight advisory committee.

(b) The members of the sales surtax oversight advisory committee shall elect a chairman and vice-chairman.

(c) All meetings shall be held in a public place and shall be open to the public pursuant to Chapter 286, Florida Statutes, section 286.011.

(d) Pursuant to Chapter 286, Florida Statutes, section 286.011(6), meetings shall not be held at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(e) All meetings shall be noticed and minutes kept.

(f) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.

(g) A quorum for conducting business shall be a majority of the members.

(h) The county manager shall determine who shall serve as staff to the sales surtax oversight committee.

(i) This division shall not be repealed or amended without two (2) public hearings.
(Ord. No. 2001-130, § 1, 10-16-01)

DIVISION 12.

LAKE COUNTY ELDER AFFAIRS COORDINATING COUNCIL

Sec. 2-90.47. Title.

The Lake County Elder Affairs Coordinating Council is hereby established and hereinafter referred to as the "elder council."

(Ord. No. 2002-40, § 1, 4-16-02)

Sec. 2-90.48. Purpose.

The elder council is hereby created for the following purpose: To provide the board of county commissioners with information regarding existing programs and facilities providing services to elders, perceived services necessary for elders and to make recommendations regarding elder services and facilities and programs that would benefit elders and assist in making Lake County an elder ready community.

(Ord. No. 2002-40, § 1, 4-16-02)

Sec. 2-90.49. Duties.

The elder council shall have the following duties and obligations:

- (1) Provide public forums addressing a broad scope of issues pertinent to elders in order to create not only educational and informational opportunities for the public but to also improve community awareness and increase access to services for elders.
- (2) Recommend policies/strategies and budgets that will address identified elder service needs.
- (3) Provide assistance to coordinate efforts of elder services providers in implementing policies and budgets as recommended by the board of county commissioners.
- (4) Provide committee reports to the board of county commissioners on an annual and/or as needed basis.
- (5) Solicit participation of elder service providers/representatives and professionals to sit as non-voting ad hoc committee members at the council's or chairperson's discretion.
- (6) Perform other duties or assignments as appropriate and requested by the board of county commissioners.
- (7) Serve as advocates for elder issues on behalf of the board of county commissioners and the citizens of Lake County.

(Ord. No. 2002-40, § 1, 4-16-02)

Sec. 2-90.50. Membership.

The elder council shall consist of thirteen (13) members appointed by the board of county

commissioners as follows:

- (1) Two (2) members from each county commission district. In the event there are no eligible applicants from a commission district, the county commission may select any eligible individual regardless of district residency.
- (2) Three (3) at large members.
- (3) Each member shall be appointed for a term of two (2) years; provided, however, that the initial term for the members representing commission district 2 and 4, and for two (2) of the at-large members shall be for a period of one (1) year ending on January 31, 2007. The members representing commission districts 1, 3 and 5, and one (1) of the at-large members shall have an initial term of two (2) years ending on January 31, 2008. Thereafter, all appointments shall be made for a term of two (2) years. Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment for the remainder of the term.
- (4) A member of the elder council will voluntarily resign membership as soon as it is apparent to him/her that he/she will not be able to attend meetings (i.e. upon two (2) consecutive unexcused absences, or upon failure to attend at least sixty (60) percent of the meetings in a twelve-month period). The chairperson shall determine excused absences. When a vacancy occurs, the chairperson shall notify the board of county commissioners, which will make a re-appointment as soon thereafter as possible. Any member may be removed from office by a majority vote of the board of county commissioners.
- (5) One (1) county commissioner may be appointed by the board of county commissioners to serve as a non-voting liaison. The county commissioner will be appointed for one (1) year and will not be considered a member of this committee.

(Ord. No. 2002-40, § 1, 4-16-02; Ord. No. 2004-49, § 2, 7-6-04; Ord. No. 2006-36, § 2, 4-4-06)

Sec. 2-90.51. Procedures.

- (a) The elder council shall annually elect one (1) of its members as its chairperson and one (1) as vice-chairperson. Election shall be held at the first regularly scheduled meeting after the appointment of the board, and annually thereafter at the annual meeting. The chairperson shall preside and conduct meetings of the council. The vice-chairperson shall act in the absence of the chairperson.
- (b) The members of the council may elect a secretary.
- (c) The council shall meet at regular intervals as determined by the council but at least quarterly. The chairperson or vice-chairperson upon forty-eight (48) hours notice to all members may call special meetings.
- (d) All meetings shall be open to the public and shall be held in a public place.
- (e) All meetings shall be noticed and minutes recorded.

(f) A quorum for conducting business shall be a majority of the appointed members. Recommendations and decisions of the council will be made by a simple majority vote.

(g) Robert's Rules of Order, Newly Revised shall be the final authority on all questions of parliamentary procedure.

(h) The chairperson shall be responsible for the meeting agenda, which agenda shall be mailed to each member of the Lake County Elder Affairs Coordinating Council prior to the next meeting date. Any member of the council may place an item on the agenda by notifying the chairperson prior to the preparation of the agenda.

(i) Subcommittees shall be appointed by the chairperson when necessary as determined by the Lake County Elder Affairs Coordinating Council or the chairperson.
(Ord. No. 2002-40, § 1, 4-16-02)

DIVISION 13.

LAKE COUNTY PUBLIC LAND ACQUISITION ADVISORY COUNCIL

Sec. 2-90.52. Title.

The Lake County Public Land Acquisition Advisory Council is hereby established and hereinafter referred to as the "land acquisition advisory council".
(Ord. No. 2003-48, § 1, 5-20-03)

Sec. 2-90.53. Purpose.

The land acquisition advisory council is hereby created for the following purposes:

- (1) To prepare, and recommend to the board of county commissioners for approval, policies to guide the acquisition and management of public lands, both environmental and recreational.
- (2) To advise the board of county commissioners in the implementation of the land acquisition tasks prescribed by the parks and recreation master plan, when it is completed.

(Ord. No. 2003-48, § 1, 5-20-03)

Sec. 2-90.54. Duties.

The land acquisition advisory council shall have the following duties and obligations:

- (1) The council shall conduct an annual goal-setting session where it will outline its work plan for the year, which shall be forwarded to the board for review and approval.
- (2) The council will make an annual report to the board regarding the status of the council's work plan. The requirement of an annual report notwithstanding, council may advise the board at any

time of any matter relating to public land acquisition and management.

- (3) The council shall review proposed acquisitions by Lake County and make recommendations to the board of county commissioners, in accordance with the policies to guide the acquisition and management of public lands, both environmental and recreational, concerning the acquisition of individual properties.
- (4) The council shall perform other duties or assignments as appropriate and requested by the board of county commissioners.

(Ord. No. 2003-48, § 1, 5-20-03)

Sec. 2-90.55. Membership.

The public land acquisition advisory council shall consist of eleven (11) members appointed by the board of county commissioners as follows:

- (1) One (1) member shall be appointed who has technical knowledge from each of the following fields: (1) geology, including soils and water; (2) biology, including botany and zoology; (3) local history; (4) archaeology; and (5) recreation.
- (2) Four (4) members shall be appointed who are familiar with Lake County geography and culture.
- (3) Two (2) members shall be appointed from the Lake County business community.
- (4) All members must be registered electors and residents of Lake County.
- (5) One (1) county commissioner may be appointed by the board of county commissioners to serve as a non-voting liaison. The county commissioner will be appointed for one (1) year and will not be considered a member of the council.
- (6) Terms of office, removal from office, vacancies. Each member shall be appointed for a term of three (3) years. At the time of initial appointment, the board of county commissioners shall designate three (3) appointees whose terms will terminate in 2004, three (3) appointees whose terms will terminate in 2005, and three (3) appointees whose terms will terminate in 2006. The initial terms of the two (2) members representing the business community will terminate in 2007 and 2008. All terms will terminate on October 1 of the year. Thereafter, all appointments shall be made for a term of three (3) years. Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment for the remainder of the term.
- (7) Any member may be removed from office by a majority vote of the board of county commissioners.

(Ord. No. 2003-48, § 1, 5-20-03; Ord. No. 2006-79, § 2, 8-1-06)

Sec. 2-90.56. Procedures.

(a) The land acquisition advisory council shall annually elect one (1) of its members as its chairperson and one (1) as vice-chairperson. Elections shall be held at the first regularly scheduled meeting after the appointment of the board, and annually thereafter at the annual meeting. The chairperson shall preside and conduct meetings of the council. The vice-chairperson shall act in the absence of the chairperson.

(b) The members of the council may elect a secretary.

(c) The council shall meet at regular intervals as determined by the council but at least quarterly. The chairperson or vice-chairperson upon forty-eight (48) hours notice to all members may call special meetings.

(d) All meetings shall be open to the public and shall be held in a public place.

(e) All meetings shall be noticed and minutes recorded.

(f) A quorum for conducting business shall be a majority of the appointed members.

(g) Recommendations and decisions of the council will be made by a simple majority vote.

(h) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.

(i) The county manager shall determine who shall serve as staff to the land acquisition advisory council.

(Ord. No. 2003-48, § 1, 5-20-03)

DIVISION 14.

RESERVED*

* **Editors Note:** Ord. No. 2009-18, § 2, adopted April 21, 2009, repealed Div. 14, §§ 2-90.57--2-90.61, which pertained to the Mt. Plymouth-Sorrento Planning Advisory Committee. See also the Code Comparative Table.

Sec. 2-90.57--2-90.61. Reserved.

DIVISION 15.

SOLID WASTE ADVISORY COMMITTEE

Sec. 2-90.62. Title.

The "solid waste advisory committee" is hereby established and hereinafter referred to as the "committee."

(Ord. No. 2005-38, § 2, 5-17-05)

Sec. 2-90.63. Purpose.

The committee is hereby created for the purpose of advising and making recommendations to the board of county commissioners on the methods, processes, programs and activities related to the collection, handling and disposal of solid waste within the geographic borders of Lake County, Florida. Solid waste shall have the same meaning as set forth in Article III, Chapter 21, Lake County Code.
(Ord. No. 2005-38, § 2, 5-17-05)

Sec. 2-90.64. Duties.

The committee shall have as part of its role in reviewing the methods, processes, programs and activities related to the collection, handling and disposal of solid waste the following duties:

- (1) The committee shall conduct such public meetings as are necessary to collect public input on the collection, handling and disposal of solid waste within Lake County.
- (2) The committee shall assist in the development of a long range plan for the management of solid waste within Lake County.
- (3) The committee shall assess and evaluate the existing solid waste management facilities and service needs within Lake County.
- (4) The committee shall make recommendations to the board of county commissioners regarding solid waste management facilities and services.
- (5) The committee shall make recommendations to the board of county commissioners on funding sources for solid waste management facilities and services.
- (6) The committee shall make such presentations as required by the board of county commissioners to the board, or as determined to be necessary by the committee.
- (7) The committee shall perform any other duties as appropriate or as requested by the board of county commissioners.

(Ord. No. 2005-38, § 2, 5-17-05)

Sec 2-90.65. Membership.

The committee shall consist of seven (7) members to be appointed by the board of county commissioners as follows:

- (1) One (1) member from each county commission district. In the event there are no eligible applicants from a commission district, the county commission may select any eligible individual regardless of district residency.
- (2) Two (2) members representing the Lake County League of Cities or municipalities within Lake

County as recommended by the Lake County League of Cities or municipalities.

- (3) One (1) county commissioner may be appointed by the board of county commissioners to serve as a non-voting liaison to the committee and shall not be considered a member of the committee.
- (4) The initial term of the appointed voting members for Commission Districts 1, 3, and 5, and one (1) member representing the League of Cities or municipalities shall be four (4) years. The initial term of the appointed voting members for Commission Districts 2 and 4 and the second member representing the League of Cities or municipalities shall have an initial term of two (2) years, and then four-year terms thereafter.
- (5) If any member of the committee fails to attend three (3) consecutive meetings without cause, the county manager or designee shall notify the board of county commissioners in writing. The board of county commissioners shall declare the member's seat vacant and promptly fill such vacancy. Any member may be removed from the committee with or without cause by a majority vote of the board of county commissioners.

(Ord. No. 2005-38, § 2, 5-17-05)

Sec. 2-90.66. Procedures.

- (a) The committee shall meet at regular intervals as determined by the committee at their first meeting; provided however that the meetings shall occur at least once annually.
- (b) The committee shall have the authority to elect a chairman, vice-chairman and secretary from its membership to serve the needs of the committee. Terms of office shall be for one (1) year, with eligibility for reelection.
- (c) All meetings shall be held in a public place and shall be open to the public pursuant to F.S. Ch. 286.
- (d) All meetings shall be noticed and minutes kept.
- (e) Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.
- (f) A quorum for conducting regular business shall be a majority of the voting members appointed.
- (g) The county manager or designee shall determine who shall serve as staff to the committee.

(Ord. No. 2005-38, § 2, 5-17-05)

Sec. 2-90.67. Sunset provision.

The committee shall be authorized to function until April 1, 2014. The committee may be extended or terminated, at any time, by formal action of the board of county commissioners.

(Ord. No. 2005-38, § 2, 5-17-05)

ARTICLE V.

COUNTY MANAGER*

* **Editors Note:** Ord. No. 1990-5, §§ 1--5, adopted Mar. 6, 1990, amended the Code but did not specify the manner of inclusion; thus, said ordinance has been codified herein by the editor as Art. V, §§ 2-91--2-95.

Sec. 2-91. County Administration Law of 1974 adopted and incorporated by reference.

F.S. Ch. 125, Pt. III, The County Administration Law of 1974, is hereby adopted and incorporated by reference herein. This article is enacted to promote the efficient operation of the government of Lake County, Florida.

Sec. 2-92. Creation of office.

(a) The office of county manager is hereby created. The county manager shall assist the board of county commissioners in more efficiently fulfilling its purposes and relieve the board of county commissioners of daily, detailed ministerial tasks which necessarily arise from the operation of Lake County as a unit of local government.

(b) The county manager shall be the administrative head of Lake County government. The county manager shall be responsible for the administration of all departments of Lake County government which the board of county commissioners has authority to create and control pursuant to F.S. Ch. 125, County Government, and other applicable legislation.

(c) The county manager is hereby designated as the county budget officer.
(Ord. No. 1990-5, § 2, 3-6-90)

Sec. 2-93. Qualifications; compensation; appointment; vacancy and removal.

(a) The county manager shall be qualified by administrative and executive experience and ability to serve as the chief administrator of Lake County and shall meet one (1) or more of the following requirements:

- (1) Graduation from an accredited college or university with a Master of Public Administration (M.P.A) degree or a Master of Business Administration (M.B.A) degree, or an equivalent degree in a related field, and at least two (2) years of appropriate experience; or
- (2) Graduation from an accredited college or university with a Bachelor's Degree in Public or Business Administration (B.A., B.S., or B.B.A.), or an equivalent degree, and at least five (5) years of appropriate experience since the completion of said Bachelor's Degree.

(b) The county manager need not be a resident of Lake County at the time of his or her appointment, but during his or her tenure in office he or she shall reside within Lake County.

(c) No county commissioner shall be employed as county manager during the term to which he or she shall have been elected, or within two (2) years of expiration of his or her term as county commissioner.

(d) The compensation of the county manager, shall be fixed by the board of county commissioners, unless otherwise provided by law.

(e) The county manager shall be appointed by an affirmative vote of not less than (3) members of the board of county commissioners, and the board of county commissioners shall set out the conditions of the county manager's employment.

(f) The office of the county manager shall be deemed vacant if the incumbent moves his or her residence from Lake County, or is, by resignation, termination, death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as stated in section 2-93(e).

(g) The board of county commissioners may appoint an interim or acting county manager in the case of vacancy, temporary absence, or disability, until a successor has been qualified and appointed, or the county manager returns.

(h) The board of county commissioners may waive the minimum qualifications for an interim county manager. However, individuals occupying the position of interim or acting county manager must be capable and competent, within the discretion of the board of county commissioners, of performing the duties and responsibilities of the position in an effective and efficient manner.

(i) The county manager may be removed at any time by an affirmative vote of three (3) members of the board of county commissioners.
(Ord. No. 1990-5, § 3, 3-6-90; Ord. No. 1995-1, § 1, 1-17-95)

Sec. 2-94. Enumeration of powers.

(a) The county manager shall be responsible for the administration of all departments responsible to the board of county commissioners and for the proper administration of all affairs under the jurisdiction of the board of county commissioners. To that end, the county manager shall, by way of enumeration and not by way of limitation, have the following specific powers and duties to:

- (1) Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances and regulations of the board to assure that they are faithfully executed.
- (2) Report to the board of county commissioners on action taken pursuant to any directive or policy within the time set by the board and provide an annual report to the board on the state of the county, the work of the previous year and any recommendations as to actions or programs he or she deems necessary for the improvement of Lake County and the welfare of its residents.
- (3) Provide the board of county commissioners or individual members thereof upon request with

data or information concerning Lake County governing and provide advice and recommendations concerning county government operations to the board.

- (4) Prepare and submit to the board of county commissioners for its consideration and adoption an annual operating budget, a capital budget and a capital program.
- (5) Establish the schedules and procedures to be followed by all Lake County departments, offices and agencies in connection with the budget and supervise and administer all phases of the budgetary process.
- (6) Prepare and submit to the board of county commissioners after the end of each fiscal year a complete report on the finances and administrative activities of Lake County for the preceding year and submit his or her recommendations concerning the same.
- (7) Supervise the care and custody of all property owned by Lake County.
- (8) Recommend to the board of county commissioners a current position classification and pay plan for all positions in Lake County service.
- (9) Develop, install and maintain centralized budgeting, personnel and purchasing procedures.
- (10) Organize the work of Lake County departments subject to an administrative code developed by the county manager and adopted by the board of county commissioners, review the departments, administration and operation of Lake County government and make recommendations pertaining thereto for reorganization by the board.
- (11) Select, employ and supervise all personnel and fill all vacancies, positions or employment under the jurisdiction of the board of county commissioners.
- (12) Suspend, discharge or remove any employee under the jurisdiction of the board of county commissioners pursuant to procedures adopted by the board.
- (13) Negotiate leases, contracts and other agreements, including consultant services for Lake County, subject to review by the county attorney and approval by the board of county commissioners, and make recommendations concerning the nature and location of Lake County improvements.
- (14) See that all terms and conditions in all leases, contracts and agreements are performed and notify the board of county commissioners of any noted violation thereof.
- (15) Order, upon advising the board of county commissioners, any agency under his or her jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of Lake County government to do so.
- (16) Attend in person or through his or her designee all meetings of the board of county

commissioners with authority to participate in the discussion of any matter.

- (17) Perform such other duties as may be required of him or her by the board of county commissioners.

(b) It is the intent of the board of county commissioners to grant to the county manager only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the board of county commissioners as the governing body of Lake County pursuant to Article VIII, Local Government, of the Constitution of the State of Florida, Section 1, Counties, subsection (e), Commissioners. To that end, the above specifically enumerated powers are to be construed as administrative in nature; and in any exercise of governmental power, the county manager shall only be performing the duty of advising the board of county commissioners in its role as the policy-setting governing body of Lake County. (Ord. No. 1990-5, § 4, 3-6-90)

Sec. 2-95. Liberal construction.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of Lake County and the State of Florida.

(Ord. No. 1990-5, § 5, 3-6-90)

Secs. 2-96--2-100. Reserved.

ARTICLE VI.

COUNTY ATTORNEY*

* **Editors Note:** Ord. No. 1990-6, §§ 1--7, adopted Mar. 6, 1990, amended the Code but did not specify the manner of inclusion; thus, said ordinance has been codified herein as Art. VI, §§ 2-101--2-107.

Sec. 2-101. Legislative intent.

It is the intent of the board of county commissioners to establish the position of county attorney in order to implement the provisions of F.S. § 125.01(1)(b). The board of county commissioners wishes to enumerate the minimum professional qualification for the county attorney and the general powers, duties and responsibilities of the county attorney.

(Ord. No. 1990-6, § 1, 3-6-90)

Sec. 2-102. Establishment of office.

The office of county attorney for Lake County, Florida, is hereby created.

(Ord. No. 1990-6, § 2, 3-6-90)

Sec. 2-103. Authority to employ.

(a) The board of county commissioners of Lake County, Florida, is hereby authorized to employ a county attorney. The county attorney shall be employed by, shall work for and shall answer directly to the board of county commissioners.

(b) The county attorney shall be appointed by an affirmative vote of not less than three (3) members of the board of county commissioners, and the board of county commissioners shall set out the conditions of the county attorney's employment.

(c) The board of county commissioners may employ a full-time or part-time in-house county attorney, enter into a contractual relationship with a private attorney to act as county attorney or establish any other arrangement that meets the needs of Lake County.

(Ord. No. 1990-6, § 3, 3-6-90)

Sec. 2-104. Professional qualifications.

The county attorney shall be licensed to practice law in the State of Florida. The county attorney shall have a minimum of ten (10) years of experience as a practicing attorney with at least a minimum of five (5) years as a practicing attorney within the State of Florida.

(Ord. No. 1990-6, § 4, 3-6-90)

Sec. 2-105. Powers.

The county attorney's powers shall include but shall not be limited to the following:

- (1) Chief legal counsel to the board of county commissioners and Lake County.
- (2) Supervise the office of the county attorney and employ assistant county attorneys and support staff.
- (3) Employ outside counsel when deemed necessary by the county attorney upon approval by the board of county commissioners.

(Ord. No. 1990-6, § 5, 3-6-90)

Sec. 2-106. Duties and responsibilities.

The duties and responsibilities of the county attorney shall include but shall not be limited to the following:

- (1) Advise and represent the board of county commissioners in all legal matters relating to Lake County.
- (2) Defend the board of county commissioners and Lake County in any and all suits, actions at law or equity or administrative proceedings brought against Lake County.

- (3) Prosecute and represent the board of county commissioners and Lake County in any and all suits, actions at law or equity or administrative proceedings initiated at the direction of the board of county commissioners.
 - (4) Advise and represent Lake County advisory, regulatory and adjustment boards as directed by the board of county commissioners.
 - (5) Advise and represent the county manager, division and department heads and county officers on legal matters.
 - (6) Draft proposed legislation at the direction of the board of county commissioners or request of the county manager.
 - (7) Draft or review any contract, lease or other legal document or instrument to which Lake County may be a party or has an interest.
 - (8) Represent the constitutional officers serving Lake County upon request and at the direction of the board of county commissioners.
 - (9) Render any other legal services as may be required by the board of county commissioners.
- (Ord. No. 1990-6, § 6, 3-6-90)

Sec. 2-107. Conditions of employment.

The conditions of employment of the county attorney may include, but are not limited to, the following:

- (1) The compensation of the county attorney shall be fixed by the board of county commissioners.
- (2) The county attorney need not be a resident of Lake County at the time of appointment, however, during his or her tenure in the position, he or she shall reside within Lake County.
- (3) The office of the county attorney shall be deemed vacant if the incumbent moves his or her residence from Lake County, or is, by termination, resignation, death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as stated in section 2-103(c).
- (4) The board of county commissioners may appoint an interim or acting county attorney in the case of vacancy, temporary absence, or disability, until a successor has been qualified and appointed, or the county attorney returns.
- (5) The board of county commissioners may waive the minimum qualifications for an interim county attorney. However, individuals occupying the position of interim or acting county attorney shall be licensed to practice in the State of Florida and shall be capable and competent, within the discretion of the board of county commissioners, of performing the duties and responsibilities of the position in an effective and efficient manner.

- (6) The county attorney may be removed at any time by an affirmative vote of three (3) members of the board of county commissioners.

(Ord. No. 1990-6, § 7, 3-6-90; Ord. No. 1995-2, § 1, 1-17-95)

Secs. 2-108--2-220. Reserved.

ARTICLE VII.

CONTRACTS AND PROCUREMENT

DIVISION 1.

GENERALLY

Secs. 2-221--2-240. Reserved.

DIVISION 2.

DESIGN-BUILD CONTRACTS*

* **Editors Note:** Nonamendatory Ord. No. 1990-17, §§ 1--7, has been included herein as a new article, Art. VII, Div. 2, §§ 2-241--2-247 at the discretion of the editor.

Sec. 2-241. Definitions.

[As used in this division the following words and terms shall have the meanings respectively ascribed.]

Design-build means the provision of one single administrative entity (a "design-build firm" as defined herein) responsible for design and construction under one contract where services within the scope of the practice of architecture, landscape architecture, or professional engineering as defined by the laws of the State of Florida are performed by a certified architect, certified landscape architect, or certified professional engineer and where those services within the scope of construction contracting as defined by the laws of the State of Florida are performed by a certified or registered contractor.

Design-build contract means a single contract with a design-build firm for the design and construction of a public construction project.

Design-build firm means a partnership, corporation, or other legal entity which:

- (1) Is certified under F.S. § 489.119, to engage in contracting through a certified or registered general contractor, or a certified or registered building contractor as the qualifying agent; and
- (2) Is certified under F.S. § 471.023, to practice or to offer to practice engineering;

- (3) Certified under F.S. § 481.219, to practice or to offer to practice architecture; or
- (4) Certified under F.S. § 481.319, to practice or to offer to practice landscape architecture.

Design criteria package means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to Lake County's request for proposals, or to permit the county to enter into a negotiated design-build contract. The design criteria package shall specify such performance-based criteria as are appropriate for the project which may include, but are not limited to, the following:

- (1) The legal description of the site,
- (2) Survey information concerning the site,
- (3) Location,
- (4) Net interior space requirements,
- (5) Material quality standards,
- (6) Schematic layouts,
- (7) Conceptual design criteria of the project,
- (8) Cost or budget constraints,
- (9) Design and construction schedules,
- (10) Site development requirements,
- (11) Provisions for landscaping,
- (12) Grading,
- (13) Utilities,
- (14) Storm water retention and disposal,
- (15) Parking requirements, and any other criteria applicable to the project.

The design criteria package may include graphics indicating the site plan, survey dimensions, contours, access roads, setbacks, and preferred massing of the building elements.

Design criteria professional means an individual or a firm holding a current certificate of registration or authorization under:

- (1) F.S. Ch. 481, to practice architecture or landscape architecture; or
- (2) F.S. Ch. 471, to practice engineering; and
- (3) Is employed by, or under contract to, the county for the provision of professional architectural services, landscape architectural services, or engineering services in connection with the preparation of a design criteria package.

Habitable structure means a structure such as an office or other building suitable to be occupied or inhabited by persons, either for part of each day only, as for an office, or on a twenty-four hour per day basis, as for a residential building.

Project means that fixed capital outlay project described in the public announcement including, but not limited to:

- (1) Individual facilities;
- (2) Grouping of facilities;
- (3) Minor construction, rehabilitation, and renovation activities;
- (4) Resurfacing of roads;
- (5) Bridge rehabilitation or replacement;
- (6) New bridge construction; and
- (7) New construction or reconstruction of roads.

(Ord. No. 1990-17, § 1, 9-18-90)

Sec. 2-242. Design criteria professional.

When the county manager determines that a project shall be constructed pursuant to this division, he or she shall arrange for preparation of a design criteria package for the project. The design criteria package shall be prepared and sealed by a design criteria professional employed by, or retained by, the county. If the county elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional shall be selected and contracted with in accordance with the requirements of F.S. § 287.055(4) and (5). The design criteria professional shall consult with the county manager, or a designee, during the supervision or approval of the detailed working drawings of the project, and in evaluation of the compliance of the project construction with the design criteria package. A design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package.

(Ord. No. 1990-17, § 2, 9-18-90)

Sec. 2-243. Design criteria package.

The design criteria package shall be prepared for the county by a design criteria professional. The design-build firm to whom the design-built contract is awarded shall be responsible for creation of the project design based upon the criteria in the design criteria package.

(Ord. No. 1990-17, § 3, 5-18-90)

Sec. 2-244. Public announcement procedures.

Except in emergency situations declared in accordance with section 2-247, the county shall publish in a newspaper of general circulation in the county, and any other publication deemed appropriate, a public announcement providing a general description of the design-build project requiring design-build services, and defining the procedures as to how interested design-build firms may apply for consideration. The public announcement shall include the evaluation criteria for the project which shall be prepared by the certification and selection committee provided for in section 2-245, below. The evaluation criteria shall include a relative weighting factor for each proposed design-build system component. The evaluation criteria may include criteria drawn from The Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, Chapter 14-15, Florida Administrative Code, Section 14-15.002, as amended, for nonhabitable structures, and may include criteria drawn from The American Institute of Architects publication, Masterspec, as amended, for habitable structures. There shall be at least three (3) evaluation criteria for projects the total cost of which is reasonably estimated to be fifty thousand dollars (\$50,000.00) or less, and at least five (5) evaluation criteria for projects the total cost of which is reasonably estimated to exceed fifty thousand dollars (\$50,000.00).

(Ord. No. 1990-17, § 4, 5-18-90)

Sec. 2-245. Certification and competitive selection.

- (a) For each design-build project there shall be a certification and selection committee.
- (1) For each habitable structure project whose total cost is reasonably estimated to be fifty thousand dollars (\$50,000.00) or less, the certification and selection committee shall be comprised of the capital improvements director, and any other person or persons which he or she may designate. The capital improvements director may also serve as a committee of one (1).
- (2) For each habitable structure project the total cost of which is reasonably estimated to be in excess of fifty thousand dollars (\$50,000.00), the certification and selection committee shall be comprised of the following members:
 - a. A member of the board of county commissioners appointed by the chairman;
 - b. The capital improvements director, or a designee;
 - c. The building official, or a designee;

- d. The county engineer, or a designee;
 - e. A representative of the user department for which the project will be constructed;
 - f. And other members as may be appointed by the county manager.
- (3) For each project not involving construction of a habitable structure, the total cost of which is reasonably estimated to be fifty thousand dollars (\$50,000.00) or less, the certification and selection committee shall be comprised of the executive director of public works, and any other person or persons which he or she may designate. The executive director of public works may also serve as a committee of one (1).
- (4) For each project not involving construction of a habitable structure the total cost of which reasonably estimated to be in excess of fifty thousand dollars (\$50,000.00), the certification and selection committee shall be comprised of the following members:
- a. A member of the board of county commissioners appointed by the chairman;
 - b. The executive director of public works, or a designee;
 - c. The county engineer, or a designee;
 - d. The chief construction inspector, or a designee;
 - e. A representative of the user department for which the project will be constructed;
 - f. And other members as may be appointed by the county manager.

Once the certification and selection committee is established, it shall serve throughout the selection process for a project until the selection process is concluded. The committee may be assisted by the design criteria professional for the project in an advisory capacity.

(b) The certification and selection committee shall determine the relative ability of each design-build firm to perform the services required for the project. Determination of ability shall be based on the design-build firm's staff training and experience, firm experience, location, volume of past contracts with the county, financial capacity, past performance and current and projected workload. In making its determination, the committee shall interview no less than three (3) firms to determine each firm's ability to provide services and each firm's commitment to meet time and budget requirements.

(c) The certification and selection committee shall select no less than three (3) firms deemed to be most highly qualified to perform the required services, after considering the factors recited in this section. Each of these firms will be eligible for consideration in accordance with competitive bidding procedures for design-build service. The committee shall report its selection of three (3) finalists to the county manager for his or her review.

(Ord. No. 1990-17, § 5, 5-18-90)

Sec. 2-246. Competitive bidding for design-build services.

(a) Bid proposals shall be received from those qualified design-build firms determined eligible by the certification and selection committee. Bid proposals shall include proposed price and a conceptual design in response to the design criteria package. The certification and selection committee, in consultation with the design criteria professional, shall review and evaluate the conceptual design proposed by each firm, utilizing the relative weighting factors for each proposed system component of the conceptual design advertised in the public announcement.

(b) The committee shall then total the percentage scores given for each proposed system component and divide the resulting score in decimal form into the proposed price. The resulting dividend shall be the adjusted price. The low qualified bidder shall be that bidder whose adjusted price is lowest. The board of county commissioners may approve and award the contract to the firm with the lowest adjusted price, and authorize a contract for the proposed price, if the proposed price is within the project budget.

(Ord. No. 1990-17, § 6, 5-18-90)

Sec. 2-247. Emergency negotiation.

(a) When there exists a danger to the public health, safety, or welfare, or a danger of other substantial loss to the county which requires emergency action for a proposed design-build project the total cost of which is reasonably estimated to be ten thousand dollars (\$10,000.00) or less, the county manager may declare an emergency and negotiate with the best qualified design-build firm available at that time, notwithstanding any other provision of this division to the contrary.

(b) When there exists a danger to the public health, safety or welfare, or a danger of other substantive loss to the county which requires emergency action for a proposed design-build project estimated to be more than ten thousand dollars (\$10,000.00), the board of county commissioners may declare an emergency and authorize the county manager to negotiate. Prior to the initiation of negotiation, the county manager shall give first consideration to design-build firms which have previously been deemed by the county to be qualified for a design-build project pursuant to section 2-245. Design-build firms not previously qualified by the county pursuant to section 2-245 may thereafter be considered.

(c) The county manager, or a designee, shall negotiate a contract for design-build services for the project with an available design-build firm which is more qualified, at compensation determined to be fair, competitive, and reasonable, subject to the requirements of the existing emergency. In making the determination, the county manager, or a designee, shall analyze the cost of the design-build services required, giving full consideration to the scope and complexity of the project, and the requirements of the existing emergency. The compensation shall be on a guaranteed basis for all costs, which shall include reimbursable costs, plus fixed lump sum fees for design, project management, overhead, and profit.

(d) The negotiated contract shall be presented to the board of county commissioners for approval.

(Ord. No. 1990-17, § 7, 5-18-90)