



Interoffice Memorandum

AGENDA ITEM

February 27, 2020

TO: Mayor Jerry L. Demings
–AND–
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager**
Environmental Protection Division
(407) 836-1406

SUBJECT: March 10, 2020 – Discussion Item
Proposed Revised Administrative Regulation, No.: 11.07.01, titled
“Environmentally Sensitive Lands Acquisition” and New
Administrative Regulation, No.: 11.07.02 titled, “Policy Regarding
Use of TM/Econ Mitigation Bank Phase IV Credits”

Administrative Regulation, No.: 11.07.01, “Environmentally Sensitive Lands Acquisition” was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures. Key changes include: making it clear that the regulation applies to environmentally sensitive lands (ESL) purchased with funds other than the Public Service Tax; deletion of the application process for new properties; updating the evaluation and selection criteria for ESL acquisition; and clarifying the manner in which lands offered to the County for donation will be considered.

New Administration Regulation, No.: 11.07.02, “Policy Regarding Use of TM/Econ Mitigation Bank Phase IV Credits” is being proposed to create a policy that projects conducted by County Departments or Divisions that require wetland mitigation and that lie within the TM/Econ Phase IV Mitigation Bank Service Area shall purchase mitigation credits from the County-owned TM/Econ Phase IV Mitigation Bank with the proceeds from such purchases to be deposited in the Conservation Trust Fund, which is used for acquisition and management of County-owned ESL. The new regulation also would grant the Environmental Protection Division Manager or their designee the authority to negotiate a discounted sales price per credit from the price established by the Board in order to achieve market competitiveness.


ACTION REQUESTED: **Approval of proposed revisions to Administrative Regulation, No.: 11.07.01, titled “Environmentally Sensitive Lands Acquisition” and New Administrative Regulation, No.: 11.07.02, titled “Policy Regarding Use of TM/Econ Mitigation Bank Phase IV Credits.” All Districts**

DDJ/JVW: mg

Attachments

DRAFT REVISIONS

01/17/2020

 ORANGE COUNTY ADMINISTRATIVE REGULATIONS	No.: 11.07.01
	Date: 11/10/92 Approved By: BCC Revised: 6/22/99; 6/27/06
	Title: ENVIRONMENTALLY SENSITIVE LANDS ACQUISITION
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POLICY

- A. Since 1992, it has been the policy of Orange County that the acquisition of environmentally sensitive lands is an important and appropriate role for government to assume and that environmentally sensitive lands are important to the health and well-being of the citizens and the natural environment.
- B. The Board deems it necessary to re-evaluate, as necessary, these environmentally sensitive lands ~~pursuant to~~based on certain ecological criteria, ~~evaluate~~ newly proposed land acquisitions, and if necessary, ~~and evaluate~~ the results of purchase negotiations, to ensure that acquisition of environmentally sensitive property complies with certain standards.
- C. ~~A portion of the~~Whether a Public Service Tax (PST) or other funding source, has been dedicated towards environmentally sensitive lands and it is necessary to ensure that proceeds from the Public Service Tax Bond issue the expenditures of County funds are applied solely appropriately toward the acquisition of land and construction improvements thereto for environmental, ecological, and recreational purposes, including but not limited to, associated appraisal, survey, title and due diligence investigation costs of these environmentally sensitive lands.
- D. It is necessary to ensure that whether a PST or other funding source, proceeds ~~from the Public Service Tax Bond Issue~~ are effectively and efficiently expended for acquisition of environmentally sensitive lands such that the greatest public benefit is obtained for the least cost.

II. PROCEDURES

- A. The County Administrator or designee shall have the following responsibilities:



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1. Identify environmentally sensitive lands based on the criteria set forth in Section II.B.C. below. Purchase negotiations and due diligence investigations shall be conducted for sites so identified. For the purpose of this Regulation, due diligence shall mean but not be limited to independently conducted appraisals, surveys, title search, environmental audits and any other items deemed necessary for acquisition. All properties identified shall be treated equally for purposes of acquisition in order to create competition among sellers for scarce funds.
2. Based on the results of purchase negotiations and the due diligence conducted by the Orange County Real Estate Management Division, Risk Management Division, Environmental Protection Division, or other appropriate County or State agencies may comment to the Board of County Commissioners in connection with each specific property purchase to be made with County funds ~~from the Public Service Tax Bond proceeds.~~
3. Evaluate new lands proposed for acquisition by property owners or other entities.
4. Prepare an annual report for the Board of County Commissioners on the status of the environmentally sensitive lands acquisition program. The annual report shall also include an evaluation of the program.

B. ~~Application Process for New Properties:~~

~~Persons or organizations who wish the County to consider new lands for acquisition shall submit a completed application to the County Administrator or his designee. Application forms may be obtained from the Environmental Protection Division. The County Administrator or designee shall review each application for completeness. If the application is incomplete, the applicant shall submit the required information within thirty (30) days of request by the County or the application shall be considered withdrawn. Once the application is complete, the County Administrator or his designee shall complete evaluation of the new lands within six (6) months pursuant to Section II.C. of this regulation. The applicant shall be notified in writing of the decision.~~

CB. Evaluation and Selection Criteria:



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1. The County funds provided by the sale of Public Service Tax Bonds shall only be used to purchase environmentally sensitive lands that generally fit the following criteria:
 - (a) Are identified as such by Orange County Environmental Protection Division.
 - (b) Have public benefits, as determined by application of one or more of the following criteria:
 - (1) Rarity in Orange County of the native ecosystems present;
 - (2) Diversity of the native ecosystems, plants and animals present;
 - (3) Presence or likelihood of species listed as endangered, threatened, rare or of special concern imperiled, by the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida Committee on Rare and Endangered Plants and Animals, Florida Department of Agriculture & Consumer Services, or the Florida Natural Areas Inventory, their successors, or other commonly acknowledged conservation entities;
 - (4) Contiguity with other publicly owned lands or property interests (i.e., conservation easement);
 - (5) Manageability (opportunities for operation/management) of the project site;
 - (6) Availability of funding from other government agencies or non-profit organizations;
 - (7) Likelihood of events which might degrade or destroy the site; ~~and~~
 - (8) Amount of protection afforded by existing County regulations or other regulation or law-;



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- (9) Provides water resource protection, aquifer recharge, or floodplain storage;
 - (10) Closes gaps between other publically-owned lands (or lands with conservation easements) or establishes or enhances an existing wildlife corridor;
 - (11) Ability to provide opportunities for quality nature-based recreation for residents and visitors; and
 - (12) Opportunities to enhance eco-tourism (e.g., ability to be incorporated into Florida National Scenic Trail).
- 2. Lands considered to be in the public interest for which no public entity is willing to participate; or
 - 3. Lands considered to be in the public interest where and for which a private partner is willing to pay all, or a portion of the costs, and will dedicate to Orange County all development rights and convey a permanent conservation easement to Orange County, and the private partner is willing to pay all or a portion of the closing costs.
 - 4. Lands offered for donation to the County by private donors, especially when the donor is willing to pay a one-time per acre land management fee as part of the transfer process.

DC. Acquisition Criteria and Process

- 1. To ensure flexibility that monies for the acquisition of environmentally sensitive lands are expended for the greatest public benefit at the least cost, the following items shall be considered during the acquisition process:
 - (a) Full or pPartial donation, conservation easements, property exchanges, and bargain sales shall be pursued to the greatest extent practicable;
 - (b) Projects facing imminent threat of development activities that will degrade, destroy, or increase the market value of the project shall



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be brought back to the County Administrator or designee for re-evaluation;

- (c) A proposal or recommendation for purchase may be submitted to the Board wherein the purchase price of the site exceeds its average appraised value as established by appraisals paid for by the County if it is deemed that the property is of sufficient value and importance to ensure its preservation.


2. The acquisition process shall follow County procedure and regulations.

FOR MORE INFORMATION CONTACT: Environmental Protection Division,
Planning, Community and Environmental,
and Development Services Department

REFERENCE: None

NEW ADMIN REG

01/17/2020

 ORANGE COUNTY ADMINISTRATIVE REGULATIONS	No.: <u>11.07.02 NEW</u>
	Date: _____ Approved By: _____
Title: <u>POLICY REGARDING USE OF TM/ECON MITIGATION BANK PHASE IV CREDITS</u>	Page <u>1</u> of <u>1</u>

I. POLICY

- A. Projects (including roadways) being conducted by County Departments or Divisions that require wetland mitigation and that lie within the TM/Econ Phase IV Mitigation Bank Service Area, shall use the TM/Econ Phase IV Mitigation Bank. Proceeds from purchase of mitigation credits shall be deposited in the conservation Trust Fund and available for use for acquisition and management of County-owned environmentally sensitive lands.
- B. The price for mitigation credits from the County-owned and managed TM/Econ Mitigation Bank shall be established and updated by fees Resolution by the Board of County Commissioners. However, the Manager of the Environmental Protection division or their designee will have authority to negotiate a discounted sale price per credit in order to achieve market competitiveness.

FOR MORE INFORMATION CONTACT: Environmental Protection Division,
Planning, Environmental, and Development
Services Department

REFERENCE: None



COUNTY ATTORNEY'S OFFICE
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ADMINISTRATIVE REGULATIONS

CHANGE 49

MEMORANDUM

To: All Administrative Regulations
From: Anna M. Caban, Legal Administrative Supervisor
County Attorney's Office
Date: April 13, 2020
Subject: New Administrative Regulation 11.07.02

The following listed and attached revisions and corrections are forwarded to you for inclusion in Orange County's Administrative Regulations:

- Attachment 1: Revised Table of Contents and Index prepared to properly reflect all revisions to date.
- Attachment 2: New Administrative Regulation 11.07.02, titled "Policy Regarding Use of TM/ECON Mitigation Bank Phase IV Credits"

Please insert the updated Table of Contents, Index and new Administrative Regulation in your copy of the Orange County Administrative Regulations.

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* Refer to Orange County Policy Manual



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MISCELLANEOUS

11.01.01 BURIAL AND CREMATION SERVICE

I. POLICY

Orange County provides burial and cremation services in accordance with Florida Statutes by contracting for the burial and cremation of unclaimed and indigent bodies. The coordination of burial and cremation services shall be handled through the Orange County Health & Family Services Department.

Health & Family Services shall make reasonable efforts to locate any of the decedent's relatives and a diligent search will be made to identify assets of the deceased to pay for costs associated with the final disposition of the body. Unless waived by the Health & Family Services Department Director or designee, only the bodies of persons who die in Orange County shall be considered to be the responsibility of Orange County.

Unless otherwise directed by the Medical Examiner's Office, all unclaimed bodies, except for those unidentified, will be cremated and the cremains will be buried. Should relatives of the deceased oppose cremation, they will be allowed to pay Orange County the additional cost incurred by the County for burial, unless such costs are waived by the Director of the Health & Family Services Department or designee.

The Health & Family Services Department Director or designee shall have the authority to develop appropriate procedures regarding the burial and/or cremation of bodies that are the responsibility of Orange County and to make exceptions to this administrative regulation, when it is deemed to be in the best interest of Orange County and not in conflict with Florida Statutes.

The Health & Family Services Department will be responsible for arranging maintenance and upkeep services for Orange County controlled cemeteries, according to the standards established by the Department.

II. PROCEDURES

The Health & Family Services Department will maintain internal operational procedures for implementation of this administrative regulation and for

working with contractors, the community, other Orange County departments, state agencies, and other interested parties.

A. MEDICAL EXAMINER'S OFFICE: The Orange County Medical Examiner's Office will refer unclaimed bodies to the designated contract provider according to the procedures established with the Medical Examiner's Office, the Health & Family Services Department and the contract provider.

B. OVERSIGHT AND RECORDS: The Health & Family Services Department will provide oversight for the fiscal management, operational activities, and program records.

C. STATE ANATOMICAL BOARD: Unclaimed bodies meeting the requirements of the Anatomical Board of the State of Florida shall be offered to the Anatomical Board as required by Florida Statutes.

D. CLAIMING A BODY: Nothing in this regulation nor in the procedures promulgated hereunder shall prevent relatives from taking responsibility for a body at any time, in accordance with Florida Statutes.

E. DISINTERMENT: Relatives requesting disinterment from an Orange County controlled cemetery may be charged reasonable fees to cover all costs associated with said removal.

F. MAINTENANCE OF COUNTY CEMETERIES: The Health & Family Services Department shall ensure appropriate appearance and maintenance of all Orange County controlled cemeteries, including, but not limited to, grounds keeping, placement of markers, signage, and security.

FOR MORE INFORMATION CONTACT: Youth & Family Services Division

REFERENCES: Chapters 406, 470 and 497, Florida Statutes

APPROVED: 6/18/91

REVISED: 6/27/06

11.03 CONVENTION CENTER REGULATIONS

I. POLICY

The Orange County Convention Center was conceived

and constructed by the Board of County Commissioners to encourage and promote the economic growth and development of the community. This mission is to be accomplished through aggressive marketing and promotional efforts in the solicitation and hosting of corporate or privately owned tradeshows, association meetings, congresses and exhibitions, ticketed performances, conventions and other private and public events and functions.

II. PROCEDURES

A. The Convention Center shall operate in accordance with the general procurement, budgetary, and personnel policies and procedures adopted by the Board of County Commissioners.

B. To obtain information on promotion of the Convention Center refer to Administrative Regulation 11.03.01.

C. To obtain information on pricing and rates at the Convention Center refer to Administrative Regulation 11.03.02.

FOR MORE INFORMATION CONTACT: Orange County Convention Center

REFERENCE: Administrative Regulations 11.03.01 and 11.03.02

APPROVED: 6/18/91

REVISED: 6/27/06

11.03.01 CONVENTION CENTER PROMOTION

I. POLICY

A. The Board of County Commissioners constructed the Orange County Convention Center to enhance the economy of Orange County. This mission is to be accomplished by hosting corporate or privately owned trade shows, association meetings, congresses and exhibitions, ticketed performances, conventions and other private and public events and functions.

B. The Board intends to promote the Convention Center vigorously, on regional, national and international levels, to ensure the greatest possible benefit for the citizens of Orange County. To accomplish the promotion effectively and efficiently, the Board has created a Sales and Event Management Division ("Division") within the Convention Center, and the Convention Center is defined as a "county agency" created pursuant to sub-paragraph

125.0104(5)(a)3, Florida Statutes.

C. As permitted by subsection 125.0104(9), Florida Statutes, the Board intends to provide, arrange and make expenditures from time to time for transportation, lodging, meals and other reasonable, and necessary items and services for the County Mayor, the County Administrator, the Convention Center Director, the General Manager, the Deputy General Manager, the Sales and Event Management Division Manager, and other authorized employees, agents and representatives of the Convention Center and other persons connected with the tourist industry to ensure the effective promotion and operation of the Convention Center.

II. PROCEDURES

A. The Board declares the Convention Center to be a "convention bureau" funded as a "county agency" under authority of section 125.0104(5)(a)3, Florida Statutes.

B. The Board hereby authorizes the County Mayor, County Administrator and his designees to provide, arrange and make expenditures from time to time for transportation, lodging, meals, and other customary, reasonable and necessary items and services in connection with promotion of the Convention Center.

C. The Board hereby designates the Convention Center Director and his designees pursuant to Section 112.061(3)(a), Florida Statutes, as its representatives to authorize and approve all travel and promotion expenditures for the Convention Center. Furthermore, the Board directs the monitoring of all travel and promotion expenditures carefully and to ensure that they are incurred and paid strictly pursuant to law.

D. To facilitate the expeditious processing of promotion expenditures, the Board authorizes its Mayor and clerk to execute appropriate documents to obtain from commercial banks one or more credit cards as reasonably necessary or desirable for use by its personnel. The Board deems these credit cards to be "advancements" authorized by Section 112.061(2), Florida Statutes.

E. The Board hereby authorizes the Convention Center Sales Representatives (which includes, but is not limited to, the Convention Center Director, Convention Center General Manager, Convention Center Deputy

General Manager(s), Convention Center Sales and Event Management Division Manager, Convention Center Sales Staff, as well as the County Mayor, County Commissioners, County Administrator, Deputy County Administrators and authorized employees, agents and representatives of the Convention Center) to be reimbursed for meals at the published GSA Meals and Incidental Expenses (M&IE) Breakdown as listed on www.gsa.gov for the city being traveled to, provided they are on a sales related trip. If the trip is non-sales related, then meals will be reimbursed in accordance with Administrative Regulation 7.12. Travelers will indicate on the travel form if the trip is sales related and will print a copy of the M&IE Breakdown and attach to the initial travel request. Convention Center Sales Representatives, with exception to the meal reimbursement amounts, will adhere to all travel policies as noted on Administrative Regulation 7.12, including adherence to timelines and submitting proper forms and documentation.

F. The Board has declared that this regulation shall be construed strictly in conformity with general law, particularly Section 112.061, Florida Statutes. To the extent any inconsistencies may exist, general law shall prevail.

FOR MORE INFORMATION CONTACT: Orange County Convention Center

REFERENCE: Board of County Commissioners Resolution; June 10, 1984; F.S. 125.0104(5)(A)(3); 125.0104(9); 112.061(3)(a); 112.061(12)

APPROVED: 9/18/89

REVISED: 6/27/06; 07/31/12

11.03.02 CONVENTION CENTER PRICING

I. POLICY

Due to the competitive and proprietary nature of the trade show and convention center business, the Board of County Commissioners of Orange County (the "Board"), pursuant to Resolution 2001-M-01 and Administrative Regulation 11.03.03, has authorized the Convention Center Director to approve and execute agreements relating to OCCC event-related space, parking and marshalling areas, certain leases for storage space, temporary office space and advertising and promotional agreements. The Convention Center Director is authorized to negotiate and set prices the following categories:

A. Facility space rental rates (including exhibit halls, meeting rooms, parking, storage, marshalling, temporary office space and related amenities);

B. Equipment rental rates;

C. Service rates (including electrical, air, water, drain, telephone, internet, HVAC, rigging, box office parking and related services);

D. Personnel rates;

E. Miscellaneous rates contract for sub-contracted services contained within a service contract

F. Advertising, marketing or promotional rates relating to the use of OCCC public space, kiosks, digital displays, audio and video media and the OCCC website.

II. PROCEDURES

The Convention Center Director shall:

A. Develop pricing strategies to ensure OCCC optimizes revenue opportunities and remains competitive;

B. Establish, monitor and regularly review rates at the OCCC for the following:

- i. Facility space (including exhibit halls, meeting rooms, parking, storage, marshalling, temporary office space and related amenities);
- ii. Equipment rental;
- iii. Services (including electrical, air, water, drain, telephone, internet, HVAC, rigging, box office parking and related services);
- iv. Personnel;
- v. Miscellaneous rates for sub-contracted services contained within service contracts;
- vi. Advertising, marketing or promotional rates relating to the use of OCCC public space, kiosks, digital displays, audio and video media and OCCC website; and

C. Administer rates as may be required by bond covenants contained in the Second Amended and Restated Indenture of Trust between the Orange County and U.S. National Bank, as successor Trustee, as such

Indenture has been and may be amended from time to time, securing the County's Tourist Development Tax Revenue Bonds.

FOR MORE INFORMATION CONTACT: Orange County
Convention Center
REFERENCE: None
APPROVED: 9/18/89
REVISED: 7/31/12

11.03.03 AUTHORITY TO EXECUTE ROUTINE DOCUMENTS RELATING TO CONVENTION CENTER

I. POLICY

A. The Board of County Commissioners ("Board") constructed the Orange County Convention Center ("OCCC") to promote economic development in Orange County. The mission of economic development is accomplished by hosting trade shows, association meetings, congresses and exhibitions, ticketed performances, conventions and other large functions and events.

B. On January 2, 2001, the Board adopted Resolution 2001-M-01 delegating the authority to execute certain routine agreements for convention center space to the Mayor, County Administrator and Convention Center Management. Resolution 2001-M-01 recognized the size, scope and competitive nature of convention center business and the challenges in attracting and booking events and securing beneficial agreements for convention center space.

C. The trade show industry, the convention center business and technology have continued to evolve since the adoption of Resolution 2001-M-01. The challenges and opportunities presented in timely booking events and securing revenue opportunities at the OCCC require the certain transactions must be finalized in an expeditious manner.

D. Due to the increased competitiveness in the convention center business as well as technological developments in the use of electronic media, the daily management and operation needs of the OCCC now include the ability to expeditiously finalize revenue generating agreements not only to those relating to event space but to additional types of agreements including:

- i. rentals for a limited amount of space for organizations that set up, service, maintain and take down exhibits and show displays;
- ii. parking and marshalling area space; and
- iii. advertising and promotion agreements relating to OCCC public space, kiosks, interactive media, and the OCCC website.

E. The Board delegates to the County Administrator and Convention Center Executive Director, or the designee of the County Administrator and Convention Center Director, the authority to execute revenue generating agreements relating to the above-described daily management and operation needs of the OCCC. Such agreements shall be for terms not exceeding three hundred sixty-five (365) days and lease agreements shall be terminable without cause upon thirty (30) days written notice.

F. The scope of the Board's authorization under this administrative regulation does not include authorization to lease, encumber or convey, either separately or in the aggregate, any substantial part of the OCCC within the meaning of the bond covenants regarding sale, lease or encumbrance of the OCCC set forth in the Second Amended and Restated Indenture of Trust between the County and U.S. National Association, as successor Trustee, securing the County's Tourist Development Tax Revenue Bonds, as such Indenture has been, and may in the future be, amended from time to time.

II. PROCEDURES

The Convention Center Director shall have the authority to execute standardized routine revenue generating agreements relating to internal operations of the OCCC as described below. The form of each such routine agreement shall be reviewed and approved by the County Attorney's Office and may include:

A. Convention Center storage cage and temporary office lease agreements with support organizations that set up, service, maintain or take down exhibits or show displays;

B. Parking and marshalling area agreements relating to the use of OCCC space by trailers, trucks and any over-sized vehicles, and

C. Revenue generating advertising and promotion agreements regarding use of OCCC public space,

kiosks, digital displays, video and audio media and/or the OCCC website.

No agreement entered into pursuant to this authorization shall have a term exceeding three hundred sixty five (365) days. Each agreement shall be terminable without cause upon thirty (30) days written notice. Each lease of physical space entered into pursuant to this authorization shall be subject to termination in the event the County shall receive advice of its bond counsel that any such lease adversely affects the tax-exempt status of any series of the County's Tourist Development Tax Revenue Bonds. Agreements herein authorized shall involve revenue to OCCC and shall not include procurement of goods and services by the OCCC requiring payment by OCCC or the County.

FOR MORE INFORMATION CONTACT: Orange County Convention Center
REFERENCE: None
APPROVED: 7/31/12

LOT PIPE INSTALLATION

I. POLICY

If a citizen wishes to enclose a County ditch located on his/her property with a pipe enclosure and it is not required or necessitated as a result of a County action, it will be the citizen's responsibility to design the pipe enclosure to comply with all governmental regulations and to submit a plan for approval to the County Engineer. It shall be the responsibility of the citizen to design, obtain a permit for and install the enclosure.

The County may participate in an enclosure of a ditch only if there is a benefit to the County.

II. PROCEDURES

A. As part of the R/W Utilization Process, the citizen shall submit to the County Engineer plans, prepared by a Registered Professional Engineer in the State of Florida, for approval. Approvals shall be coordinated accordingly with all applicable Public Works Divisions and regulatory agencies.

B. After approval of the plans and all other applicable permits have been obtained, the owner shall contact the Orange County Engineer to arrange for inspection of the construction.

FOR MORE INFORMATION CONTACT: Public Works Engineering; Highway Construction
REFERENCE: None
APPROVED: 9/18/89
REVISED: 6/27/06

11.05.05 COSMETIC MAINTENANCE

I. POLICY

The Roads and Drainage Division will not perform cosmetic maintenance on ornamental entrances or center median islands in subdivisions.

FOR MORE INFORMATION CONTACT: Roads and Drainage Division, Public Works Department
REFERENCE: None
APPROVED: 9/18/87
REVISED: 6/27/06

11.05.07 SIDEWALK POLICY

I. POLICY

It is the policy of Orange County to provide sidewalks on one side of every Orange County Roadway to provide safety for pedestrians. Sidewalk priority shall be to provide safe access to Elementary, Middle and High Schools, to allow a safe and secure method to travel by foot for exercise and for mobility, and to complete existing sidewalk networks. All new sidewalks will be A.D.A. compliant with ramps and safety features.

II. PROCEDURES

A. The Public Works Engineering Division through the budgeting process shall submit a request for construction funding for sidewalks to the Board of County Commissioners. The Student/Pedestrian Safety Committee shall prioritize all new sidewalk requests.

The Student/Pedestrian Safety Committee shall consist of:

- Two representatives from Orange County Traffic Engineering Division Two representatives from the Orange County School Board
- One representative from the Florida Department of Transportation

- One representative from the Orange County Sheriff's School Crossing Guard Program
- Two representatives from Public Works Engineering/Design Section
- One representative from the Orange County Sheriff's Office
- Two representatives from the City of Orlando
- Any other municipalities within Orange County may participate by sending one representative

B. If an interested group of citizens requests the construction of a sidewalk and there are no capital improvement funds available to implement the project, the County may assist by establishing a special taxing district to fund the project.

C. Requests for construction of sidewalks shall be submitted to the Student/Pedestrian Safety Committee by the Public Works Engineering Division. Depending on available funding, the sidewalk request shall be programmed based on prioritization criteria established by the Committee.

D. Once the Committee approves and prioritizes the list of requests, Public Works Engineering shall coordinate the design and construction of new sidewalk projects. Sidewalks shall be constructed in conjunction with road-widening projects and drainage constructions, whenever practical.

E. The Roads and Drainage Division is responsible for the repair of existing sidewalk projects.

FOR MORE INFORMATION CONTACT: Traffic Engineering Division, Public Works Department; Public Works Engineering Division, Public Works Department Roads and Drainage Division, Public Works Department

REFERENCE: None

APPROVED: 10/29/90

REVISED: 6/27/06

11.06 TELEPHONES (LAND-LINE), CELLULAR TELEPHONE, AND OTHER INSTANT COMMUNICATION DEVICES

I. POLICY

A. Orange County assigns land-line telephones to employees/officials within work areas to perform

County-related functions where such use will benefit the County and its citizens.

B. Orange County also assigns cellular telephones and other instant communication devices (cumulatively, "mobile devices") to employees/officials when land-line telephones or other forms of electronic communication equipment are not readily available or when such use will benefit the County and its citizens. Mobile devices are intended primarily for special applications such as purposes of safety, to assist in the completion of an assigned task, or to increase materially the efficiency or effectiveness of the County employee/official. Prior to being issued a County-owned mobile device, the employee/official shall complete a mandatory training session on the Public Records Law and any applicable County regulations.

C. County-assigned land-line telephones and mobile devices shall be used primarily for County business. Personal use of County-issued land-lines and mobile devices should be minimal. Because of the lost productivity in processing collections for personal calls, the County will waive reimbursement for *de minimis* personal calls (IRS guidelines [Notice 2011-72] related to mobile devices), including long distance land-line calls. *De minimis* use will be determined at the supervisor's/manager's discretion but in all cases use is so small as to make accounting for it unreasonable or administratively impractical. However, excessive personal use and/or unauthorized use, including but not limited to the examples described below, may be reviewed by the employee's supervisor or manager and may result in revocation of the employee's authority to use the mobile device or other disciplinary action against the employee up to and including termination of employment.

The following are examples of unauthorized personal uses of a County-assigned land-line or mobile device:

1. Excessive personal calls;
2. Any contact made in relation to an employee's/official's personal business enterprise;

3. Any contact made for the purpose of entertainment, such as 900 numbers, movie links, etc.

II. PROCEDURES

A. A purchase and assignment of a County-owned mobile device to an employee shall be approved in advance by the employee's supervisor and his/her Division Manager or Department Director. An elected official shall be issued a mobile device upon request to the County Administrator or his/her designee.

B. The employee's supervisor or manager shall decide whether an employee should be issued a County-owned mobile device. The following are non-exhaustive examples of criteria the employee's supervisor or manager may consider in determining whether an employee/official should be issued a County-owned mobile device:

1. The employee/official works as a first responder or works as another emergency service provider;
2. The employee's/official's work requires travel which limits his/her ability to use a land-line telephone;
3. The employee/official frequently works away from the office;
4. The nature of the employee's/official's work requires the employee/official to be available outside of normal office hours (8 a.m. to 5 p.m., Monday through Friday); or
5. The employee/official travels to locations where his/her safety may be at risk.

C. All County-owned mobile devices shall be purchased through the Purchasing and Contracts Division. State of Florida contract pricing shall be used unless the County issues its own service contract. In no instance will the County be committed for service

without the approval of the Purchasing and Contracts Division. All invoices for mobile device service shall be sent to the County offices of the employee/official and not to his/her home or other business address.

D. The employee/official responsible for the County-owned mobile device shall review each monthly invoice. Prior to processing the invoice for payment, the invoice shall have two signature approvals, one of which must be the employee/official responsible for the mobile device and the other of which may be the employee's supervisor or manager. Once approved, the invoice should be forwarded directly to Accounts Payable Office, Finance and Accounting Division, for processing and payment.

E. An employee/official is prohibited from using a mobile device for any reason or purpose while driving a County vehicle (regardless of whether it is a County-issued mobile device), except that an employee/official may speak into a mobile device while driving a County vehicle if a hands-free device is used. Emergency personnel shall comply with departmental standards. A violation of this policy may result in revocation of authority to use the mobile device or other disciplinary action against an employee up to and including termination of employment.

F. All telephone call records and all public records sent to or from a County-issued land-line telephone or County-issued mobile device shall be retained by the Information Systems and Services (ISS) Division as a public record in accordance with the Public Records Law and County regulations.

G. Voicemail messages are intended to be brief, transitory messages to communicate information of short term value, such as reminders about meetings or appointments, announcements, or requests for a return call. They are not intended to formalize or perpetuate knowledge, set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Therefore, employees/officials should avoid sending non-transitory voicemail messages. Transitory voicemail messages need to be retained by an employee/official only until obsolete, superseded, or the

administrative value is lost. Land-line voicemail messages shall not be retained by the ISS Division for longer than ten (10) days. In the event an employee/official receives a non-transitory voicemail message, a transitory voicemail message on his/her mobile device, or a transitory voicemail message on a land-line telephone that will not be obsolete within ten (10) days, the recipient shall be responsible for retaining the content in accordance with the Public Records Law.

H. The County will not expect, encourage, or require an employee/official to provide or use a personal mobile device or land-line telephone to perform any of the employee's/official's assigned job duties or responsibilities. County business transacted on a personal mobile device or land-line telephone may be subject to disclosure under the Public Records Law. Furthermore, transacting County business on a personal mobile device or land-line telephone may place in jeopardy the privacy of communications that do not meet the definition of "public record" under the Public Records Law. If an employee/official decides to use his/her personal mobile device or land line to transact County business, it shall be the employee's/official's responsibility to take all appropriate steps at his or her own cost to ensure that any public records generated on such device is retained consistent with the Public Records Law and Administrative Regulation 2.06 so that, if necessary, it may be produced for inspection and examination.

I. Non-exempt County employees are prohibited from accessing or utilizing the County's internet, email, voicemail or other systems and applications to perform work outside of their scheduled work hours, from their personal or County-assigned mobile devices, land-line telephones, or other electronic equipment, such as computers, without first receiving the written approval of their supervisor or manager. When written authorization is granted for access or use outside of scheduled work hours, the non-exempt employee shall keep a log of that usage to ensure proper compensation.

FOR MORE INFORMATION CONTACT: Purchasing & Contracts Division, Information Systems and Services Division,

Administrative Services Department; Finance & Accounting Division, Orange County Comptroller

REFERENCE: None

APPROVED: 6/27/06

REVISED: 02/26/13

11.07 LOST OR ABANDONED PROPERTY FOUND BY COUNTY EMPLOYEE

I. POLICY:

1. Each County department shall designate a representative to process all lost or abandoned property reports for that department.

2. Each Department Director shall provide the Administrative Services Department Director with a list of designated representative(s). The list shall be updated on a yearly basis or as changes occur.

II. PROCEDURES:

1. Whenever any County employee finds any lost or abandoned property during the course of his official duties, such person shall report it to his department representative.

2. The department representative shall report the description and location of the lost or abandoned property to the Orange County Sheriff's Office.

3. The ownership of any unclaimed property shall be vested in the County and not in the employee as per Section 705.104, Florida Statutes.

4. It is unlawful for any Orange County employee who finds any lost or abandoned property to keep it.

FOR MORE INFORMATION CONTACT: Administrative Services Department

REFERENCE: Chapter 705, Florida Statutes

APPROVED: 9/18/89

REVISED: 6/27/06

11.0701 ENVIRONMENTALLY SENSITIVE LANDS ACQUISITION

I. POLICY

A. Since 1992, it has been the policy of Orange County that the acquisition of environmentally sensitive lands is an important and appropriate role for government to assume and that environmentally

sensitive lands are important to the health and well being of the citizens and the natural environment.

B. The Board deems it necessary to re-evaluate, as necessary, these environmentally sensitive lands pursuant to certain ecological criteria, evaluate newly proposed land acquisitions, if necessary, and evaluate the results of purchase negotiations to ensure that acquisition of environmentally sensitive property complies with certain standards.

C. A portion of the Public Service Tax has been dedicated towards environmentally sensitive lands and it is necessary to ensure that proceeds from the Public Service Tax Bond issue are applied solely toward the acquisition of land and construction improvements thereto for environmental, ecological, and recreational purposes, including but not limited to, associated appraisal, survey, title and due diligence investigation costs of these environmentally sensitive lands.

D. It is necessary to ensure that proceeds from the Public Service Tax Bond Issue are effectively and efficiently expended for acquisition of environmentally sensitive lands such that the greatest public benefit is obtained for the least cost.

II. PROCEDURES

A. The County Administrator or designee shall have the following responsibilities:

1. Identify environmentally sensitive lands based on the criteria set forth in Section II.C. below. Purchase negotiations and due diligence investigations shall be conducted for lands so identified. For the purpose of this Regulation, due diligence shall mean but not be limited to independently conducted appraisals, surveys, title search, environmental audits and any other items deemed necessary for acquisition. All properties identified shall be treated equally for purposes of acquisition in order to create competition among sellers for scarce funds.

2. Based on the results of purchase negotiations and the due diligence conducted by the Orange County Real Estate Management Division, Risk Management Division, Environmental Protection Division, or other appropriate County or State agencies may comment to the Board of County Commissioners in connection with each specific property purchase to be made with funds from the Public Service Tax Bond

proceeds.

3. Evaluate new lands proposed for acquisition by property owners or other entities.

4. Prepare an annual report for the Board of County Commissioners on the status of the environmentally sensitive lands acquisition program. The annual report shall also include an evaluation of the program.

B. Application Process for New Properties:

Persons or organizations who wish the County to consider new lands for acquisition shall submit a completed application to the County Administrator or his designee. Application forms may be obtained from the Environmental Protection Division. The County Administrator or designee shall review each application for completeness. If the application is incomplete, the applicant shall submit the required information within thirty (30) days of request by the County or the application shall be considered withdrawn. Once the application is complete, the County Administrator or his designee shall complete evaluation of the new lands within six (6) months pursuant to Section II.C. of this regulation. The applicant shall be notified in writing of the decision.

C. Evaluation and Selection Criteria:

1. The funds provided by the sale of Public Service Tax Bonds shall only be used to purchase environmentally sensitive lands that:

(a) Are identified as such by Orange County Environmental Protection Division.

(b) Have public benefits, as determined by application of one or more of the following criteria:

(1) Rarity in Orange County of the native ecosystems present;

(2) Diversity of the native

ecosystems, plants and animals present;

- (3) Presence of species listed as endangered, threatened, rare or of special concern by the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida Committee on Rare and Endangered Plants and Animals, Florida Department of Agriculture, or the Florida Natural Areas Inventory, their successors, or other commonly acknowledged conservation entities;
- (4) Contiguity with other publicly owned lands or property interests (i.e., conservation easement);
- (5) Manageability (opportunities for operation/management) of the project site;
- (6) Availability of funding from other government agencies or non-profit organizations;
- (7) Likelihood of events which might degrade or destroy the site; and
- (8) Amount of protection afforded by existing County regulations or other regulation or law.

2. Lands considered to be in the public interest for which no public entity is willing to participate; or

3. Lands considered to be in the public interest and for which a private partner is willing to pay all, or a portion of the costs, and will dedicate to Orange County all development rights and convey a permanent conservation easement to Orange County.

D. Acquisition Criteria and Process

1. To ensure flexibility that monies for the acquisition of environmentally sensitive lands are

expended for the greatest public benefit at the least cost, the following items shall be considered during the acquisition process:

- (a) Partial donation, conservation easements, property exchanges, and bargain sales shall be pursued to the greatest extent;
- (b) Projects facing imminent threat of development activities that will degrade, destroy, or increase the market value of the project shall be brought back to the County Administrator or designee for re-evaluation;
- (c) A proposal or recommendation for purchase may be submitted to the Board wherein the purchase price of the site exceeds its average appraised value as established by appraisals paid for by the County if it is deemed that the property is of sufficient value and importance to ensure its preservation.

2. The acquisition process shall follow County procedure and regulations.

FOR MORE INFORMATION CONTACT: Environmental Protection Division, Community and Environmental Services Department

REFERENCE: None

APPROVED: 11/10/92

REVISED: 6/22/99; 6/27/06

11.07.02 POLICY REGARDING USE OF TM/ECON MITIGATION BANK PHASE IV CREDITS

I. POLICY

A. Projects (including roadways) being conducted by County Departments or Divisions that require wetland mitigation and that lie within the TM/Econ Phase IV Mitigation Bank Service Area, shall use the TM/Econ Phase IV Mitigation Bank. Proceeds from purchase of mitigation credits shall be deposited in the conservation Trust Fund and available for use for acquisition and management of County-owned environmentally sensitive lands.

B. The price for mitigation credits from the

County-owned and managed TM/Econ Mitigation Bank shall be established and updated by fees Resolution by the Board of County Commissioners. However, the Manager of the Environmental Protection division or their designee will have authority to negotiate a discounted sale price per credit in order to achieve market competitiveness.

FOR MORE INFORMATION CONTACT: Environmental Protection Division, Planning, Environmental, and Development Services Department
REFERENCE: None
APPROVED: 04/10/2020

11.08 UNLICENSED CONTRACTING

I. POLICY

Article IX of Chapter 9 of the Orange County Code establishes a construction industry regulatory program in Orange County. Particularly, it establishes a civil citation program, outlining prohibited activities and penalty enforcement.

II. PROCEDURES

A. Section 9-323 states in part that the county administrator is authorized to designate certain persons as code enforcement officers to enforce the provisions of this article. The County Administrator has designated the Orange County Consumer Fraud Unit ("Consumer Fraud") investigators as code enforcement officers for such purposes.

B. The Orange County Division of Building Safety ("Building Safety") shall serve as the point of contact for payment of fines and any other fees in connection with a citation pursuant to this Article. As such, ten percent (10%) of any monies paid shall be retained by Building Safety to be used for public education purposes.

C. Sections 9-327 and 9-328 state in part that the Building Codes Board of Adjustments and Appeals shall be the venue for hearings on citations issued by Consumer Fraud, and that, upon a finding of violation, civil penalties and administrative costs may be assessed. The administrative costs to be assessed may not exceed \$50 per violation.

FOR MORE INFORMATION CONTACT: Consumer Fraud Unit; Division of Building Safety; County Attorney's Office.
REFERENCE: Chapter 9, Article IX, Orange County Code

APPROVED: 08/06/13

11.09 DELEGATION OF LIMITED AUTHORITY TO EXECUTE AGREEMENTS RELATING TO ANIMAL SERVICES

A. POLICY

A. The Board of County Commissioners (the "Board") created Orange County Animal Services Division ("Animal Services") to provide for the health, welfare, and well-being of Orange County residents by reducing the number of homeless and abandoned pets ("Rescue Animals") from Orange County's roadways and communities. The health and well-being of Orange County's residents and the animals in the care of Animal Services is of the utmost importance to the Board and the community it serves.

B. To meet its goal of reducing the number of Rescue Animals from Orange County roadways and communities, Animal Services shall:

1. Promote and encourage public adoption and fostering of Rescue Animals from the Orange County animal shelter by Orange County residents; and

2. Partner with community animal rescue agencies ("Rescues") that are able to assist Animal Services in its active efforts to find safe homes for the Rescue Animals.

C. In order to ensure the wellbeing of the Rescue Animals that Animal Services releases to the Rescues, each Rescue shall enter an agreement with Orange County ("Rescue Agreements").

D. Due to the high volume of Rescue Agreements, which can amount to well over one hundred (100) agreements entered into annually, the Board finds it expedient and efficient to delegate to the Animal Services Division Manager the limited authority to execute Rescue Agreements on the Board's behalf.

II. PROCEDURES

A. The Animal Services Division Manager is delegated the limited authority to execute Rescue Agreements.

B. This grant of execution authority to the Animal Services Division Manager is limited to the form of Rescue Agreement reviewed by the County Attorney's Office and the Risk Management Division and approved by Resolution of the Board.

C. The signature block of each such Rescue Agreement shall reference the following:

1. This Administrative Regulation; and
2. The date Resolution 2018-M-25 was passed.

D. Any Rescue Agreement that deviates in substance from the one approved by Resolution ##, must be brought before the Board for approval after review by the County Attorney's Office and the Risk Management Division.

FOR MORE INFORMATION CONTACT: Animal Services
REFERENCE: None
APPROVED: 08/21/18

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