FLAGLER COUNTY

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2016-2017, 2017-2018, and 2018-2019

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A. Administrative Budget for each fiscal year covered in the Plan. B. Timeline for Estimated Encumbrance and Expenditure. C. Housing Delivery Goals Chart (HDGC) for each Fiscal Year covered in the plan. D. Signed, LHAP Certification. E. Signed, dated, witnessed or attested adopting resolution. F. Ordinance: (if changed from the original creating ordinance). G. Interlocal Agreement. H. Flagler County Procurement Policy. I. Flagler County Replacement Home Guidelines. J. Flagler County Subordination Policy.	

I. Program Description:

A. Name of the participating local government:

Flagler County

Is there an Interlocal Agreement: Yes X No ____

If "Yes", name of participating local government(s) in the Interlocal Agreement:

City of Palm Coast

B. Purpose of the program:

1. To meet the housing needs of the very low, low and moderate income households;
2. To expand production of and preserve affordable housing; and
3. To further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: 2016-2017, 2017-2018 and 2018-2019

D. Governance:
The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code.
The SHIP Program does further the housing element of the local government Comprehensive Plan. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership:
Flagler County's SHIP Program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups. Flagler County partners with Habitat for Humanity, the United States Department of Agriculture and Section 8.

F. Leveraging:
The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. Public Input:
Public input was solicited through face to face meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach:
SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities:
A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan. Priorities for funding described here apply to all strategies unless otherwise stated in the strategy: The County will accept applications during the advertised "Application Period" which will be 30 days. From the end of the application period, applicants will have 30 days to submit all required documentation in order to be deemed eligible. Applications will be placed in order of receipt and separated based on strategy applied for. When funds are available for a particular strategy, the applicants from the waiting list will be contacted in order as described above to complete/update the application for SHIP assistance. Applicants will be placed in the queue for assistance once they have provided all required documentation and been deemed SHIP eligible.

Once there is a list of eligible applicants, they will be ranked giving first priority to households qualifying as Special Needs households as defined by Section 393.063, Florida Statues, Section 420.0004(5) Florida Statutes, Section 420.0004(7) Florida Statutes, and Section 401.1451(13) Florida Statutes. These applicants will further be ranked as follows:

1. Special Needs Households
   a) Very low
   b) Low
   c) Moderate

2. After Special Needs Set-asides goals are met
   a) Very Low
   b) Low
   c) Moderate

J. Discrimination:
In accordance with the provisions of Sections.760.20-760.37, Florida Statutes, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

K. Support Services and Counseling:
Support services are available from various sources. The county will provide Homeownership Counseling (Pre and Post) Credit Counseling, Tenant Counseling and Foreclosure Counseling through qualified HUD approved agencies.

L. Purchase Price Limits:
The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located.

Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.
The methodology used is:

__X__ U.S. Treasury Department
_____ Local HFA Numbers

M. Income Limits, Rent Limits and Affordability:
The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

Affordable means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, Florida Statutes. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

N. Welfare Transition Program:
Should an eligible sponsor be used, a qualification system and selection criteria for applications for awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.

O. Monitoring and First Right of Refusal:
In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of $3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

P. Administrative Budget:
A line-item budget of proposed Administrative Expenditures is attached as Exhibit A. The City of Palm Coast & Flagler County finds that the monies deposited in the local housing assistance trust fund shall be used to administer and implement the local housing

assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states:

"A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states:

"The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs."

The City of Palm Coast and Flagler County has adopted the above findings in the resolution attached as Exhibit E.

Q. Program Administration:
Administration of the local housing assistance plan will be wholly performed and maintained by Flagler County.

R. Project Delivery Costs: In addition to the administrative costs listed above, the county will charge a reasonable project delivery cost to cover inspections performed by non-county employees for rehabilitation projects, the recording of mortgages, and Owner & Encumbrance (O & E) reports generated by Title Companies. These fees will be charged to the homeowner as a grant and will not be included in the amount of the recorded mortgage and note. Furthermore, the county will charge a reasonable project delivery cost to cover maintenance/budget classes and underwriting fees provided by Mid-Florida Housing Partnership. These fees will also be charged to the homeowner as a grant and will not be included in the amount of the recorded mortgage and note.

S. Essential Service Personnel Definition: For the purpose of SHIP funding, the county considers the following groups as Essential Services to our county: Teachers, educators, other school district employees, community college employees, police, sheriff, fire personnel, health care personnel, skilled building trades personnel, and government employees.

T. Describe efforts to incorporate Green Building and Energy Saving products and processes:
Flagler County has obtained their Green Local Government Designation from the Florida Green Building Coalition. Flagler County will adhere to the Florida Board Code Provision. Contractors working on SHIP rehabilitation and replacement homes will have to identify from the Florida Green Building Coalition (F.G.B.C) checklist (Schedule A, Version 6) which items they are complying with.

The City of Palm Coast adopted Resolution No. 2008-75 in May 2008 which positioned the City with a "Leading by Example" posture. With this resolution and in relation to housing, the City committed to evaluate green development incentives and mandatory land development regulations.

As a result of Resolution 2008-75, the City of Palm Coast adopted the Unified Land Development Code (Ordinance 2008-16), which incorporated fifty-seven green elements into the code. In addition, the City of Palm Coast City Council adopted the Green Development Incentive Program Ordinance (Ordinance No. 2009-22) and Green Incentive Fee Waiver Resolution (Resolution No. 2009-182). The Green Development Incentive Program facilitates a voluntary program that promotes established green certification programs through an incentive-based approach. This Program targets cost reductions as follows: Single-family ($300), Commercial ($1,000), and Development ($2,500). In addition, this Program provides the following incentives: permit review fast tracking, 100% building permit review waiver, one (1) no-cost Florida Green Building Coalition (FGBC) certification review by City staff per Program Participant for new single-family homes, educational workshops for general public and program participants, and promotion of participants and associated projects through City media resources.

Section II. LHAP Strategies:

A.

Purchase Assistance without rehabilitation Strategy	Code 2

a. Summary of the Strategy: SHIP funds will be awarded for downpayment and closing costs to households to purchase a newly constructed or existing home. A newly constructed home must have received a certificate of occupancy within the last twelve months.

Prospective homebuyers must qualify as a First Time Homebuyer under the HUD definition: *An individual who has had no ownership in the principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*,

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low and moderate

d. Maximum award:

Very Low:	$50,000
Low	$40,000
Moderate	$10,000

e. Terms:

1. Loan/grant: Funds will be awarded as a deferred subordinate loan secured by a recorded subordinate mortgage and note.

2. Interest Rate: 0%

3. Term: 20 years.

4. Forgiveness/Repayment: Should the property be sold during the first ten years of the second mortgage, or the homeowner should refinance the first mortgage to use equity in the home within the first ten years, the entire balance will become due and payable. If a person should sell or refinance the home between years eleven (11) to twenty (20), there will be a reduction of 10% of the principal per year for each year of ownership between years eleven (11) and twenty (20). There will be no forgiveness period between years one (1) to ten (10).

5. Default/Recapture: The loan will be determined to be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the outstanding balance will be due and payable. Any payoff funds due to the county must be repaid within 180 days.

   In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. Any payoff funds due to the county must be repaid within 180 days.

   If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture repayment.

   Flagler County reserves the right to buy a property that has a SHIP mortgage at a foreclosure or tax lien sale in order to protect its loan interest.

   As per Flagler County Subordination Policy, an applicant may refinance the first mortgage loan to reduce the monthly payment through a lower interest rate and/or shorten the loan payoff period if approved by the Affordable Housing Advisory Committee. The applicant is not allowed any cash out from the refinance.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first served basis with the priorities for Special Needs and income groups as described in section 1. (1) of this plan.

g. Sponsor Selection Criteria and duties, if applicable: N/A

h. Additional Information: A prospective homeowner receiving down payment assistance may receive a monetary amount from a person in the form of a gift. There will not be a maximum limit on the dollar amount the applicant can receive.

   1. Flagler County SHIP funds may not be used to purchase manufactured housing/mobile homes.
   2. Applicants must contribute a minimum of $500 for very low income, $1,000 for low income and $1,500 for moderate income towards the home purchase. These amounts can include paid out of closing (p.o.c.) amounts on the HUD settlement statement. Examples include: pest inspection, home inspection, real estate taxes, appraisal fees, and sweat equity for Habitat for Humanity applicants. Habitat for Humanity applicants contributes 250 hours per single person or 500 hours per couple of sweat equity in lieu of monetary assistance.
   3. A prospective homeowner is allowed to have a co-signor on their first

mortgage.

4. Applicants cannot take out any other type of lien on the property for the full period of SHIP assistance. The only exceptions are other State or Federal programs in which Flagler County SHIP program will take the subordinate lien position. This also includes Habitat for Humanity.
5. Flagler County will not subordinate to or allow a Home Equity Loan Mortgage (HELOC) or a Reverse Mortgage.
6. The SHIP amount shall be subject to 100% repayment under certain conditions (i.e. fraud, deception, etc). Such conditions shall be set forth in the loan documents.
7. All purchase assistance applicants will be required to attend and complete a credit counseling session and an eight hour homebuyer education class through Mid-Florida Housing Partnership. Class certificates will become invalid after two years from the date of the classes. Applicants must contractually agree to all SHIP program guidelines, and repayment provisions.
8. Applicants must secure a first mortgage by an approved lender, or Habitat for Humanity before submitting an application.
9. SHIP applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.
10. SHIP recipients may not receive SHIP assistance more than twice for the same property.
11. If there is a waiting list, a person on the waiting list who has not had any previous funding will always take precedence over an applicant who has had previous SHIP funding.

B.

Owner Occupied Rehabilitation Strategy	**Code 3**

a. Summary of the Strategy: SHIP funds will be awarded to households in need of repairs to correct code violations, health and safety issues, electrical, plumbing, roofing, windows and other structural items. Cosmetic items may be included on rehabilitation projects if funds are available after completing all required repairs listed above.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low

d. Maximum award: $35,000.00

If bids received exceed the maximum award amount any unnecessary items will be removed from the bid to keep the total cost under the maximum amount.

e. Terms

1. Loan/grant: Funds will be awarded as a deferred loan secured by a recorded

subordinate mortgage and note.

2. Interest rate: 0%.

3. Term: 7/10/13 years. If the cost of rehabilitation (including all costs) does not exceed $10,000.00, the recapture period will be 7 years. If the cost of rehabilitation (including all costs) is more than $10,000.00 but does not exceed $20,000.00, the recapture period will be 10 years. If cost of rehabilitation (including all costs) is more than $20,000 but does not exceed $35,000.00, the recapture period will be 13 years.

4. Forgiveness/Repayment: Forgiveness occurs at the end of the loan term.

5. Default/Recapture: The loan will be determined to be in default if any of the following occurs during the Loan term: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur the outstanding balance will be due and payable. Any payoff funds due to the county must be repaid within 180 days.

   In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. Any payoff funds due to the county must be repaid within 180 days.

   If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture repayment.

   Flagler County reserves the right to buy a property that has a SHIP mortgage at a foreclosure or tax lien sale in order to protect its loan interest.

   As per Flagler County Subordination Policy, an applicant may refinance the first mortgage loan to reduce the monthly payment through a lower interest rate and/or shorten the loan payoff-period if approved by the Affordable Housing Advisory Committee. The applicant is not allowed any cash out from the refinance.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs and income groups as described in section 1. (1) of this plan.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: The SHIP Office will follow the Flagler County Purchasing Procurement Policy for selecting contractors.

1. The Flagler County SHIP program will continue to work with the Community Action Agency through the weatherization program whenever possible. SHIP contractors working on rehabilitation homes will have to identify from the Florida Green Building Coalition, Green Home Certification checklist, Schedule A, Version 6.00 as to which items they are complying with. If the County determines that a unit needs major rehabilitation, the County may qualify the homeowner for the Replacement Housing Strategy depending upon the availability of funding.
2. Flagler County will not repair manufactured or mobile homes.
3. Flagler County will not take any lien position with a Home Equity Loan mortgage (HELOC) or a Reverse Mortgage.
4. Applicants cannot take out any other type of lien on the property for the full period of SHIP assistance. The only exceptions are other State or Federal programs in which the SHIP program will take the subordinate lien position. This also includes Habitat for Humanity.
5. Flagler County SHIP program will take third place. This also includes Habitat for Humanity.
6. The SHIP amount shall be subject to 100% repayment under certain conditions (i.e. fraud, deception, etc). Such conditions shall be set forth in the loan documents.
7. Mortgage payments on the first mortgage must be current for any rehabilitation.
8. The applicant must be the homeowner and the deed must be in the homeowner's name. Life estates/trusts are acceptable.
9. The home to be repaired must be located in Flagler County.
10. Home must have been occupied by the owner/applicant for the past 2 years and at the time of the application.
11. The home must be covered by homeowners insurance before assistance and during the term of the SHIP mortgage and note. The only exception to this is if an insurance company will not insure the existing home prior to assistance and on condition that the home is insured after the assistance.
12. The Flagler County SHIP program is to be included on the homeowner's insurance declarations page for notification of cancellation of insurance.
13. The applicant must not be delinquent on any real property tax owed to Flagler County.
14. SHIP applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.
15. SHIP recipients may not receive SHIP assistance more than twice for the same property.
16. If there is a waiting list, a person on the waiting list who has not had any previous funding will always take precedence over an applicant who has had previous SHIP funding.
17. All Rehabilitation home applicants will be required to attend and complete a budget counseling and home maintenance class with Mid-Florida Housing Partnership at the commencement of the application process.

C.

Demolition/Reconstruction Strategy	Code 4

a. Summary of the Strategy: SHIP funds will be awarded to applicants whose property has hidden damage that was identified during a residential inspection by a licensed inspector, and the property will not qualify for rehabilitation and must be replaced. This includes mobile/manufactured homes. To be eligible, cost of rehabilitation of a conventionally constructed housing unit must exceed eighty percent (80%) of the cost of new construction. Cost of rehabilitation of a mobile/manufactured home must exceed fifty percent (50%) of the cost of a newly installed unit. The criteria for the demolition and replacement of a home is to correct health and safety issues and to correct code violations.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low

d. Maximum award: $189,682. If the cost of the replacement home should exceed $158,000 but be less than the maximum purchase price for a new or existing home of $189,682 for Flagler County, the approval of the Board of County Commissioners must be obtained for Replacement Housing candidates. If the cost of the Replacement home is less than $158,000 additional Board of County Commissioners approval is not required.

e. Terms

1. Loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.

2. Interest Rate: 0%

3. Term: 30 years

4. Forgiveness/Repayment: Should the property be sold during the first ten years of the second mortgage, or the homeowner should refinance the first mortgage to use equity in home within the first ten years, the full loan will become due and payable. If a person should refinance or sell the home between year eleven (11) and year thirty (30), there will be a reduction of 5% of the principal per year for each year of ownership between year eleven (11) and year thirty (30). There will be no forgiveness period of the principal between year one (1) and year ten (10). The loan will be determined to be in default if any of the following occurs during the Loan term: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the outstanding balance will be due and payable. Any payoff funds due to the county must be paid back within 180 days.

5. In cases where the qualifying homeowner(s) dies(s) during the loan term, the

loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. Any payoff funds due to the county must be paid back within 180 days.

If the home is foreclosed on by a superior mortgage holder, the county will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture repayment.

Flagler County reserves the right to buy a property that has a SHIP mortgage at a foreclosure or tax lien sale in order to protect its loan interest.

As per Flagler County Subordination Policy, an applicant may refinance the first mortgage loan to reduce the monthly payment through a lower interest rate and/or shorten the loan payoff period. If approved by the Affordable Housing Advisory Committee, the applicant is not allowed any cash out from the refinance.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on first-qualified, first-served basis with the priorities for Special Needs and income groups as described in section 1. (1) of this plan.

In addition, selection shall be in accordance with the Flagler County Housing Replacement Guidelines and also in accordance with state SHIP rules, regulations, and HUD standards by family size. The Flagler County Board of County Commissioners adopted the Flagler County Housing Replacement Guidelines September 2, 1997 with amendments thereafter. These guidelines set forth eligibility requirements such as selection criteria, size of units and associated maximum unit costs. Owner-occupied dilapidated properties in Flagler County are eligible. Applicants living in areas targeted in either the Flagler County Comprehensive Plan or the Comprehensive Plans of any of the Municipalities within Flagler County as areas of distressed housing shall be given priority over applicants living in other areas of the county.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: The SHIP Office will follow the Flagler County Purchasing Procurement Policy for selecting contractors.

1. Contractors will have to identify from the Florida Green Building Coalition, Green Home Certification checklist, Schedule A, Version 6.00 as to which items they are complying with.
2. Applicants cannot take out any other type of lien on the property for the full period of SHIP assistance. The only exceptions are other State or Federal programs in which Flagler County SHIP program will take third place. This also includes Habitat for Humanity.
3. Flagler County will not take any lien position with a Home Equity Loan mortgage (HELOC) or a Reverse Mortgage.
4. The SHIP amount shall be subject to 100% repayment under certain

conditions (i.e. fraud, deception, etc). Such conditions shall be set forth in the loan documents.

5. The home must be located in Flagler County.
6. The applicant must be the homeowner and the deed must be in the homeowner's name.
7. The applicant must not be delinquent on any real property tax owed to Flagler County.
8. Home must have been occupied by the owner/applicant for the past 3 years and at the time of the application.
9. Home must be covered by homeowners insurance before assistance and during the term of the SHIP mortgage assistance. The Flagler County SHIP program is to be included on the homeowner's insurance declarations page for notification of cancellation of insurance. The only exception to this is if an insurance company will not insure the existing home prior to assistance and on condition that the home is insured after assistance.
10. Owner must produce current utility bills for the property at the time of the application.
11. The homeowner must reside in the home year round as indicated by homestead exemption.
12. SHIP applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.
13. SHIP recipients may not receive SHIP assistance more than twice for the same property.
14. If there is a waiting list, a person on the waiting list who has not had any previous funding will always take precedence over an applicant who has had previous SHIP funding.
15. Mortgage payments on the home's first mortgage must be current.
16. All Replacement Home applicants will be required to attend and complete a budget counseling and home maintenance class at the commencement of the application process with Mid-Florida Housing Partnership.
17. Flagler County will not pay relocation costs.

D.

Disaster Repair/Mitigation Strategy	**Code 5**

a. Summary of the Strategy: Funds will be awarded to applicants in need of home repairs directly caused by a disaster that is declared by an Executive Order of the President or Governor. Repairs will be prioritized as follow:

1. Immediate threats to health and life safety (sewer, damaged windows, roofing) in cases where the home is still habitable.
2. Imminent residual damage to the home (such as damage caused by a leaking roof) in cases where the home is still habitable.
3. Repairs necessary to make the home habitable.
4. Repairs to mitigate dangerous situations (exposed wires)

Funds may also be used for payment of insurance deductibles for rehabilitation of

homes covered under homeowner's insurance policies. The amount paid will be either cost of repair or amount of insurance deductible – whichever is the lesser amount.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low, moderate.

d. Maximum award: $4,000.00

e. Terms:

1. Loan/grant: Funds will be awarded as a grant with no recapture terms.
2. Interest Rate: 0%
3. Forgiveness/Repayment: N/A
4. Default/Recapture: N/A

f. Recipient Selection Criteria: Applicants will be assisted on a first-qualified, first-served basis.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Funds for disaster mitigation will only be allocated from unencumbered funds or additional funds awarded through Florida Housing Finance Corporation for the disaster.

1. SHIP applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.
2. SHIP recipients may not receive SHIP assistance more than twice for the same property.
3. If there is a waiting list, a person on the waiting list who has not had any previous funding will always take precedence over an applicant who has had previous SHIP funding.
4. Must provide proof of homeowner's insurance.

E.

Emergency Repair Strategy	Code 6

a. Summary of the Strategy: Funds will be awarded to applicants in need of rehabilitation of their home related to a dire situation that needs to be mitigated immediately. This includes: damaged roofing that is leaking, damaged windows causing exposure to the elements, or electrical or plumbing problems that could cause damage (fire) to the home or is an immediate health hazard to the occupants. This strategy will only be used for an applicant who has applied for, but will not receive assistance through the owner occupied rehabilitation strategy within the next three months. When an applicant is assisted with emergency repairs, they will not lose their place on the rehabilitation waiting list. However, the amount of funds expended for the emergency repairs will be counted towards the maximum award if the applicant received subsequent assistance through the rehabilitation strategy. Funds may also be awarded to pay insurance deductibles for any emergency repairs covered by the homeowner's.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low

d. Maximum award: $10,000

e. Terms:

1. Loan/grant: Funds will be awarded as a forgivable loan secured by a recorded subordinate mortgage and note.

2. Interest Rate: 0%

3. Term: 5 years

4. Forgiveness/Repayment: The loan will be forgiven on a prorated basis so that 20% is forgiven annually.

5. Default/Recapture: The loan will be determined to be in default if any of the following occurs: sale, transfer, or conveyance of property; conversation to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the outstanding balance will be due and payable.

6. In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable. Any payoff funds due to the county must be paid back within 180 days.

If the home is foreclosed on by a superior mortgage holder, the county will

make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a recapture repayment.

Flagler County reserves the right to buy a property that has a SHIP mortgage at a foreclosure or tax lien sale in order to protect its loan interest.

An applicant may refinance the first mortgage loan to reduce the monthly payment through a lower interest rate and/or shorten the loan payoff period. If approved by the Affordable Housing Advisory Committee, the applicant is not allowed any cash out from the refinance.

f. Recipient Selection Criteria: Applicants will be selected on a first-qualified, first-served basis.

g. Sponsor Selection Criteria: N/A

h. Additional Information: An applicant requesting an emergency repair will be required to:

1. Allow the rehabilitation specialist to access the home for an inspection to determine the need for repair.
2. Provide proof of homeowner's insurance policy and any proof whether or not the insurance will cover any part of the repair.
3. SHIP recipients may not receive SHIP assistance more than twice for the same property.
4. If there is waiting list, a person on the waiting list who has not had any previous funding will always take precedence over an applicant who has had previous funding.
5. The homeowner must have resided in the property for at least two years.

F.

Foreclosure Prevention	**Code 7**

a. Summary of the Strategy: Funds will be awarded to homeowners that are in arrears on their first mortgage. The arrearage must be at least three months, but no more than six months and cannot be under an active foreclosure action.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low and moderate

d. Maximum award: $4,000.00

e. Terms:

1. Loan/grant: Funds will be awarded as a grant.

2. Interest Rate: N/A

3. Forgiveness/Repayment: N/A

4. Default/Recapture: N/A

f. Recipient Selection Criteria: In addition to being selected on a first-qualified, first-served basis, applicants must:
   1. Provide proof on the arrearage in the form of notification from the mortgage holder. This cannot be from a private mortgage holder.
   2. Provide evidence of a hardship that caused the arrearage (health issue, loss of employment/income, death of household member, divorce, emergency home repair or car repair).
   3. Provide a written statement as evidence of the ability to resume making payments after the assistance is used which includes an explanation of how the hardship has been overcome and an indication of the budget plan that will allow for resumption of payments.
   4. Receive counseling from a HUD approved agency trained in foreclosure counseling as assigned by the county housing staff. The counseling agency must sign off on the budget plan.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Applicants may be required to apply to other foreclosure assistance programs (Hardest Hit Fund, Foreclosure Counseling Program) for assistance prior to being approved for assistance under this strategy.

   1. SHIP Applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.
   2. SHIP recipients may not receive financial assistance more than twice for the same property.
   3. SHIP Applicants shall not be eligible to reapply for SHIP assistance in the same category if funds were previously awarded to the applicant.

G.

Rapid Re-housing Strategy	Code 23

a. Summary of the Strategy: The Rapid Rehousing Strategy is created to assist individuals or families who require temporary rental assistance in order to avoid homelessness as per Section 420.621 (5) Florida Statutes.

b. Fiscal Years Covered: 2016-2017, 2017-2018 and 2018-2019

c. Income Categories to be served: Very-low, low.

d. Maximum award: $5,000

e. Terms:

1. Loan/grant: Funds will be awarded as a grant.

2. Interest Rate: N/A

3. Term: N/A

4. Forgiveness/Repayment: N/A

5. Default/Recapture: N/A

f. Recipient Selection Criteria: Applicants will be referred by a lead or social service agency and be assisted on a first-qualified, first served basis. Individuals or families (with preference given to Veteran's) must either be homeless or at high risk of losing housing. In addition, the household must not have sufficient available resources to obtain or support existing housing, no other sources of assistance have been identified and the household lacks an existing support network to provide housing assistance.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information:

1. The lease must be at least twelve months.
2. Assistance will be provided directly to the housing provider as part of a lease agreement.
3. Recipients of assistance must go through an assessment to determine likelihood of housing sustainability and stabilization once assistance period runs out.
4. Recipients of other ongoing rental assistance (such as Section 8) are not permitted under the SHIP program.
5. Assistance will be limited to a one time grant not to exceed $5,000 per household

III. LHAP INCENTIVE STRATEGIES FLAGLER COUNTY

Section 420.9071(16), F.S. *Approved October 5, 2015 until December 31, 2018*

A. Name of the Strategy: Expedited Permitting

The processing of approvals of development orders or permits, as defined in s.163.3164(15) and (16) for affordable housing projects is expedited to a greater degree than other projects.

In Flagler County, permits for affordable housing projects are expedited to a greater degree than other projects by standard custom and practice. All rehabilitation and replacement home construction projects were processed through the expedited permit strategy. At this time, the County's Housing Element of the Comprehensive Plan does not include any specific policies that pertain to expedited permitting; however, both Policies C.1.1.3 and C.1.1.4 foster the County's current practice to expedite affordable housing permits:

Policy C.1.1.4: Flagler County shall continue to use its Affordable Housing Advisory Committee to assess very low, low and moderate income housing needs and recommend programs that could be instituted to facilitate the implementation of the County's Housing Goals, Objectives and Policies.

Affordable housing projects will be processed in the next available Planning Board or Board of County Commissioners meetings regardless of the application closing date, provided the applications meet the legal notice requirements.

Affordable housing projects will be approved as priority projects. The affordable housing projects will be moved to the front of the agenda at the County Technical Review Committee and Planning Board meetings. Processing the affordable housing projects at the next available Planning Board or Board of County Commissioner meetings regardless of application closing dates will result in a reduction of five to fifteen days of time. This time reduction will result in measurable savings of project cost and interest.

B. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Impact fees and utility capacity charges are needed to provide revenue for constructing capacity producing capital improvements necessary to accommodate growth. Overall, this impact fee revenue partially funds construction of major roadways, libraries, schools, parks, correctional facilities, fire/EMS facilities, law enforcement facilities, and public buildings. Because these fees are based on fair share payments by the people benefiting from the capital improvements, impact fees and utility capacity charges cannot be waived or reduced for any individual group or category of construction. On the other hand, these fees increase the cost of housing and put a burden on the production of affordable housing projects. To lessen the impact on affordable housing projects, the cost of impact fees may be paid by other funding sources.

Flagler County presently has an exemption for low-income housing from educational facilities impact fees (excerpted below from Section 17-142 (c), Flagler County Code of Ordinances.

(1) Dwelling units constructed or mobile homes installed for low- income and very low-income residents shall be exempt from the educational facilities impact fees.

(2) As a condition of the exemption, the owner must agree to execute and record a lien against the property for a period of ten (10) years guaranteeing that the proposed dwelling unit will continue to be used for low-income and very low-income residents. The lien against the property shall be subject only to the lien for general taxes. In the event that the unit is no longer used for low-income or very low-income housing, then the county can compel the owner to pay the impact fee amount plus interest from which the owner or any prior owner was exempt. The interest rate is the prevailing interest rate applied against the original, exempted educational facilities impact fee amount at the time that the "unit is no longer used for low-income or very low-income housing". The interest rate would be applied to the principal (the educational facilities impact fee amount) for the number of years (prior to the tolling of the ten (10) year period of the exemption) that the educational facilities impact fee exemption was claimed. The lien shall run with the land and apply to subsequent owners for a period of ten (10) years.

(3) Any claim for an exemption must be made no later than the time of application for a building permit or a permit for a residential mobile home installation. Any claim not so made shall be deemed waived.

(4) The county administrator shall be authorized to determine whether a particular dwelling unit falls within the exemption for low-income or very low-income housing pursuant to the provisions of this section. Determinations of the county administrator shall be subject to the appeals procedures set forth in section 17-147 below. (Ord. No. 04-20, § 13, 12-6-04)

Flagler County recently suspended the imposition of Transportation Impact Fees. Suspending or waiving impact fees does not eliminate the cost of the infrastructure that the impact fees are designed to pay for. Either new development or existing residents must pay the cost of needed infrastructure improvements. If new development, which puts additional demand on county facilities and services, does not pay its fair share of infrastructure cost through impact fees, then existing residents will have to pay those costs through higher fees or taxes.
Flagler County will modify impact fee requirements, including reduction of fees and alternative methods of fee payment for affordable housing from special funding sources.

C. Ongoing Review Process.

There is an ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

Prior to the adoption of new land development regulations, the Planning and Development

Board will review new regulations for consistency with the adopted Comprehensive Plan. The Long Range Planning Board and/or the County Housing Task Force will be used to review all policies.

Policy C.1.1.3: Continue to review ordinances, codes, and regulations and the permitting process for the purpose of eliminating excessive requirements, and amending or adding other requirements in order to increase private sector participation in meeting the housing needs, while continuing to ensure the health, welfare and safety of the residents. The health, safety, and general welfare of the County's residents is preserved through the implementation of zoning and land development regulations. As a policy in the County's adopted Comprehensive Plan, Housing Element Policy C.1.1.3 as cited is implemented through the County's Land Development Code. The policy calls for a continuing review of "ordinance, codes, and regulations and the permitting process"; this is being achieved through the work of the Planning and Development Board and the Affordable Housing Advisory Committee, including other ad hoc committees as may be created by the Board of County Commissioners from time to time to accomplish this task.

D. The allowance of flexibility in densities for affordable housing.

Within Flagler County, the future land use map and zoning district designations establish a maximum density or intensity for all properties. Overall, density is an important factor in forming the character of a community and the preferred lifestyle of its residents. While higher densities may result in lower housing costs, higher across the board densities do not always translate into lower housing prices. Consequently, the preferred method for reducing housing costs through increased density is to provide affordable housing density bonuses associated with affordable housing projects. Currently, Housing Element Policy C.1.1.2 and the Article III, Section 3.09.02 Flagler County Land Development Code (LDC). Provide affordable housing projects up to an estimated 11% density bonus over the maximum density established by the underlying land use designation.

Currently, Housing Element Policy C.1.1.2 and Article III, Section 3.03.09.02(D)-(2) of the LDC provide for affordable housing density bonuses:

Policy C.1.1.2: Flagler County shall continue to encourage the private sector to provide affordable housing for very-low, low and moderate income families through the use of the Housing Density Bonus System.

The County's Affordable Housing Density Bonus Provisions are codified in Section 3.03.09.02(D)-(2) of the LDC, as follows:

2. Maximum density – Nine (9) units per acre with an affordable multifamily density bonus of an additional one (1) unit per acre for a total of ten (10) units per acre. The affordable multifamily density bonus is awarded provided the following criteria are met:

a. Definitions:

Affordable multifamily unit: A multifamily unit which is available to a household earning one hundred (100) percent or less of the county's median income, adjusted for family size, which can be rented or purchased in the market without spending more than thirty (30) percent of its income.

Land Use restriction agreement: A deed restriction which establishes the responsibilities of the developer and his successors.

Low income household: A household in the county which earns less than eighty (80) percent of the county's median income, adjusted for family size.

Moderate income household: A household in the county which earns eighty (80) to one hundred (100) percent of the county's median income, adjusted for family size.

b. At least ten (10) percent of the project's units must be designed as affordable multifamily units for low and moderate income households. A maximum of thirty (30) percent of the project's units may be designated as affordable housing for low income households and a maximum of thirty (30) percent of the project's units may be designated for moderate income households. A minimum of forty (40) percent of the units must remain market rate units.

c. The maximum percentages listed above for low to moderate income units may not be exceeded for a minimum of a fifteen-year period. To insure compliance with this provision, the property owner shall execute a land use restriction agreement with the county, which specifies the low to moderate income occupancy requirements for the property, including the number of rental units which will be_subject to affordability provisions, the rent limits, the income limits proposed, and the affordability period. The land use restriction agreement shall require the developer and his successors to submit an annual report to the county for the purpose of monitoring compliance with the agreement.

The allowance of an up to 11% density bonus for affordable housing projects provides for the development of affordable housing projects with higher densities and/or higher yields. These provisions are appropriate tools for providing density increases for affordable housing projects.

Though not typically used, the inclusion in the LDC of cluster housing provides an additional tool, through an accompanying Planned Unit Development zoning designation, to accomplish higher densities and preserve open space than would otherwise be accomplished through a standard zoning category within the LDC. It is anticipated that other options will be explored as part of the County's Comprehensive Plan update process and the update to the Land Development Code that will follow.

Flagler County will make an allowance of flexibility in densities for affordable housing in the land use planning process, subject to maintaining consistency with the County Comprehensive Plan and Florida Statutes.

E. The reservation of infrastructure capacity for housing for very-low income persons, low-income persons, and moderate-income persons.

The Flagler County Comprehensive Plan provides that no development, including housing development, shall be approved unless there is sufficient infrastructure capacity available to

serve the development. These requirements are contained in Article VIII, Consistency and Concurrency Determination, of the County's LDC. This concurrency management requirement serves as the principal mechanism for ensuring that growth is managed in a manner consistent with the provisions of the comprehensive plan. In Flagler County, there is only one type of concurrency certificate. The Certificate requires a payment of 25% of the impact fees to reserve the capacity.

Reserving infrastructure capacity upfront for a project is important if there are deficiencies in concurrency-related facilities. In Flagler County, there is sufficient capacity in all concurrency-related facilities to accommodate development projects. Therefore, reserving capacity upfront is not a critical issue at this time. To reserve capacity for one project, however, means that the reserved capacity is not available for other projects.

F. The allowance of affordable accessory residential units in residential zoning districts.

Through its Land Development Code, Flagler County permits the construction of a guest quarters in the Agriculture zoning district with Special Exception approval by the Planning Board.

Flagler County will make an allowance of affordable accessory residential units pursuant to Section 163.31771 Florida Statutes, for extremely-low-income, very-low income, low income, or moderate-income persons as (as defined in Section, 420.0004, Florida Statutes) in residential zoning districts in the upcoming revisions of the Flagler County Land Development Code, including making provisions for "mother-in-law" or "caretaker family suites." (currently not included in all residential districts in the LDC and consistent with Board of County Commission action on February 1, 2010 amending Chapter 19 of the Flagler County Code). The latter would be in areas to be located within a single family home while the "affordable accessory residential units" would be a separate unit.

G. The reduction of parking and setback requirements for affordable housing.

As structured, the County's Land Development Code (LDC) establishes minimum setback and lot size requirements for both single family residential zoning districts and multiple family residential zoning districts. These setback requirements provide a standard separation between houses and between houses and roadways. Certain zoning districts found within the LDC have smaller setbacks, some (R-1c and R-1d zoning districts) with zero lot line setbacks on the side property lines. Affordable housing projects could use those specific zoning districts to utilize the side setback requirement. There is also the option to rezone to the PUD zoning district, which gives you the ability to create customized setback and parking requirements.

While rear yard setbacks typically run from 20 feet to 15 feet, the minimum front yard setback on all single family homes from the edge of right-of-way is twenty five (25) feet. This setback distance allows for cars to be parked in the driveway and not block the sidewalk or impede pedestrian movement.

For residential uses, the county requires two parking spaces for each dwelling unit. This requirement is detailed in LDC Section 3.06.04 as follows:

A. *Off-street parking space requirements.*

1. Single and two-family dwellings: Two (2) spaces per dwelling unit.

2. Multi-family dwellings: One and one-half (1.5) spaces per dwelling unit (one bedroom units); one and three-quarters (1.75) spaces per dwelling unit (two-bedroom units): two (2) spaces per dwelling unit (three (3) bedrooms or more).

3. Planned unit development: Shall meet the space requirements of that particular occupancy. (Exception: The parking requirements of non residential uses in a PUD may be approved by the county commission)

To ensure health and safety, all residential development must meet current minimum parking and setback requirements (or received appropriate variances) for the appropriate zoning district as established in the County's LDC. For example, the County's 25 foot minimum front yard setback provides enough distance for parking a vehicle in a driveway without the vehicle projecting into the sidewalk. Reducing or eliminating parking requirements will force residents to park in roadway rights-of-way. This can create safety issues unless minimum mandatory widths are increased.

H. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Certain zoning districts are in existence to create smaller lot sizes. Flagler County does have the ability in the Land Development Code for zero lot lines as side yard setbacks in three zoning districts: R-1c, R-1d, and PUD. The PUD zoning district gives a developer the ability to create customized dimensional requirements, along with parking and setback requirements.

Generally, the PUD rezoning and site plan process serve as a mechanism whereby the county can approve projects with reduced setbacks and/or mixed uses. The advantage of using the PUD district instead of traditional zoning is that an applicant can increase or at least maximize his development project's density. In the PUD district, however, there are development required trade-offs, such as additional landscaping, which are required to gain the waivers for smaller lots and higher yield. These trade-offs can have the effect of off-setting any housing unit price reductions due to increasing yield.

Flagler County will consider including new language to expedite permitting through subdivision and site design when the Flagler County Land Development Code is rewritten.

I. The modification of street requirements for affordable housing.

As adopted, the County's existing sidewalk and street requirements provide for minimum construction standards to ensure public safety. Section 4.06.02(D) (2) (Subdivision Improvement and Design Standards) of the LDC sets the minimum right-of-way width for a local or residential street at 50 feet. However, minimum lane widths are 11 feet. The following is the county's current minimum right-of-way requirement:

4.06.02 Roads

D. *Minimum Subdivision Road Right-of-Ways Widths.*

1. All subdivision roads shall be provided with sufficient right-of-way or easement width by dedication to contain their entire construction and their appurtenances, including drainage facilities, ditches, slopes, sight distance and traffic control devices.

2. The minimum right-of-way for vehicular travel is fifty (50) feet.

3. Specific right-of-way requirements are defined in the public works manual and are dependent upon the required typical section for anticipated traffic volume.

4. Subdivision roads shall be designed and constructed in accordance with Flagler County Standards and Specifications as contained in its public works manual.

As structured, the County's minimum street right-of-way width requirements are based on the minimum area needed to accommodate the various improvements that must be located in the right-of-way. Besides travel lanes, sidewalks, and drainage facilities, these improvements include water and sewer lines, gas lines, phone lines, cable lines, and others. Since the referenced improvements must be provided for in the road right-of-way, the County has determined that the minimum right of way width must be 50 feet.

At 50 feet, the County's minimum local road right-of-way width requirement is minimal. Consequently, no right-of-way width modification is necessary. County staff feels that the 50-foot minimum right-of-way width is already the minimum relieve that could be considered and still furthers the combined goals of protecting the health, safety, and general welfare while promoting the provision of affordable housing. In sum, the Statute appears to require that the County address a modification of street requirements and County staff feels that the minimum width already provided for within the County's Code is the minimum that can be considered, hence requiring no modification to the Code specific to reducing right-of-way width to promote the provision of affordable housing.

J. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Each year, before the adoption of any new ordinances, local governments are to determine the amount of increase in the cost of affordable housing by adopting any new ordinance or updating an existing ordinance that may impact the provision of housing. Then the local government is to report annually to the State regarding how much the cost of housing had increased through these actions. Before adopting a new ordinance to increase impact fees, the local government is to advise the amount of additional cost of housing within their jurisdiction.

In Flagler County, this is typically accomplished through the staff report for Board consideration and action which accompanies each proposed action item, including ordinance adoption. The consideration of this requirement formalizes what already occurs as part of the staff review for Board of County Commissioner agenda items.

K. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

In 2006, the Florida State Legislature passed HB 1363 relating to affordable housing. One provision of that bill was that each local government must prepare an inventory of all real property that it owns within its jurisdiction that is appropriate for use as affordable housing.

Beginning in July 2007 then every three (3) years thereafter, Flagler County is required to prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title and is appropriate for use as affordable housing. The Board through their review of the inventory list and input from staff and the general public found that none of the county-owned properties were appropriate for affordable housing.

Consistent with state law, the Board of County Commissioners reviewed and approved an inventory list of county owned properties. Of all the properties on that list, none were determined to be appropriate for affordable housing.

However, the County recognizes and acknowledges that donating county-owned surplus lands to non-profit housing organizations would reduce the cost of affordable housing units on the donated properties and is an appropriate affordable housing tool and will continue to evaluate the inventory of county owned surplus properties for appropriate affordable housing sites.

L. The support of development near transportation hubs and major employment centers and mixed-use developments.

In Flagler County, the Future Land Use Map (FLUM) identifies areas appropriate for residential development and the appropriate density for those areas. The objective of the FLUM is to create a land use pattern that situates residential development in close proximity to schools, health care facilities, employment centers, and major roadways.

In Flagler County, the FLUM is an important tool in establishing appropriate locations for residential development. Generally, the map provides for residential development to be located near compatible land uses, existing neighborhoods, and proximate to public transportation, major employment centers, and community services. Ideally, affordable housing projects should be located near employment centers and transportation hubs for additional savings in terms of transportation cost and travel time. For that reason, the county supports locating affordable housing developments near transportation hubs, major employment centers and mixed use developments by expediting the permit process for these types of housing projects.

LHAP INCENTIVE STRATEGIES CITY OF PALM COAST
Section 420.9071(16), F.S. Approved October 6, 2015 until December 31, 2018

A. Name of the Strategy: Expedited Permitting

The processing of approvals of development orders or permits, as defined in s.163.3164(7) and (8) for affordable housing projects is expedited to a greater degree than other projects.

Development Orders and Permits for affordable housing projects will be expedited to a greater degree than other projects by standard custom and practice. All rehabilitation and replacement home construction projects will be processed through the expedited permit strategy. The Community Development Director or designee will shepherd applications through each level of review that are considered an affordable housing project. For the purpose of the expedited permit process, affordable housing projects will be identified as those projects assisted with state or federal housing funds as confirmed by the Flagler County SHIP Administrator.
Specifically, Policy 3.1.1.4 notes that expedited site plan review and permitting should be considered as an action to promote affordable housing.
Expedite development orders and permits for affordable housing projects as described above.

B. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Impact fees are one-time charges applied towards new construction to obtain revenues necessary to make capital improvements. Overall, these impact fees increase the cost of housing. Legally, impact fees must be applied to all activities that create a demand for capital facilities. Consequently, impact fees cannot be waived or reduced.

Waiving impact fees does not eliminate the cost of the infrastructure that the impact fees are designed to pay for. Either new development or existing residents must pay the cost of needed infrastructure improvements. If new development, which puts additional demand on county facilities and services, does not pay its fair share of infrastructure cost through impact fees, then existing residents will have to pay those costs through higher fees or taxes. To lessen the impact on affordable housing projects, the cost of impact fees may be paid by other funding sources.

Staff notes that the Educational Facilities Impact Fee Ordinance (adopted Countywide, including the City of Palm Coast) includes an exemption for low-income housing from educational facilities impact fees, when certain conditions are met.

Changes to fully implement this incentive are not recommended at this time because any reductions to impact fees for affordable housing units would result in higher taxes and housing costs for the rest of the City's residents in order to provide the necessary infrastructure.

C. Ongoing Review Process.

Each year, before the adoption of any new ordinances, local governments are to determine the amount of increase in the cost of affordable housing by adopting any new ordinance or updating an existing ordinance that may impact the provision of housing. Then the local government is to report annually to the State regarding how much the cost of housing had increased through these actions. Before adopting a new ordinance to increase impact fees, the local government is to advise the amount of additional cost of housing within their jurisdiction.

Before adoption of any new regulations or policies, the City will determine the impacts of adopting such ordinance on the cost of housing. When applicable, staff will include an analysis of the impact of any policy, procedure, ordinance, regulation, or plan provision upon the cost of housing in the City.

As part of the staff report provided to City Council during the adoption review process for ordinances, an analysis is provided for benefit of the City Council and the public. This analysis is reviewed and included as part of the record, during a formal City Council public hearing process that results in consideration of all impacts of a proposed ordinance.

D. The allowance of flexibility in densities for affordable housing.

The future land use map and zoning district designations establish a maximum density or intensity for all properties. Overall, density is an important factor in forming the character of a community and the preferred lifestyle of its residents. While higher densities may result in lower housing costs, higher across the board densities do not always translate into lower housing prices. Consequently, the preferred method for reducing housing costs through increased density is to provide affordable housing density bonuses associated with affordable housing projects.

The City of Palm Coast Unified Land Development Code (ULDC) allows opportunities for flexible densities for affordable housing. One mechanism available to a potential developer is the use of the Master Planned Development (MPD) zoning district. This zoning district provides developers the flexibility to establish specific develop standards (such as lot sizes, setbacks, lot coverage, etc.) for specific projects.

Continue to encourage developers of affordable housing projects to utilize the MPD zoning district in order to allow for flexible densities.

E. The reservation of infrastructure capacity for housing for very-low income persons, low-income persons, and moderate-income persons.

Consistent with state law, the City's Comprehensive Plan provides that no development, including housing development, shall be approved unless there is sufficient infrastructure capacity available to serve the development. These requirements are also contained in Chapter 7, Concurrency Management System, of the City's ULDC. This concurrency management requirement serves as the principal mechanism for ensuring that growth is managed in a manner consistent with the provisions of the comprehensive plan.

Reserving infrastructure capacity upfront for a project is important if there are deficiencies in concurrency-related facilities. Like waiving impact fees, allowing reservation of capacities without payment for affordable housing projects is unfair to other development.

Changes to implement this incentive are not recommended at this time, since implementation would result in inequities.

F. The allowance of affordable accessory residential units in residential zoning districts.

The City of Palm Coast Unified Land Development Code (ULDC) does not permit the construction of accessory residential units in any residential zoning district. Changes to implement this incentive are not recommended at this time.

G. The reduction of parking and setback requirements for affordable housing.

The City's Unified Land Development Code (ULDC) establishes minimum setback and lot size requirements for both single family residential zoning districts and multiple family residential zoning districts. Each zoning district's setback varies from another; these variations depend on the minimum lot width and minimum lots size for that zoning district. Affordable housing projects should identify those specific zoning districts to identify the most favorable setback requirements for a particular project. Developers of affordable housing also have the option to rezone and utilize the Master Planned Development (MPD) zoning district. This zoning district allows great flexibility in customizing setback and parking requirements.

For residential uses, the City requires two parking spaces for each single-family dwelling, duplex, and townhouse unit. For multifamily dwellings, the ULDC requires the following:

-1 space per efficiency unit,
-1.5 spaces per 1 bedroom,
-2 spaces per 2 bedrooms and over, and
-1 space per 4 units for guest parking.

Affordable housing developers also have the option of utilizing the Master Planned Development (MPD) zoning district. This zoning district provides flexibility in the required number of minimum parking based on evidence that other standards would be more reasonable.

Continue to encourage developers of affordable housing projects to utilize the MPD zoning district in order to reduce parking and setback requirements.

H. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

The City of Palm Coast Unified Land Development Code (ULDC) allows opportunities for an affordable housing developer to provide zero lot line configurations for affordable

housing. One mechanism available to a potential developer is the use of the Master Planned Development (MPD) zoning district. This zoning district provides developers the flexibility to establish specific develop standards (such as lot sizes, setbacks, lot coverage, etc.) for specific projects.

Additionally, the ULDC permits townhouse residential development. This type of development allows a developer to construct a minimum of three (3) attached units and a maximum of eight (8) attached units per building.

Continue to encourage developers of affordable housing projects to utilize the MPD zoning district in order to allow for flexible lot configurations.

I. The modification of street requirements for affordable housing.

The City of Palm Coast Unified Land Development Code (ULDC) allows opportunities for an affordable housing developer to modify street requirements for affordable housing. One mechanism available to a potential developer is the use of the Master Planned Development (MPD) zoning district. This zoning district provides developers the flexibility to establish specific develop standards (such as lot sizes, setbacks, lot coverage, etc.) for specific projects.

Continue to encourage developers of affordable housing projects to utilize the MPD zoning district in order to modify street requirements.

J. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Each year, before the adoption of any new ordinances, local governments are to determine the amount of increase in the cost of affordable housing by adopting any new ordinance or updating an existing ordinance that may impact the provision of housing. Then the local government is to report annually to the State regarding how much the cost of housing had increased through these actions. Before adopting a new ordinance to increase impact fees, the local government is to advise the amount of additional cost of housing within their jurisdiction.

Before the adoption of any new regulations or policies, the City will determine the impacts of adopting such ordinance on the cost of housing. When applicable, staff will include an analysis of the impact of any policy, procedure, ordinance, regulation, or plan provision upon the cost of housing in the City.

Consider costs to housing when the City considers policies, procedures, ordinance, regulations, or plan provisions as described above.

K. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

In 2006, the Florida State Legislature passed HB 1363 relating to affordable housing. One provision of that bill was that each local government must prepare an inventory of all real property that it owns within its jurisdiction that is appropriate for use as affordable housing. The City of Palm Coast will compile a list of all real property within its jurisdiction to which the city holds fee simple title and is appropriate for use as affordable housing.

Prepare an inventory of all city-owned property for analysis and determination of its appropriateness for affordable housing.

L. The support of development near transportation hubs and major employment centers and mixed-use developments.

The City of Palm Coast does not have any identifiable transportation hub. However, the City's Comprehensive Plan and Future Land Use Map (FLUM) identify areas appropriate for mixed use development and appropriate for Village Center development. These village center areas are appropriate for developments with higher densities and intensities.

The purpose of the Mixed Use development designation is to provide opportunities for residents to work, shop, engage in recreational activities, attend school and religious services in reasonably close proximity to residential dwellings. Typically, affordable housing projects should be located strategically within proximity of services and employment opportunities. Development of affordable housing as part of a mixed use project or within proximity of available services and employment opportunities is encouraged and promoted by the comprehensive plan.

No changes recommended at this time.

Work Order is a written order authorizing and directing the performance of a certain task and issued to the person who is to direct the work. Among the items of information shown on the order are the nature and location of the job, specifications or the work to be performed, and a job number which is referred to in reporting the amount of labor, materials and equipment used.

Adopted this _____ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

ATTEST:

_____
Gail Wadsworth
Clerk and Ex Officio
Clerk to the Board

_____
James A. Darby
Chairman

APPROVED AS TO FORM:

_____
Carl E. Kern, County Attorney

IV. EXHIBITS:

A. Administrative Budget for each fiscal year covered in the Plan.

B. Timeline for Estimated Encumbrance and Expenditure.

C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan.

D. Signed LHAP Certification.

E. Signed, dated, witnessed or attested adopting resolution.

F. Ordinance: (If changed from the original creating ordinance).Program Information Sheet.

G. Interlocal Agreement.

H. Flagler County Procurement Policy.

I. Flagler County Replacement Home Guidelines.

J. Flagler County Subordination Policy.

ADMINISTRATIVE BUDGET FOR EACH FISCAL YEAR

Exhibit A

LHAP 2015
Exhibit A
67-37.005(1), F.A.C.
Effective Date: 10/2014

Flagler County

Fiscal Year: 2016-2017			
Estimated Allcoation for Calculating:	$	504,456.00	
Salaries and Benefits	$	45,445.00	
Office Supplies and Equipment	$	1,000.00	
Travel Perdiem Workshops, etc	$	1,000.00	
Advertising	$	1,000.00	
Other	$	2,000.00	
Total	$	50,445.00	0.099999
Fiscal Year: 2017-2018			
Estimated Allcoation for Calculating:	$	504,456.00	
Salaries and Benefits	$	45,445.00	
Office Supplies and Equipment	$	1,000.00	
Travel Perdiem Workshops, etc	$	1,000.00	
Advertising	$	1,000.00	
Other	$	2,000.00	
Total	$	50,445.00	0.099999
Fiscal Year 2018-2019			
Estimated Allcoation for Calculating:	$	504,456.00	
Salaries and Benefits	$	45,445.00	
Office Supplies and Equipment	$	1,000.00	
Travel Perdiem Workshops, etc	$	1,000.00	
Advertising	$	1,000.00	
Other	$	2,000.00	
Total	$	50,445.00	0.099999

Exhibit B
Timeline for SHIP Expenditures

Flagler County *confirms that funds allocated for these fiscal years will meet the following deadlines:*
(local government)

Fiscal Year	Encumbered	Expended	1st Year AR	2nd Year AR	Closeout AR
2016-2017	6/30/2018	6/30/2019	9/15/2017	9/15/2018	9/15/2019
2017-2018	6/30/2019	6/30/2020	9/15/2018	9/15/2019	9/15/2020
2018-2019	6/30/2020	6/30/2021	9/15/2019	9/15/2020	9/15/2021

If funds allocated for these fiscal years is not anticipated to meet any of the deadlines in the table above, Florida Housing Finance Corporation will be notified according to the following chart:

Fiscal Year	Funds Not Encumbered	Funds Not Expended	1st Year AR Not Submitted	2nd Year AR Not Submitted	Closeout AR Not Submitted
2016-2017	3/30/2018	3/30/2019	6/15/2017	6/15/2018	6/15/2019
2017-2018	3/30/2019	3/30/2020	6/15/2018	6/15/2019	6/15/2020
2018-2019	3/30/2020	3/30/2021	6/15/2019	6/15/2020	6/15/2021

Requests for Expenditure Extensions (close-out year ONLY) must be received by FHFC by June 15 of the year in which funds are required to be expended. The extension request shall be emailed to robert.dearduff@floridahousing.org and terry.auringer@floridahousing.org **and include:**

1. A statement that "(city/county) requests an extension to the expenditure deadline for fiscal year _____.
2. The amount of funds that is not expended.
3. The amount of funds that is not encumbered or has been recaptured.
4. A detailed plan of how/when the money will be expended.

Note: an extension to the expenditure deadline (June 30) does not relieve the requirement to submit (September 15) the annual report online detailing all funds that have been expended. Please email terry.auringer@floridahousing.org *when you are ready to "submit" the AR.*

Other Key Deadlines:

AHAC reports are due for each local government by **December 31** of the year prior to the local government's LHAP being submitted. Local governments receiving the minimum or less allocation are not required to report.

LHAP Exhibit C 2015

Please check applicable box	
New Plan:	X
Amendment:	
Fiscal Yr. Closeout:	2019/2020

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2016-2017

Name of Local Government: Flagler County

Allocation:	$504,456.00

Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
2	Purchase Assistance without Rehab	1	$50,000	3	$40,000	1	$10,000	$180,000.00			$180,000.00	35.68%	5
3	Owner Occupied Rehabilitation	0	$35,000	1	$35,000	0	$0		$27,328.40		$27,328.40	5.42%	1
4	Demolition/Reconstruction	1	$189,682	0	$189,682	0	$0	$189,682.00			$189,682.00	37.60%	1
5	Disaster Repair/Mitigation	0	$4,000	1	$4,000	0	$4,000		$4,000.00		$4,000.00	0.79%	1
6	Emergency Repair	1	$10,000	1	$10,000	0	$0				$20,000.00	3.96%	2
7	Foreclosure Prevention	1	$4,000	1	$4,000	1	$4,000			$12,000.00	$12,000.00	2.38%	3
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	4		7		2		$369,682.00	$31,328.40	$12,000.00	$433,010.40	85.84%	13

	RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
23	Rapid Rehousing	2	$5,000	1	$5,000	0	0				$15,000.00	2.97%	3
						0	0				$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownership	2		1		0		$0.00	$0.00	$0.00	$15,000.00	2.97%	3
	Administration Fees										$50,445.60	10.00%	
	Admin. From Program Income											0.00%	
	Home Ownership Counseling										$6,000.00	1.19%	
	GRAND TOTAL Add Subtotals 1 & 2, plus all Adm	6		8		2		$369,682.00	$31,328.40	$12,000.00	$504,456.00	100.00%	16

Percentage Construction/Rel	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.			79%	
Maximum Allowable Purchase Price:		New	$189,682	Existing	$189,682

Allocation Breakdown	Amount	%
Very-Low Income	$253,682.00	50.3%
Low Income	$186,328.40	36.9%
Moderate Income	$14,000.00	2.8%
TOTAL		90.0%

Projected Program Income:		Max Amount Program Income For Admi	$0.00
Projected Recaptured Funds:			
Distribution:	$504,456.00		
Total Available Funds:	$504,456.00		

LHAP Exhibit C 2015

Please check applicable box	
New Plan:	X
Amendment:	
Fiscal Yr. Closeout:	2020/2021

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2017-2018

Name of Local Government: Flagler County

Estimated Funds:	$504,456.00

Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
2	Purchase Assistance without Rehab	1	$50,000	3	$40,000	1	$10,000	$180,000.00			$180,000.00	35.68%	5
3	Owner Occupied Rehabilitation	0	$35,000	1	$35,000	0	$0		$27,328.40		$27,328.40	5.42%	1
4	Demolition/Reconstruction	1	$189,682	0	$189,682	0	$0	$189,682.00			$189,682.00	37.60%	1
5	Disaster Repair/Mitigation	0	$4,000	1	$4,000	0	$4,000		$4,000.00		$4,000.00	0.79%	1
6	Emergency Repair	1	$10,000	1	$10,000	0	$0		$20,000.00		$20,000.00	3.96%	2
7	Foreclosure Prevention	1	$4,000	1	$4,000	1	$4,000			$12,000.00	$12,000.00	2.38%	3
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	4		7		2		$369,682.00	$51,328.40	$12,000.00	$433,010.40	85.84%	13

	RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
23	Rapid Rehousing	2	$5,000	1	$5,000						$15,000.00	2.97%	3
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownershi	2		1		0		$0.00	$0.00	$0.00	$15,000.00	2.97%	3
	Administration Fees										$50,445.60	10.00%	
	Admin. From Program Income											0.00%	
	Home Ownership Counseling										$6,000.00	1.19%	
	GRAND TOTAL Add Subtotals 1 & 2, plus all Adi	6		8		2		$369,682.00	$51,328.40	$12,000.00	$504,456.00	100.00%	16

Percentage Construction/Re	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.			83%	
Maximum Allowable Purchase Price:		New	$189,682	189682	

Allocation Breakdown	Amount	%
Very-Low Income	$253,682.00	50.3%
Low Income	$186,328.40	36.9%
Moderate Income	$14,000.00	2.8%
TOTAL		90.0%

Projected Program Income:	$0.00	Max Amount Program Income For Admi	$0.00
Projected Recaptured Funds:	$0.00		
Distribution:	$504,456.00		
Total Available Funds:	$504,456.00		

LHAP Exhibit C 2015

Please check applicable box	
New Plan:	X
Amendment:	
Fiscal Yr. Closeout:	2021/2022

FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
2018-2019

Name of Local Government: Flagler County

Estimated Funds: $504,456.00

Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
2	Purchase Assistance without Rehab	1	$50,000	3	$40,000	1	$10,000	$180,000.00			$180,000.00	35.68%	5
3	Owner Occupied Rehabilitation	0	$35,000	1	$35,000	0	$0		$27,328.40		$27,328.40	5.42%	1
4	Demolition/Reconstruction	1	$189,682	0	$189,682	0	$0	$189,682.00			$189,682.00	37.60%	1
5	Disaster Repair/Mitigation	0	$4,000	1	$4,000	0	$4,000		$4,000.00		$4,000.00	0.79%	1
6	Emergency Repair	1	$10,000	1	$10,000	0	$0		$20,000.00		$20,000.00	3.96%	2
7	Foreclosure Prevention	1	$4,000	1	$4,000	1	$4,000			$12,000.00	$12,000.00	2.38%	3
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	4		7		2		$369,682.00	$51,328.40	$12,000.00	$433,010.40	85.84%	13

	RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
23	Rapid Rehousing	2	$5,000	1	$5,000	0	0				$15,000.00	2.97%	3
						0	0				$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
											$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownership)	2		1		0		$0.00	$0.00	$0.00	$15,000.00	2.97%	3
	Administration Fees										$50,445.60	10.00%	
	Admin. From Program Income											0.00%	
	Home Ownership Counseling										$6,000.00	1.19%	
	GRAND TOTAL Add Subtotals 1 & 2, plus all Adm	6		8		2		$369,682.00	$51,328.40	$12,000.00	$504,456.00	100.00%	16

Percentage Construction/Reh: Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. 83%

Maximum Allowable Purchase Price:	New	$189,682	Existing	$189,682

Allocation Breakdown	Amount	%
Very-Low Income	$253,682.00	50.3%
Low Income	$186,328.40	36.9%
Moderate Income	$14,000.00	2.8%
TOTAL		90.0%

Projected Program Income:	$0.00	Max Amount Program Income For Admi	$0.00
Projected Recaptured Funds:	$0.00		
Distribution:	$504,456.00		
Total Available Funds:	$504,456.00		

CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION

Local Government: Flagler County

(1) The local government will advertise the availability of SHIP funds pursuant to Florida Statutes.

(2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, religion, color, age, sex, familial or marital status, handicap, or national origin.

(3) A process for selection of recipients for funds has been developed.

(4) The eligible municipality or county has developed a qualification system for applications for awards.

(5) Recipients of funds will be required to contractually commit to program guidelines.

(6) The Florida Housing Finance Corporation will be notified promptly if the local government (or interlocal entity) will be unable to comply with the provisions the plan.

(7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds within 24 months following the end of the State fiscal year in which they are received.

(8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan.

(9) Amendments to the approved Local Housing Assistance Plan shall be provided to the Corporation with in 21 days after adoption.

(10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities such as interest earned on loans.

(11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.

(12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be forwarded to the Corporation as soon as available.

13) An interlocal entity shall have its local housing assistance trust fund separately audited for each state fiscal year, and the audit forwarded to the Corporation as soon as possible.

(14) SHIP funds will not be pledged for debt service on bonds or as rent subsidies.

(15) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.

(16) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to service eligible persons.

(17) Rental Units constructed or rehabilitated with SHIP funds shall be monitored at least annually for 15 years for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e)

(18) The Plan meets the requirements of Section 420-907-9079 FS, and Rule Chapter 67-37 FAC, and how each of those requirements shall be met.

(19) The provisions of Chapter 83-220, Laws of Florida ____ ***has or*** __X__ ***has not*** been implemented.

(note: Miami Dade County will check "has")

Barbara S Revels

Witness

Chief Elected Official or designee

Barbara S. Revels, Chair

Witness

As approved by the Board of County Commissioners

Sgt per Valerie Bradley

Date 12-15-16

OR

Lizia Fenicello, DC

Attest:
(Seal)

Exhibit E

FLAGLER COUNTY RESOLUTION No. 2016 - 08

A RESOLUTION OF FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT PURSUANT TO SECTIONS 420.907-420.9079, FLORIDA STATUTES, AND CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE NECESSARY DOCUMENTS AND CERTIFICATIONS; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING THE USE OF UP TO 10% OF THE LOCAL HOUSING DISTRIBUTION FOR ADMINISTRATIVE COSTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907 - 420.9079, Florida Statutes, and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; the methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, the Affordable Housing Advisory Committee (AHAC) has prepared a three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public for Flagler County to submit the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THAT:

Section 1: The Board determines that five percent (5%) of the Local Housing Distribution is insufficient to adequately pay the administrative costs of the SHIP Program. The Board hereby finds it necessary to use not more than ten percent (10%) of the Local Housing Distribution to pay for the administrative costs of the SHIP Program. The Board also finds that no more than five percent (5%) of the program income will be used for Administrative costs of the SHIP Program.

Section 2: The Flagler County Board of County Commissioners hereby approves the Local Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by Sections 420.907 - 420.9079, Florida Statutes, for fiscal years 2013-2014, 2014-2015 and 2015-2016.

Section 3: The Chair of the Flagler County Board of County Commissioners is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.

Section 4: This Resolution shall take effect upon its adoption.

ADOPTED THIS 15th DAY OF February, 2016.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

Barbara S. Revels, Chair

ATTEST:

Gail Wadsworth, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney
per Valerie Bradley

RESOLUTION 2016 - 14
LOCAL HOUSING ASSISTANCE PROGRAM (LHAP)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN, AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907 THROUGH 420.9079, FLORIDA STATUTES, AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast and Flagler County Board of County Commissioners entered into an Interlocal Agreement for a Joint Local Housing Assistance Program on April 7, 2009; and

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907 through 420.9079, Florida Statutes, and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; the methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, the Affordable Housing Advisory Committee (AHAC) has recommended approval of the three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the City Council finds that it is in the best interest of the public to approve the Local Housing Assistance Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. APPROVE LOCAL HOUSING ASSISTANCE PLAN. The City Council of the City of Palm Coast hereby approves the Local Housing Assistance Plan, as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 2. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

SECTION 3. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 16th day of February 2016.

CITY OF PALM COAST, FLORIDA

JON NETTS, MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Local Housing Assistance Plan

Approved as to form and legality

William E. Reischmann, Jr., Esq.
City Attorney

INTERLOCAL AGREEMENT FOR THE JOINT LOCAL HOUSING ASSISTANCE PROGRAM

This **INTERLOCAL AGREEMENT** ("Agreement") is made and entered into by and between **FLAGLER COUNTY**, a political subdivision of the State of Florida (the "County"), whose address is 1769 East Moody Boulevard, Building 2, Bunnell, FL 32110, and the **CITY OF PALM COAST**, a Florida municipal corporation ("City"), whose address is 160 Cypress Point Parkway, Suite B-106, Palm Coast, FL 32164, hereinafter collectively referred to as "the Parties."

WITNESSETH

WHEREAS, the City and County desire to cooperate in order to provide for the housing needs of their citizens efficiently and in the most cost effective manner; and

WHEREAS, the State Housing Initiative Partnership Act, Florida Statutes §§ 420-907 - 420-9079 ("SHIP"), provides for the establishment of local housing assistance programs; and

WHEREAS, Flagler County is an approved county and the City of Palm Coast is an eligible municipality within Flagler County, Florida to provide local housing assistance under SHIP; and

WHEREAS, the Parties wish to provide for the housing needs of their citizens, and to promote the efficient location, design, and provision of affordable housing; and

WHEREAS, the County has an established local housing assistance program and qualified staff who manage the program; and

WHEREAS, the City is eligible to receive direct disbursements as authorized by SHIP and is eligible to establish a local housing assistance program; and

WHEREAS, the City and County wish to provide housing assistance to those areas with the greatest needs regardless of jurisdictional boundaries; and

WHEREAS, SHIP encourages the establishment of joint local housing assistance programs, and provides for the entering into of interlocal agreements for the establishment and implementation of such joint programs; and

WHEREAS, the Parties wish to establish a joint local housing assistance program for the purpose of establishing and implementing a more comprehensive local housing assistance program; and

WHEREAS, SHIP authorizes monies to be distributed to approved counties and eligible municipalities within the county pursuant to an interlocal agreement; and

CAO _____

WHEREAS, the Parties desire to distribute monies available under SHIP pursuant to this Agreement and to provide for the County's implementation and administration of SHIP's requirements; and

WHEREAS, the Parties desire to distribute other funding that may become available for housing programs consistent with this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth, the Parties agree as follows:

1. Definitions. For the purposes of this Agreement, the definitions contained in SHIP and Chapter 67-37, Florida Administrative Code, as they may be amended from time to time, are adopted herein by reference.

2. Establishment of Joint Local Housing Assistance Program. The Parties agree to establish a joint local housing assistance program ("Program"), pursuant to the requirements of §§ 420.907 - 420.9079, Florida Statutes, or any amended or successor statute, and other applicable law. The Program shall consist of the County's current Local Housing Assistance Plan (LHAP) which shall be adopted by resolution of each of the Parties. The LHAP shall only be amended by resolution of each of the Parties pursuant to the provisions of SHIP. Technical revisions shall be approved by resolutions of the Parties. Incentive Strategies applicable to the City shall be included in the LHAP by May 2, 2010. The Parties agree to cooperate in developing future joint updates to the LHAP.

3. Administration of the Program. The County shall be solely responsible for the administration and implementation of the Program in accordance with the provisions of SHIP.

a. The County shall prepare and provide the City one annual report consistent with Florida Statutes..

b. The County shall establish, or cause to be established, all of the administrative criteria or requirements necessary or desirable to implement SHIP.

4. Administration of Trust Fund. The County has established a specially designated and dedicated Affordable Housing Assistance Trust Fund (~~"Trust Fund"~~) within the official fiscal and accounting records of the County. All monies received from the state on behalf of the City or the County pursuant to SHIP, and any funds received or budgeted on behalf of the City or the County to provide funding for the Program, shall be deposited into the Affordable Housing Assistance Trust Fund~~County's Trust Fund~~.

a. -The Parties agree that under SHIP, the amount allowed for administrative costs does not cover the County's current costs associated with administering the program. If changes occur to SHIP to allow for additional

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funds for administrative costs, the Parties agree to take all actions necessary to ensure that the County's costs associated with administering the program are reimbursed through SHIP to the maximum extent possible.

~~The Parties agree to take all actions necessary to maximize the amount (or percentage) of administrative costs allowable pursuant to SHIP.~~

b. Any required audit shall be performed in accordance with the provisions of SHIP, as well as the provisions of Sections 218.39 and 215.97, Florida Statutes, or any amended or successor statute, as well as Chapter 10.550, Rules of the Auditor General.

5. Distribution of Funds Available Pursuant to SHIP / Affordable Housing Programs. All monies available to the City and the County pursuant to SHIP or other affordable housing programs shall be distributed to the County as provided in the SHIP Act or other affordable housing program regulations.

a. Directions to Corporation. The City and the County direct the Florida Housing Finance Corporation (the "Corporation") or any other affordable housing agencies to distribute the monies allocated in accordance with this Agreement.

b. Deposit of Funds. The monies distributed by the Corporation or any other affordable housing agency will be deposited into the Affordable Housing Assistance Trust Fund~~Flagler County Trust Fund~~.

c. The Corporation or other agency shall be notified by the Parties of any change in this Agreement.

d. The County shall administer and distribute the funding in accordance with the adopted LHAP pursuant to the provisions of the SHIP Act or any other applicable regulation and this Agreement.

e. The City and County wish to provide housing assistance regardless of jurisdictional boundaries, and therefore will not restrict the distribution of SHIP Program funds to any particular jurisdictional boundary.

f. The County shall utilize good faith efforts to recapture SHIP Program funding. The County shall return all recaptured and recycled SHIP Program funds into the Affordable Housing Assistance Trust Fund~~Flagler County Trust Fund~~.

6. Expenditure of Funds Available Pursuant to SHIP. The County will ensure that SHIP funds disbursed from the Affordable Housing Assistance Trust Fund ~~Flagler County Trust Fund~~ are at all times expended in accordance with SHIP's

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requirements, provide income verification and certification for all applicants for SHIP funding assistance, monitor and determine applicant eligibility and the amount of SHIP funding assistance pursuant to SHIP's guidelines.

7. . **Appointment to Flagler County Affordable Housing Advisory Committee ("AHAC").** As vacancies occur on AHAC, the City and County shall share in the appointment of members to fill those seats whenever possible on an alternating basis, and the positions shall be filled with representatives from the various industry groups specified in the SHIP Act as may be amended from time to time. The first appointment following the approval of this Agreement shall be by the City. To the extent possible, representation on AHAC shall be roughly divided between City and County appointees.

8. **Modification of Agreement.** This Agreement may only be modified by written agreement of the Parties and adopted with the same formalities as the adoption of this Agreement. Amendments to the Program or this Agreement shall not become effective until reviewed and approved in accordance with SHIP.

9. **Administration of Other Available Funds for Affordable/Workforce Housing Program.** Upon mutual agreement of the Parties, the City may transfer to the County any other available funds dedicated for implementation of affordable/workforce housing programs or projects. Expenditure of such funds shall be for programs or projects within the municipal boundaries of the City.

10. **Cooperation and Coordination of other Federal/State Programs.** The City at its discretion may elect to participate in other Federal/State Programs (i.e. CDBG, Neighborhood Stabilization Program, etc.) provided no such program operates through the County or the joint City/County LHAP without the mutual consent of the Parties. The City may elect to coordinate with the County to implement and share the administration costs of such programs with the County. Agreements for such cooperative efforts shall be memorialized in a Memorandum of Agreement between the City Manager and the County Administrator.

11. **Term and Termination of Agreement.**

a. Term of Agreement. The term of this Agreement shall run concurrently with the distribution of monies pursuant to the Act (which is currently based on the fiscal year of the State of Florida, i.e. July 1 through June 30), unless earlier terminated pursuant to other provisions of this Agreement. For so long as this Agreement remains effective, the Parties agree that they will not do anything to jeopardize the other Party's right to receive its distributions pursuant to SHIP.

b. Termination of Agreement. No later than January 1 of each year, the City or the County may elect to terminate this agreement without cause by providing written

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notice of termination to the other Party. In the event of a notice of termination, this Agreement shall terminate and be of no further force or effect as to either Party on July 1 of the year following the receipt of the termination notice; provided, however, that all Program funds (which includes the state distribution and program income received) by the County prior to the date of termination shall continue to be governed by the provisions of this Agreement as if the termination had not occurred. In the event of a termination, the Parties agree to mutually advise the Corporation of the termination of this Agreement, and to provide for the continued orderly payment of those funds to be distributed pursuant to SHIP necessary to fulfill outstanding encumbrances, if any.

12. Interpretation. The language of this Agreement has been agreed to by both Parties to express their mutual intent and no rule of strict construction shall be applied against either Party. The headings contained in this Agreement are for reference purposes only and do not affect in any way the meaning or interpretation of this Agreement.

13. Notices. Whenever either Party desires to give notice unto the other, such notice must be in writing, sent by registered United States mail, return receipt requested, addressed to the Party for whom it is intended at the place specified below. The place for giving of notice shall remain the same until it shall have been changed by written notice in compliance with the provision of this paragraph. For the present, the Parties designate the following as the respective place for giving of notice:

FOR FLAGLER COUNTY:

Flagler County
County Administrator
1769 E. Moody Blvd., Bldg. #2, Suite #302
Bunnell, Florida 32110

With copy to:
SHIP Administrator, Office of Financial Services
1769 E. Moody Blvd., Bldg. #2, Suite #307
Bunnell, Florida 32110

FOR THE CITY OF PALM COAST:

City of Palm Coast
City Manager
160 Cypress Point Parkway, Suite B-106
Palm Coast, Florida 32164

With copy to:
Director of Community Development
160 Cypress Point Parkway, Suite B-106
Palm Coast, Florida 32164

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14. **Severability.** Any provision of this Agreement held by a court of competent jurisdiction to be invalid, illegal, or unenforceable shall be severable and shall not be construed to render the remainder to be invalid, illegal, or unenforceable.

15. **Effective Date.** The effective date of this Agreement shall be the date upon which both Parties have approved this Agreement or July 1, 2009, whichever occurs later.

16. **Liability.** Nothing is intended to serve as a waiver of sovereign immunity by any Party to which sovereign immunity may be applicable. Nothing shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract. All Parties are municipal corporations or political subdivisions of the State of Florida as defined in Section 768.28, Florida Statutes, or any amended or successor statute, and agree to be fully responsible for acts and omissions of their agents or employees to the extent permitted by law.

17. **Limitations of Agreement.** It is not the intent of this agreement to change the jurisdiction of the Parties in any manner except as specifically provided. All other policies, rules, regulations and ordinances of the Parties will continue to apply as to properties located within the jurisdictional boundaries of each Party.

18. **Filing of Interlocal Agreement.** Pursuant to the provisions of Section 163.01 (11), Florida Statute, this Interlocal Agreement shall be filed with the Clerk of the Circuit Court in and for Flagler County, Florida.

19. **Employee Status.** Persons employed by either Party in the performance of services and functions pursuant to this Agreement shall not be deemed to be employees of the other Party nor shall they have any claim to pension, worker's compensation, civil service or other employee rights or privileges granted by the other Party to its officers and employees.

IN WITNESS WHEREOF, the Parties have made and executed this Agreement on the respective dates under each signature.

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk of the Board

BOARD OF COUNTY COMMISSIONERS,
OF FLAGLER COUNTY, FLORIDA

Milissa Holland

Milissa Holland, Chair
Date: APRIL 6, 2009

Approved as to form:

CAO

Albert J. Hadeed, County Attorney

ATTEST:

Clare Hoeni, City Clerk

Approved as to form:

William E. Reischmann, Jr., City Attorney

CITY OF PALM COAST, FLORIDA

Jon Netts, Mayor

Date: 4/7/09

CAO_____

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FLAGLER COUNTY

PURCHASING POLICY

POLICY NO. 02-01
REPEALING AND REPLACING
POLICY NO. 91-4 and POLICY NO. 93-4

REVISED AUGUST 2002
BY
JANET J. ANDERSON, CPPB
PURCHASING MANAGER

FLAGLER COUNTY
PURCHASING POLICY

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POLICY NO. 02-01

REPEALING AND REPLACING POLICY NO. 91-4 AND NO. 93-4

POLICY: IT SHALL BE THE PUCHASING POLICY OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

MISSION

The mission of the Purchasing Policy is to maximize the purchasing value of public funds in procurement; to provide safeguards for maintaining a procurement system of quality and integrity; and to provide for fair and equitable treatment of all persons involved in public purchasing by the County.

SECTION 1.0 Concepts and Objectives

This policy, set by the Board of County Commissioners of Flagler County (hereinafter referred to as "Board"), governs all of the procurement made by the Board. Constitutional Officers and other County agencies are encouraged to avail themselves of the services of the Purchasing Office as outlined in this policy. No contract or purchase shall be subdivided to avoid the requirement of this policy.

1.1 Concepts

1. The Purchasing function is to ensure that purchasing laws, rules and regulations are enforced and carried out under the highest ethical standards. Strict adherence by all County officers, employees, agents and by the suppliers and contractors to specific ethical considerations is required to maintain the confidence of the public, the County and the business community in the expenditures of County funds.

2. To procure for the County the highest quality in commodities and services at the least expense and/or the best value to enable the greatest cost effectiveness in performance to the County.

3. To encourage uniform bidding and to endeavor to obtain full and open competition on all purchases and sales.

4. To keep informed of current developments in the field of purchasing, prices, market conditions and new products to secure for the County the benefits of research done in the field of purchasing, prices, market conditions and new products and to secure for the County the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

1.2 Objectives

The objectives of the Purchasing Policy are:

1. To deal fairly and equitably with all suppliers wishing to do business with Flagler County.

2. To assure adherence to all purchasing laws, regulations, and procedures.

3. To maximize competition for all procurements.

4. To obtain maximum savings through bulk purchases and other value adding techniques.

5. To administer the contracting function with internal efficiency.

6. To purchase goods and services at the lowest price, consistent with quality, performance, and delivery requirements from capable suppliers meeting the County's needs.

7. To obtain maximum value from transfer, trade, sale or other disposition of surplus and/or obsolete property.

SECTION 1.3 Purchasing Policy Ethics

1. Acceptance of gifts at any time, other than advertising novelties, is prohibited. Acceptance of entertainment also is prohibited. Employees must not become obligated to any suppliers and shall not conclude any County transaction from which they may personally benefit.

2. No County officer or employee shall bid for, enter into, or be in any manner interested in any contract for County purchases or County public works, nor shall any officer or employee seek to influence the purchase of a product or service from any bidder; except this restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and council with respect to the purchase.

3. The provisions of Section 112.313, Florida Statutes, pertaining to standards of conduct for public officers, employees of agencies, and local government attorneys expressly apply to the Flagler County Purchasing Policy. A violation of Section 112.313, Florida Statutes, pertaining to purchasing or contractual relationships shall also be deemed a violation of this Policy. Specific statutory provisions pertaining to purchasing and contracting include but are not limited to: Section 112.313 (standards of conduct), Section 180.24 (bids on construction contracts), Section 218.70, et. seq. (the Florida Prompt Payment Act), Section 225.20 (local bid law), Section 287.055 (consultants' competitive negotiation act), Section 336.41 and 336.44 (county roadwork).

SECTION 2.0 Purchasing Categories; Encumbrance of Funds

2.1 Purchasing Categories: Threshold Amounts

A. Small purchases:	Not to exceed $749.99
B. Blanket Purchase Orders Non-contractual basis:	Not to exceed $9,999.99
C. Blanket Purchase Orders Contractual basis:	Not to exceed $24,999.99
D. Competitive Verbal Quotes/Proposals:	$750.00 not to exceed $1,499.99
E. Competitive Written Quotes/Proposal:	$1,500.00 not to exceed $24,999.99
F. Competitive Sealed Bids/Proposal:	$25,000.00 and over

2.2 Encumbrance of Funds

The County Purchasing Manager, except in cases of emergency as determined by the County Administrator, shall not issue any order for delivery on a contract or open market purchase until there is, to the credit of the using department concerned, a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order and the order is for a budgeted commodity or service. All purchase orders shall be supported by a properly submitted requisition.

It is the responsibility of the requesting department to ensure sufficient and proper funding is available prior to submitting a purchase requisition.

A purchase order shall be issued only upon receipt of an acceptable, authorized requisition, after having justification, competitive quotes or bids, and after determination of the availability of funds.

If a purchase changes the exterior appearance of a County facility, the change must be approved by the Board. Examples would be buildings and landscaping.

Exception: The County Administrator may authorize unencumbered purchases, not to exceed one thousand dollars ($1,000) upon request of the using department. The using department shall make the request to the County Administrator on purchases that are generally not definable as an emergency, but rather purchases wherein the encumbrance process cause a hardship to the using agency in terms of work delays.

SECTION 3.0 PURCHASE GUIDELINE

3.1 Small Purchases

Procurement for commodities and services when cost thereof is seven hundred forty nine dollars and 99 cents ($749.99) or less does not require solicitation of quotes, except when deemed practical by the Purchasing Manager.

3.2 Competitive Quotes (Verbal)

Procurement for commodities and services when cost thereof is seven hundred fifty dollars ($750.00) or greater, but is less than one thousand five hundred dollars ($1,500.00) shall require competitive verbal quotations from two or more vendors to the user department and shall be awarded by the Purchasing Manager to the lowest and/or best value responsive responsible bidder meeting specifications. Verbal quotes shall be annotated on a form retained by the Purchasing Manager.

3.3 Competitive Written Quotes/Proposals (less than $25,000.00)

Competitive Written Proposals for all purchases of commodities and services when estimated cost thereof is one thousand five hundred dollars and 00 cents ($1,500.00) or greater, but is less than twenty five thousand dollars ($25,000.00), shall be mailed or faxed to three or more vendors to include general/special specifications depicting date, time and place of opening. The Purchasing Manager shall have authority to make award of said bid that is less than ten thousand dollars ($10,000.00) to the lowest and/or best value responsive responsible bidder. The County Administrator shall have the authority to make award of said bid that is ten thousand dollars or more and less than twenty five thousand dollars ($25,000.00) to the lowest and/or best value responsive responsible bidder.

3.4 Competitive Sealed, Written Bids/Proposals (greater than $25,000)

Competitive Sealed Written Bids for all purchases of commodities and services when the estimated cost thereof shall be greater than twenty five thousand dollars ($25,000) comply with Section 4.

3.5 Competitive Fuel Quotes (Verbal)

The significant daily fluctuating of fuel price requires a departure from normal bid procedures. Procurement for fuel may be verbal and shall not exceed forty thousand dollars ($40,000) per fuel depot, per order and the award shall be made by the Purchasing Manager and/or County Administrator. A record of the vendor quotes shall be maintained by the Purchasing Manager.

3.6 Emergency Procurement

Emergencies under this section shall be as defined in the Policy Definitions, or as provided by Chapter 252, Florida Statutes, as may be amended from time to time.

Following all purchases under this emergency procurement section, a report shall be prepared by the user, with complete documentation, clearly stating the justification for exception from normal purchasing policy procedures.

1. In the case of emergencies that require the immediate purchase of goods or services, the County Administrator or his designee shall be empowered to secure such goods or services without competitive bidding. In this event, all measures as are reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the County of the goods or services procured.

2. In addition, a Department Head or Department Supervisor, during non-business hours, is authorized to make purchases without competitive bids, when an emergency arises and such purchases are necessary to protect the health, safety, welfare, or property of the County or any of its citizens.

3. Documentation for emergency purchases pertaining to the above shall be submitted to the Purchasing Manager with a detailed explanation, and support materials attached if applicable, within ten working days after the event occurred. Emergency purchases that meet the $25,000 or greater amount shall be submitted to the Board for ratification.

3.7 Continuing Supply Contract Procurement

Continuing supply contracts shall not be exempted from bid bond requirements except when deemed necessary by the Purchasing Manager to be in the best interest of the County.

3.8 Blanket Purchase Orders

1. Non-contractual Basis – No purchase order shall be issued for an amount greater than the limit established for a non-contractual blanket purchase order in Section 1.0 of this policy for the purchase of goods or services not under a contractual arrangement authorized under this purchasing policy or approved by the Purchasing Manager.

2. Contractual Basis – No purchase order shall be issued for an amount greater than the limit established for a contractual blanket purchase order in Section 1.0 of this policy for the purchase of goods or services unless approved by the Board. The Purchasing Manager shall have the authority to make award of said bid that is less than ten thousand dollars ($10,000.00) to the lowest and/or best value responsive responsible bidder. The County Administrator shall have the authority to make award of said bid that

is greater than ten thousand dollars and less than twenty five thousand ($25,000.00) to the lowest and/or best value responsive responsible bidder.

3.9 Local Preference

In the purchase of, or contract for, goods and services in an amount less than $2,000, the County may give a preference in an amount not to exceed 5% of the quote by local persons, firms or corporations; provided, however, that this preference in no way prohibits the rights of the County to compare quality of materials proposed for purchase and to compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids. Local persons, firms or corporations shall be defined as those whose principal place of business is located within the boundaries of the County of Flagler, Florida.

3.10 Cooperative Purchasing

The Purchasing Manager shall have the authority to purchase from and join with other units of governments in cooperative purchasing ventures when the best interest of the County would be served thereby. It is standard policy of Purchasing to cooperate with other government agencies in the purchase of goods and services required by the County.

The most common form of cooperative purchasing is purchasing from contracts issued by the State of Florida, General Services Administration, and other government pricing for specific commodities and services.

When any other government agency has competitively bid and awarded any contract for any product or service, Flagler County may purchase that product or service from the awarded vendor at the awarded price if the original bid specifications and award allow it. Where the public purchasing unit administering a cooperative purchase complies with the requirements of this policy, the County, when participating in such a purchase, shall be deemed to have complied with the provisions of this policy.

Flagler County Purchasing office may bid and award the purchase of any product or service with the stipulation that any other government agency may also purchase the awarded product or service at the same awarded price.

It may prove advantageous for the County and other government agencies to explore the possibility of combining their respective requirements for certain commodities and issuing a joint cooperative bid/RFP.

Documentation requirements:

The following documentation is the minimum required to use another government entities awarded contract.

FLORIDA STATE CONTRACTS & SNAPS CONTRACTS: The current Florida State or SNAPS Contract Number is required. If the contract has fixed unit prices, a copy of the contract is required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in a form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

GSA CONTRACTS: A copy of the GSA contract showing the contract name, number and contract term is required. The ordering information page(s) and the page(s) with the pricing are also required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in the form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

Contracts from other Government Entities: Required are: (a) complete copy of the original bid/RFP; (b) copy of award letter/memo/agenda item by the government entity to the vendor; and (c) complete copy of vendor's proposal.

3.11 Signatures

Authorized signatures for the user departments are required at the various dollar thresholds per the Purchasing Policy. The Purchasing Manager or designee is authorized to sign all purchase orders when all policy procedures have been adhered to.

3.12 Receiving and Inspection

It shall be the responsibility of each department to have an individual, immediately upon receipt of product or service, to inspect that product or service to ensure that it meets the specifications as set forth in the purchase order. The person should inspect for proper quantities, proper quality, no damage and prompt delivery. The receiving person should have available a copy of the purchase order for verification purposes. Any deviations should be immediately documented and sent to the supplier and to Purchasing Division.

Signing a delivery slip does not necessarily constitute acceptance of an order. Any problems with an order should be documented and reported to Purchasing as soon as possible and for assistance in resolving the issue. Time is of the essence when dealing with problems on an order. If items received are damaged or defective, the Department receiving the goods should not use the items and immediately notify the vendor for the corrective action. Failure to timely advise the vendor and/or freight carrier may limit your remedies. Also if an item is delivered damaged, the receiving user has the responsibility to protect it and all packing materials from any further damage, and to make it available to the vendor and/or carrier for inspection.

When signing for services performed, sign only for what was actually performed. Never sign blank invoices or service tickets. Always insist that your Department receives a copy of the service/delivery ticket for the work performed.

3.13 Freight/Shipping and Handling Issues

Transportation of a product to the required delivery site is an additional expense to be considered. When obtaining quotes, bids, the using department should request the price be quoted including delivery, or delivery costs should be quoted, bid as a separate line item. When processing purchase requests it should always include delivery in the bid price.

Transportation is usually described as "F.O.B.:Destination," or "F.O.B.:Shipping Point." These are legal definitions and define when title, or ownership passes from the seller to the buyer, who is responsible for any loss and who generally pays the freight and transportation costs.

F.O.B.:Destination: Title/ownership passes to the buyer (the County) when the goods are accepted by the County and the seller normally pays all transportation costs. If anything happens to the goods in transit, the County does not have to pay the seller and the seller must file any claims and settle with the transportation company for damages. When proceeding with quotes or bids you should state to the vendor that you want the goods shipped F.O.B.:Destination. **THIS IS THE BEST METHOD FOR THE COUNTY.**

F.O.B.:Shipping Point (Origin): Title/ownership, passes to the buyer (the County) when the goods leave the seller's dock and the County pays all transportation costs. If anything happens to the goods in transit, the County must still pay the seller and must file claims and settle with the transportation company for damages. If this method is chosen, then the user department must specify the transportation carrier and the terms and conditions. This method is very disadvantageous to the County and can be very expensive to administer.

F.O.B.: Destination, Prepaid and Add: Under this arrangement, the seller will pay all delivery charges but will pass along those cost to the buyer (the County), but title will not pass to the County until it has accepted the goods.

F.O.B.:Destination, Estimated, Prepaid and Add: This arrangement is that the seller will quote an estimated cost of delivery and will pass along the actual cost to the County upon invoicing.

3.14 Payment of Invoice

It is the responsibility of the using department to request payment of goods or services received. The County Finance office has certain policies and procedures

to follow and will furnish those upon request and provide instruction. Purchasing cannot process payments.

All payments to vendors shall be in accordance with the Florida Statutes, "Prompt Payment Act," governing payment for goods or services by government agencies. It is imperative that all invoices are paid as promptly as possible.

SECTION 4.0 Procedures for Bids and Proposals

4.1 A vendor's catalog file and bid list will be prepared and maintained by the Purchasing Department. This catalog and bid list will be filed according to materials and will contain descriptions of vendor's commodities, general price information, vendor contact information and the names of vendor representatives.

4.2 All bids shall be developed using a standardized bid format and language, unless an exception is made in writing by the County Administrator and/or County Attorney.

4.3 Competitive Sealed Bids/Proposals

All purchases for commodities and services, when the estimated cost thereof shall equal or exceed twenty five thousand dollars ($25,000), shall be purchased by competitive sealed bid or proposals after due notice inviting proposals. The Board may waive the sealed bid/proposal requirements when deemed to be in the best interest of the County. The preparation of the technical specifications are to prepared by the using Department Head with coordination of legal ads, dates, opening, vendor lists and other pertinent information required by the Purchasing Manager.

4.4 Notice Inviting Bids/Proposals

1. Newspaper – Notice inviting bid/proposals (unless otherwise provided by law) shall be published once in at least one newspaper of general circulation in the County, and at least fourteen (14) calendar days prior to the last day set for the receipt of bids or proposals.

Section 255.0525, Florida Statutes, states that any construction project that is projected to cost more than two hundred thousand dollars ($200,000.00) shall be publicly advertised at least once in a newspaper of general circulation in the County at least 21 calendar days prior to the bid received date and at least five (5) calendar days prior to any scheduled pre-bid conference. If the construction project is expected to cost more than five hundred thousand dollars ($500,000.00), it must be advertised at least 30 calendar days prior to the bid received date and at least five (5) calendar days prior to any pre-bid conference.

2. Written Notice – The notice shall include a general description of the goods or services to be purchased, the location where specifications may be obtained, closing date, and the time and place for receipt of and the opening of bids.

3. Bidder's List – Vendors on the bid list shall be mailed an Invitation to Bid which states the same information appearing in the written notice. Bidders List procedures are contained in Section 7.0 herein.

4.5 Bid Bonds/Deposits

The County Administrator and/or Purchasing Manager shall determine if bid bonds/deposits shall be prescribed. This bond/deposit shall be for five percent (5%) of the amount of the bid. Unsuccessful bidders shall be entitled to full return of their bond/deposit. Upon determination by the Board, the successful bidder shall forfeit this bond/deposit or a portion thereof, upon failure to enter into a contract or act on the purchase order issued within ten (10) working days of the bid award date.

4.6 Bid Submission

1. Bid/proposals shall be submitted to the Purchasing Manager no later than the date and time designated in the instructions. The envelope containing the bid/proposal shall be sealed and marked according to instructions in the specifications. The Purchasing Manager or designee shall date and time stamp each bid/proposal as it is received and file the bid/proposals, unopened, in a secure file until the time designated for the opening.

2. Bid/proposals received after the designated time shall be returned unopened to the sender.

3. Pre-bid/proposal conferences may be held when deemed necessary by the affected Department Head or Purchasing Manager. Notification of the Pre-bid/proposal conferences will be outlined in the bid/proposal package or provided by separate notice. However, any written material to be distributed to potential respondents must be approved in advance by the Purchasing Manager and made part of the bid/proposal package.

4. Registration or certification under Florida Statute Chapter 489 is required before any contract is awarded for construction work on buildings or other improvements to real property, except for roads or utilities as specified in Section 489.113, Florida Statutes, or is otherwise exempt under Section 489.103, Florida Statutes.

4.7 Bid/Proposal Opening

1. Bid/proposals shall be opened in public at the time and place stated in the public notice, with at least two witnesses present. At least one witness shall be a County

employee to record the opening, the other witness may or may not be an employee of the County.

2. The purpose of the bid/proposal opening is to record the bid/proposals received, not to analyze them.

3. A recording of all bid/proposals received shall be available for public inspection at the Purchasing Office and mailed or faxed to persons requesting a copy. A copying charge may apply.

4.8 Rejecting Bids

The Purchasing Manager, after consultation with the affected Department Head, County Administrator and/or the County Attorney, shall have the authority to reject any and all bids.

4.9 Negotiation

If no compliant bid is received, the Purchasing Manager may re-bid, or the Board may authorize the Purchasing Manager and/or the County Administrator to purchase by negotiation, and the award shall be made in accordance with Section 4.9.

4.10 Correction or Withdrawal of Bids; Material Mistakes; Cancellation of Awards

A bid submitted to the County as part of a competitive bid procedure may not be withdrawn unilaterally by the bidder. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening.

After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. The County Administrator reserves the right to reject any bid containing a material mistake. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interests of the County or fair competition shall be permitted. Unit price when applicable will be the prevailing decision when an extension price is in error.

In place of bid correction, a low bidder establishing a non-judgmental material mistake of fact may be permitted to withdraw its bid if:

1. The bid was submitted in good faith;

2. The magnitude of the error made would make enforcement a severe hardship;

3. The miscalculation was not the result of gross negligence;

4. The bid error was reported immediately to the Purchasing Manager;

5. In no case no later than twenty-four (24) hours after bid opening, except that if the following day is not a business day for the County. In such case, a withdrawal may be made until 12:00 noon the next County business day.

All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination by the County Attorney.

4.11 Award

All contracts for goods or services that have been bid under this Section 4.0, when the sum is less than ten thousand dollars ($10,000.00) shall be awarded by the Purchasing Manager to the lowest and/or best value responsive responsible bidder meeting all specifications. The County Administrator shall have the authority to make award of said bid that is ten thousand dollars ($10,000.00) or greater up to twenty five thousand dollars ($25,000.00) to the lowest and/or best value responsive responsible bidder. When the amount is in excess of twenty five thousand dollars ($25,000.00), the Board shall award the contract to the lowest and/or best value responsive responsible bidder.

The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest and/or best value responsive responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. An award is not final until a notice of award is mailed to the successful bidder or proposer. In the event the lowest and/or best value responsive responsible bid for a construction project exceeds the architectural or engineering cost estimates, the County Administrator or designee is authorized, when time or economic considerations preclude re-bidding of work of a reduced scope, to negotiate an adjustment of the bid price with the lowest and/or best value responsive responsible bidder, in order to bring the bid within the amount of available funds.

1. Contracts

   A. Written Contract--A contract refers to a written document, whether it be a purchase order, formal written contract or other written agreement between the supplier, contractor, and/or vendor and Flagler County. This document establishes the legal working relationship between two parties. It specifies everything that is to be provided: what, when, where, how much, how many, what size, what color, how delivered, where delivered, etc. It specifies how and when payments of goods and services are to be made, maintenance terms, guaranties, etc. The contract establishes in advance the ground rules of the terms and conditions.

      A written contract is used when engaging in construction, purchase of goods and/or services where a purchase order is not adequate to describe all the terms and conditions, and is required to be executed by both parties. A

purchase order is used as backup and processed as encumbrance of funds. The user department, County Attorney, County Administrator, and/or Board must approve the written contract where applicable per the purchasing policy.

B. Purchase Order -- A purchase order is the County's official legal document of contract between the County and contractor, issued separately or in conjunction with other documents. A purchase order is a contract used to authorize a vendor to proceed with the purchase of goods, services and/or construction as specified, and obligates the County for payment. The purchase order is used in support of other contracts or by itself to establish legal financial obligations. A purchase order may result from price research, informal quotations, sole source or competitive negotiations, or formal solicitation of bids. A purchase order shall be issued upon receipt of an acceptable, authorized requisition, after having justification, competitive quotes, and bids or per the Purchasing Policy limits and after confirming the availability of funding.

   A purchase order is issued only after a requisition has been completed and approved. The purchase order must be written so that all the pertinent information is clear, concise and complete, therefore preventing any unnecessary misunderstandings with the vendor.

C. Change Order -- A change order is processed whenever a change to the original purchase order is necessary. Change orders are completed for modifications to descriptions, unit cost, quantities, etc. The user department head shall execute any change order. The change order will be handled as for approval levels just like an original purchase threshold amount. Change orders shall not be used to avoid ANY standard purchasing procedure for procurement by the competitive procedures. The change order must be clearly and concisely defined as to what changes and justification why the change is being requested.

In determining lowest and/or best value of a bidder, in addition to price, the following will be considered:

1. Ability, capacity and skill of the bidder to perform the contract.

2. Whether the bidder can perform the contract within the time specified, without delay, interference, or current workload.

3. Character, integrity, reputation, judgment, experience and efficiency of the bidder.

4. Quality of performance of previous contracts.

5. Previous and existing compliance by the bidder with laws and regulations relating to the contract.

6. Sufficiency of the financial resources and ability of the bidder to perform the contract or provide the product or service.

7. Quality, availability and adaptability of the supplies or contractual services to the particular use required.

8. Ability of the bidder to provide further maintenance and service for the use of the subject of the contract.

9. Number and scope of conditions attached to the bid.

10. Qualifications of personnel, licensing and corporate qualifications.

11. Evidence of improper litigation.

12. Use of one or more subcontractors with a record of poor performance.

NOTE: For the purposes of this Section, the County may consider evidence from the ten year period preceding the subject bid.

4.12 Bid Challenge

Any bid award recommendation may be challenged on the grounds of material irregularities in the bid procedure, or material irregularities in the evaluation of the bid. Such notice of intent of bid challenge shall be made in writing and delivered to the Purchasing Manager within 72 hours after posting of the intended recommendation of award in the Administration/Purchasing Office. A formal written bid challenge shall be filed within 5 working days in the Administration/Purchasing Office after the date on which the notice of intent of bid challenge has been submitted. Failure to file a timely notice of intent of bid challenge or failure to file a timely formal written bid challenge shall constitute a waiver of bid challenge proceedings. Bidders who do not submit a legitimate bid do not have standing to file a protest. Furthermore, bidders who would not be awarded the subject contract even if the protest were successful lack standing.

1. The notice of intent of bid challenge shall contain at a minimum: the name of the bidder, the bidder's address, fax number and phone number, the name of the bidder's representative to whom notices may be sent, the name and bid number of the solicitation, and a brief factual summary of the basis of the intended challenge.

2. The formal written bid challenge shall: identify the challenger and the solicitation involved, include a clear statement of the grounds on which the challenge is based, refer to the statutes, laws, ordinances, or other legal authorities which the challenger deems applicable to such grounds, and specifically request the relief to which the challenger deems itself entitled by application of such authorities to such grounds. The challenger shall mail a copy of the notice of challenge and the formal written

challenge to the apparent best bidder. The County Administrator shall, within ten (10) working days of receipt of the formal written challenge, cause the challenge to be investigated. In the event the challenge is not resolved, the Board shall, within a reasonable time, be presented with the written challenge and the County Administrator's decision to the challenge prior to award of the bid. The procurement, which is the subject of the protest, shall not proceed until a final decision has been made, unless the Board makes a determination that the contract must proceed without delay to protect substantial interest of the County.

3. Nothing herein relinquishes the County's rights to waive irregularities and formalities in accordance with its bid package and instructions. Further, nothing herein shall create any rights in the unsuccessful bidder. All decisions of the Board shall be final.

4.13 Competitive Bidding Waived

The requirement for competitive bidding procedures shall be waived for the purchase of:

1. Books, periodicals, software, printed materials, artwork, photographs, film, film strips, video tapes, disk or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the State, a governmental agency, or a recognized educational institute;

2. All heavy equipment repairs may be exempted from the competitive bidding requirements. The affected Department Head or designee shall solicit and evaluate quotations and make a recommendation for award. The Purchasing Manager shall review the quotations and provide a recommendation to the County Administrator for awarding the bid. Should a purchase exceed $25,000, the County Administrator shall agenda the item for ratification by the Board at a regularly scheduled Board Meeting;

3. Commodities or services from established State of Florida, PRIDE, SNAPS, SPURS, RESPECT, government pricing, Federal General Services Administration contracts and other contracts competitively bid by government entities;

4. The purchase, lease, or rental of real property, except to the extent required by State law; Abstracts of titles for real property; Title insurance for real property;

5. Supplies, professional and contractual services from a single source upon certification by the Purchasing Manager stating the conditions and circumstances requiring the purchase. This certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;

6. Public utility services;

7. Supplies or equipment where compatibility of equipment, standardization of products or services, accessories or replacement parts permits only one reasonable source of supply;

8. Grants (direct payment) and Social Services (e.g., burials and indigent patient services);

9. Advertisements; Postage; Legal Services, Expert Witnesses; Court Reporter services;

10. Dues and memberships in trade or professional organizations; Fees and costs of job-related seminars and training; travel;

11. Artists, music ensembles (bands) and other entertainment providers;

12. Animals;

13. Emergency purchases;

14. Other commodities or services, as determined by the Board.

4.14 Sole Source/Single Source

The term "sole source" means that the commodity can be legally and reasonably purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does **not** justify a sole source purchase, if, there is more than one potential supplier for that item. Use of Brand Names and Model numbers does **not** constitute a sole source.

The term "single source" means that a commodity can be purchased from multiple sources, but, in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Purchases of goods and/or services from a sole/single source may be exempted from the quoting or bidding requirements upon written demonstration that: (1) the use is justified based on costs or interchangeability factors; (2) the use is recommended by the project architect, engineer, or affected Department Head; (3) the rationale for sole/single source is approved by the Purchasing Manager.

SECTION 5.0 Unauthorized Purchases

Except as herein provided, it shall be a violation of Board policy for any officer, employee or agent of the Board to order the purchase of any materials, supplies, equipment, professional or contractual services or to make any contract within the purview of this Policy other than through the Purchasing Manager, County Administrator or designee. Any purchase

order or contract made contrary to the provisions herein shall not be approved, and the County shall not be bound thereby.

Purchases, orders, or contracts that are subdivided to circumvent the Purchasing policy shall be considered **Unauthorized Purchases** and are prohibited by Section 9.0 herein.

SECTION 6.0 Payment and Performance Bonds

The County Administrator and/or Purchasing Manager shall determine if payment and performance bonds shall be prescribed. Said bond(s) as a requirement shall be included in bid documents, if applicable. All contracts that require payment and performance bonds from a surety company shall require approval by the Board. Payment and performance bonds shall be at least 100% of the contract price.

A contractor or vendor shall provide a surety bond from a surety company authorized to do business in the State of Florida to guarantee the full and faithful performance of his contractual obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the Purchasing Manager. Alternative surety devices, such as Letters of Credit, may be authorized by the Board.

SECTION 7.0 Bidders List

1. A bidders list for the purpose of bid solicitations shall be maintained by the Purchasing Manager. The list shall consist of firms that apply with the Purchasing Office to be placed on the list. It is the responsibility of any potential bidder to ensure that it is placed on the active bidders list for a particular category of products or services. For the purpose of bidders list purchasing categories, the National Institute of Governmental Purchasing Commodities Code shall be used.

2. The Purchasing Office may remove firms from the bid list for any of the following reasons:

   (a) Consistent failure to respond to bid invitations three (3) consecutive instances.

   (b) Failure to update the information on file including address, product or service description or business description.

3. The Board may remove firms from the bid list for the following reasons:

   (a) Failure to perform according to contract provisions.

   (b) Conviction in a court of law of any criminal offense in connection with the conduct of business.

   (c) Clear and convincing evidence of a violation of any federal or state

anti-trust law based on the submission of bids or proposals or the awarding of contracts.

(d) Clear and convincing evidence that the vendor has attempted to give a County employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Board's purchasing activity.

(e) Other reasons deemed appropriate by the Board.

SECTION 8.0 Conflict of Interest

No employee or officer of the County shall receive compensation from any entity doing business with Flagler County, in accordance with Chapter 112, Florida Statutes.

SECTION 9.0 Subdividing to Avoid Policy Prohibited

No contract or purchase shall be subdivided to evade the threshold amounts or other requirements of this policy. Purchases, orders, or contracts that are subdivided to circumvent the Purchasing policy shall be considered **Unauthorized Purchases.**

SECTION 10.0 Public Records

The County is governed by the Florida Statutes Public Records Laws. All bids, RFPs, quotes, and all documentation are open for public inspection once a recommendation for award is made. Certain proprietary and financial information from vendors may be excluded under very strict circumstances. All memos and internal correspondence concerning any purchasing matter are open for public inspection.

SECTION 11.0 Insurance Requirements

1. Minimum Requirements—Contractor shall purchase and maintain such insurance as will protect it from claims under Workman's Compensation laws, disability benefit laws or other similar employee benefit plans; from claims or damages because of bodily injury, occupational sickness or disease or death of its employees and claims insured by usual personal injury liability coverage in amounts determined and set by the County.

2. Certificates of Insurance—Contractor/vendor must provide certificate of current General Liability Insurance with a minimum coverage of $1,000,000 and Workman's Compensation Insurance as required by Florida State Statutes. Certificates of Insurance acceptable to the County shall be filed with the Purchasing Division prior to the commencement of the work.

3. Flagler County must be named on the policy as an additional Insured (Completed on County form provided).

4. Cancellation Clause—These Certificates of Insurance shall contain a provision that coverage afforded under the policies will not be cancelled until at least thirty (30) days prior written notice has been given to the County. The cancellation clause should read as follows: "Should any of the described policies be canceled or material modified before the expiration date thereof, the issuing company will mail 30 day prior written notice to the certificate holder named below."
   Certificate Holder: Flagler County, 1200 E. Moody Blvd. #1, Bunnell, Fl 32110

5. Change of Insurance Requirements—The County reserves the right to change the insurance requirements based on the project scope, or when determined to be in the best interest of the County.

SECTION 12.0 GRANTS

Expenditures from funds other than general fund tax dollars may require special processing because of specific legal terms and conditions placed by the funding agency. Grants often have certain purchasing requirements that are different or additional to the County's Purchasing Policy and they require special purchasing procedures. It is the responsibility of the using department to identify and to transmit to Purchasing any special purchasing requirements or provisions and that the requirements are followed.

Unless otherwise specified in the grant, all grant purchases shall follow the County's Purchasing Policy.

SECTION 13.0 SURPLUS PROPERTY AND DISPOSAL

1. Obtaining Surplus Property

   The Purchasing Manager has the authority to obtain property from authorized surplus property programs such as other government agencies, manufactures, business's or public auction when purchased in accordance of the Purchasing Policy thresholds. The most common form of equipment obtained from auction is heavy equipment, off-road equipment, maintenance equipment, generators, etc. Certain laws, rules and regulations govern surplus property obtained from Federal and State programs. Policies and procedures for participating in Federal and State programs are a separate issue and may be obtained by contacting Purchasing.

   Surplus property obtained from another government agency (a County, a City) is reviewed and the appropriate process determined by the Purchasing Manager on a case-by-case basis.

2. Disposing of Surplus Property

Any Department having surplus or obsolete property can dispose of said property by several methods: (1) transferring to another department; (2) trading in on new equipment; (3) sold by sealed bids; (4) selling as scrap, or (5) selling at public auction.

All surplus or obsolete property must have a transfer form completed with the various approval levels authorized.

The County will routinely dispose of surplus property at a public auction held by the County, when there is sufficient amount of surplus property to dispose of. Other government agencies are also invited to participate in these auctions. After the Board approves the list of surplus property, the Purchasing Manager shall advertise when and where each auction will be held.

Due to unlimited demand and finite supply of surplus property, the County does not donate property to charitable or non-profit organizations. They may bid for the items at the County auctions.

PROCEDURES FOR PREPARATION OF REQUEST FOR PROPOSAL (RFP) FOR OBTAINING PROFESSIONAL SERVICES

The purpose of obtaining professional services is to offer to the County special expertise, practical experience and knowledge, resources and an objective outside professional opinion. The provisions and exemptions contained in Section 287.055, Florida Statutes (commonly known as the Consultants' Competitive Negotiation Act, "CCNA"), shall apply herein.

When the County seeks professional services for projects, the basic construction cost of which is estimated to be in excess of $250,000, or for a planning or study activity when the fee for professional services is expected to exceed $25,000, or is otherwise required by Section 287.055, Florida Statutes, the following steps apply:

STEP ONE

1. The department shall decide, based on the specific services needed, if professional services are required. This decision can be made once it is determined that in-house resources are not available to adequately provide such service.

2. The department shall outline specific needs and objectives for the proposers to satisfy.

3. The Department Head shall prepare the criteria and development of the proposal and should include, but not be limited to, the following:

Introduction
General Conditions
Terms and Conditions
Background
Scope of Service
Required Submittals
Evaluation Criteria
    A. For shortlisting
    B. For final selection
Proposal Schedule
Selection Process

4. Purchasing policy requires RFP's to be advertised for a minimum of fourteen (14) calendar days. Requests for a period of time less than that must be approved by the Board. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

STEP TWO

1. A current (qualified) proposers list is prepared by the Purchasing Manager.

2. Interest letter of invitation concerning the RFP may be sent to proposers on the list prior to mailing out RFP's (optional).

3. The RFP will be advertised in a local publication a minimum of fourteen (14) calendar days prior to submission deadline.

4. RFP's will be mailed out to the firms on the proposers list and to those who have responded to the advertisement.

5. The user Department Head shall create a Selection Committee and shall provide reasonable notice and conduct Selection Committee meetings in accordance with Section 286.011, Florida Statutes (the Sunshine Law).

6. A copy of the RFP is issued to each member on the Selection Committee. Copies of the RFP will be issued to other interested persons as requested.

7. Upon receipt, all RFP's are clocked in at the Purchasing Office and held unopened until the opening date. RFP's are opened publicly at the time and place specified in the RFP and verified for compliance with requirements of the RFP.

STEP THREE

1. Proposal is distributed to the Selection Committee for review in accordance with established time frame.

2. The Selection Committee shall use the appropriate forms when shortlisting firms.

(a) The initial shortlist shall depict all firms submitting RFP's. A numerical rating shall be indicated for each firm. Also, each Selection Committee member's name shall be listed on the form.

(b) The Selection Committee shall shortlist the firms and then notify the Purchasing Manager and appropriate staff of the Committee's decision.

(c) All firms will then be notified by the Purchasing Manager or designee within a timely fashion (by telephone or fax) of the Committee's decision (shortlisted or not shortlisted). They will also be informed (if shortlisted) the scheduled day and time presentations will be made.

(d) Purchasing Manager or designee will send confirmation letters to each firm affirming the notice.

(e) The Purchasing Manager or designee will check references of each firm shortlisted using questions designed by the Selection Committee to elicit information on how the companies performed for others. A minimum of three (3) references will be contacted immediately by the Purchasing Manager or designee. The Purchasing Manager or designee will provide the results of this check to the Committee no less than two days prior to presentations.

(f) The Selection Committee shall rank the firms, when appropriate, after presentations. The ranking is noted on the appropriate form by each Committee member for each firm.

(g) The Committee Chairman shall inform the County Administrator of the ranking of the firms. The firms will then be notified of the date and time the Board will take action. An invitation will be extended to those firms to attend the meeting.

3. An Agenda Request will be prepared submitting the names of the top firms for the Board to rank or an Agenda Request ranking the top three (3) firms.

After the Board approves the top ranked firm, the County Administrator or designee will be authorized to negotiate a contract.

STEP FOUR

1. The County Administrator or designee will negotiate a contract with the top ranked firm.

2. Should the County Administrator or designee be unable to negotiate a satisfactory contract with the top ranked firm within a reasonable time, negotiations with that firm shall be formally terminated. The County Administrator or designee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the County Administrator or designee shall terminate negotiations. The County Administrator or designee shall then undertake negotiations with the third most qualified firm.

3. Should the County Administrator or designee be unable to negotiate a satisfactory contract with any of the selected firms, the County Administrator or designee shall, with the approval of the Board, select additional firms from the original shortlist to continue negotiations or re-advertise.

4. Once a satisfactory contract has been reached, the Board may approve the contract and authorize the Notice to Proceed.

For those projects which the basic construction cost is estimated to be less than $250,000, or for a planning or study activity when the fee for professional services is expected to be less than $25,000, then normal Purchasing policies will apply.

PROCEDURES FOR PRE-QUALIFYING PROFESSIONAL/FIRMS PRIOR TO ISSUING REQUEST FOR PROPOSAL (RFP) (REQUEST FOR QUALIFICATIONS)

If the County desires to pre-qualify professional/firms prior to the issuing of an RFP, the following steps will be taken:

STEP ONE

1. The Department Head shall decide if it is in the best interest of the County to pre-qualify professional firms after consultation with the County Administrator, Purchasing Manager and/or the County Attorney.

2. The Department Head shall prepare the criteria and development of the proposal and should include, but not be limited to the following:

Professional credentials
Past work experience
Financial stability
Approach to the project
Ability to furnish required service
Claims, both litigated and non-litigated

3. The proposal should contain the criteria and weighting factors upon which the Selection Committee will use to rank the proposals.

4. Purchasing policy requires RFQ's to be published once in at least one newspaper of general circulation in the County and at least fourteen (14) calendar days prior to the last day set for the receipt of bids or proposals. Requests for a period of time less than that must be approve by the Board.

STEP TWO

1. A bidders list is prepared by the Purchasing Manager.

2. Interest letter of invitation concerning the RFQ may be sent to bidders on the list prior to mailing out RFQ's (optional).

3. RFQ's will be mailed out to those on the bidders list and to those who have responded to the advertisement.

4. A copy of RFQ is issued to each member of the Selection Committee. Copies of the RFQ will be issued to other interested persons (i.e., Board, County Administrator, Department Heads, citizens, etc.) as requested.

5. Upon receipt, all RFQ's are clocked in at the Purchasing Office and held unopened until the deadline/opening date. RFQ's are opened publicly at the time and place specified in the RFQ and verified for compliance with requirements of the RFQ.

STEP THREE

1. Proposal is distributed to the Selection Committee for review in accordance with established criteria.

2. The Selection Committee shall use the appropriate forms when qualifying firms.

   (a) The initial qualifying list shall depict all firms submitting RFQ's. A numerical rating shall be indicated for each firm. Also, each Selection Committee member's name shall be listed on the form.

   (b) The Selection Committee Chairman shall notify the County Administrator of the final shortlist of professional firms who submitted an RFQ.

   (c) An agenda request recommending approval of this shortlist will be submitted to the Board for consideration.

After the pre-qualified list has been approved, then Steps One through Four of the RFP process shall be followed.

DEFINITIONS

For the purposes of this Policy and any documents pertaining to the use of this Policy (e.g., contracts, purchasing orders, etc.), the following terms, phrases, words and their derivations shall have the meaning given herein, unless otherwise specifically defined in any specific document.

Account Number defines: a) fund; b) department; c) transaction; d) object code.

Addendum is a document used to expand or more fully explain the terms of a bid instrument (Invitation to Bid or Request for Proposals). An addendum is not to be confused with a contract amendment.

Agreement means all types of County agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment or construction.

Appropriation is legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and also to the time when it may be expended.

Bid, Proposal or Quotation is any offer specifically given to the County in response to an Invitation.

Board is the Board of County Commissioners, the legislative body of the County of Flagler, Florida.

Brand Name or Equivalent Specification means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet the County requirements and which provide for the submission of equivalent products.

Business means any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company, or any other legal entity, engaged in the commercial provision of commodities, services or labor.

Capital Asset/Equipment is any item of capital nature, of value exceeding $750.00 and with an estimated life span of over one (1) year.

Capital Program is a plan for capital expenditures to be incurred each year over a fixed period of years to meet capital needs arising from the long-term work program or otherwise. It sets forth each project or other contemplated expenditure in which government is to have a part and specifies the full resources is available to finance the projected expenditures.

Capital Projects Fund is a fund created to account for financial resources to be used for acquisition or construction of major capital facilities (other than those financed by proprietary funds, Special Assessment Funds, and Trust Funds).

Change Order means a written order amending the scope of, or correcting errors, omissions, or discrepancies in a contract or purchase order.

Commodity means a product that the County may contract for or purchase for the use and benefit of the County. It is a specific item and it is different from the rendering of time and effort by a provider.

Competitive Sealed Bidding (Invitation for Bid) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category.

Confirming Order means a purchase order restating the same terms originally placed orally or in writing other than a purchase order.

Construction means the process of building, altering, repairing, improving, or demolishing any structure or building, or other public improvements of any kind to any real property including roadways, utilities, and facility site work.

Contract means all types of legally enforceable written County agreements regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment or construction.

Contract Amendment or Modification means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quality, or other provision of any contract accomplished by mutual action of the parties to the contract.

Contractor means any business that contracts to perform work or services, or provides commodities to the County.

Contractual Services means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities.

Cooperative Purchasing is procurement conducted by, or on behalf of, more than one public procurement unit.

County is the County of Flagler, Florida.

Data means recorded information, regardless of form or characteristic.

Designee means duly authorized representative of a person holding a superior position.

Electronic Requisition is a requisition entered into a computer and transmitted electronically via that mode into the finance system.

Emergency Purchase means any condition that may affect the health, safety, and welfare of the citizens of Flagler County. A purchase may be necessitated by a sudden unexpected turn of events (e.g., including, but not limited to acts of God, riots, fires, floods, hurricanes, accidents or any circumstances or cause beyond the control of the agency in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interest of the County. It may also be a condition that stops or seriously impairs the necessary function of County government.

Employee means an individual drawing a salary from the County, whether elected or non-elected. For the purposes of this policy, it also means any non-compensated individual performing services for the County is to be governed by these rules.

Fiscal Year is a twelve (12) month period of time to which the annual operating budget applies and at the end of which a government determines its financial position and the results of its operations. Flagler County's fiscal year is from October 1 through September 30.

F.O.B or (Free on Board) is a term used in conjunction with an identified physical location to determine the responsibility and basis for payment of freight charges, and the point at which title for the shipment passes from seller to buyer. Commonly used deliveries are:

> **F.O.B. Destination** means a shipment to be delivered to a destination designated by the buyer and the point at which the buyer accepts title. Generally best to use, then the shipper is responsible for any problems.
>
> **F.O.B. Shipping Point (Origin)** means a shipment is to be delivered to the buyer with passage of title, on board the indicated conveyance or carrier at the contractor's designated facility.

Fund is a fiscal and accounting entity with a self-balance set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and charges therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

General Fixed Assets are fixed assets used in operations accounted for in governmental funds. General fixed assets include all fixed assets not accounted for in proprietary funds or in Trust and Agency Funds.

Gratuity is a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, inuring to the benefit of an employee, unless consideration of substantially equal or greater value is given by the employee.

Improvements are buildings, other structures, and other attachments or annexations to land which are intended to remain so attached or annexed, such as sidewalks, trees, drives, tunnels, drains and sewers. Sidewalks, curbing, sewers and highways are sometimes referred to as "betterment" but the term "improvements is preferred.

Invitation for Bid (Competitive Sealed Bidding) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The invitation for bids must be publicly advertised and has the title, date, and hour of the public bid opening designated and specifically defines the commodity, group of commodities, or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation for bids is used when the County is capable of specifically defining the scope of work for which a contractual service is required or when the County is capable of establishing precise specifications defining the actual commodity or group of commodities required.

Irregularity means any change or omission in an offer or contract that does not have an adverse effect on the County's best interest, and does not affect the outcome of the source selection process by giving an offeror an advantage or benefit not enjoyed by any other offeror, and, not inconsistent with applicable laws.

Inventory of Supplies is an asset account, which reflects the cost of supplies on hand for use in operations.

Invoice is an itemized list of goods shipped, specifying the price and quantity.

Joint Venture mean (1) a combination of contractors performing a specific job in which business enterprises participate and share a percentage of the net profit or loss: or (2) a joint business association of a minority individual(s)/firm(s) to carry out a single business enterprise for which purpose the individuals/firms combine their property, money, efforts, skills and/or knowledge.

Lien Waiver is a written statement declaring all payments have been made covering all materials and/or services rendered.

Machinery and Equipment is tangible property of a more or less permanent nature, other than land or buildings and improvement thereon. Examples are tools, trucks, cars, furniture, and furnishings.

Manufacturer means a person or firm engaged in the process of making, fabricating, constructing, forming or assembling a product(s) from raw, unfinished, semi-finished, finished, or recycled materials through a direct contract/agreement on behalf of the general contractor.

Material Mistake means any deviation or variance from the bid requirements or other mistake that gives one bidder a substantial advantage over other bidders. A non-material mistake is any mistake that does not affect price, give one bidder an advantage or benefit not enjoyed by other bidders and does not adversely affect the interests of the County.

Offer means any bid, proposal or quotation made to the County.

Offeror means any business submitting an offer to the County.

Operating Budget is a plan of current expenditures and proposed means of financing them. The annual operating budget is the primary means by which most of the financing acquisition, spending and service delivery activities of a government are controlled. Law usually requires the use of annual operating budget. Even where not required by law, annual operating budgets are essential to sound financial management and should be adopted by every government.

Option to Renew means a contract clause that allows a party to reinstate the contract for an additional term.

Ordinance is a formal legislative enactment by the governing board of a county or municipality. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the county or municipality to which it applies. The difference between an ordinance and a resolution is that the latter requires less legal formality and has lower legal status. Ordinarily, the statutes will specify or imply those which may be by resolution. Revenue raising measures, such as the imposition of taxes, special assessments and service charge, universally require ordinances.

Person means any business, individual, committee, club, other organization, or group of individuals.

Pre-Bid Conference means a meeting held with prospective bidders prior to solicitation of, or the date of receipt of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject, and to elicit expertise and bidders interest in pursuing the task.

Professional Services mean technical, and/or unique functions performed by independent contractors whose business is the rendering of such services. This includes accountants, appraisers, attorneys, auditors, medicine and the medical arts, architects, engineers, surveyors, management and systems consultants, research, the arts and other professionals as designated by the procurement services manager.

Purchase Order is the County's official legal document of contract between the County and contractor, issued separately or in conjunction with other documents, which delineates the responsibilities of both parties in the provision of and payment of goods and services required by the County. The purchase order is also the mechanism by which budgetary and cash balances are encumbered in the County's finance system.

Purchasing means buying, procuring, renting, leasing, or otherwise acquiring any materials, supplies, services, construction, or equipment. It also includes all functions that pertain to the obtaining of any material, supplies, services, construction, and equipment, including description of specifications and requirements, selection and solicitation resources, preparation and award of contract.

Purchasing Manager means the County employee duly authorized to enter into and administer contracts and make written determinations with respect thereto under the terms of the purchasing policies of the Board.

Purchasing Quotes is the procurement procedure used to purchase commodities or contractual services with a value within the threshold amounts set for this category. Purchasing Quotes are conducted by obtaining either written or oral quotations from three or more vendors, do not require a public bid opening, and are awarded as per threshold limits and authorizations. Written evidence of all quotations must be maintained.

Pyramiding is the illegal act of combining two or more purchases to the same vendor within a specific period of time in order to acquire goods and/or services over the limitations and requirements set forth.

Recycled Content means materials that have been recycled and are contained in the products or materials to be procured, including, but not limited to, paper, plastic, aluminum, glass, and composted materials. The term does not include internally generated scrap that is commonly used in industrial or manufacturing processes or waste or scrap purchased from another manufacturer who manufactures the same or a closely related product.

Regulation or Resolution means a statement by the County having general or particular applicability and future effect, designed to implement, interpret, or prescribe law, policy, or practice.

Request for Proposals means a written solicitation for sealed proposals with the title, date, and hour of public opening designated. The request for proposals is used when the County is unable to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required, and when the County is requesting that a qualified offer or propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes, but is not limited to, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, and evaluation criteria.

Requisition is a written request to have commodities or services purchased.

Resolution is a special or temporary order of a legislative body; an order of a legislative body requiring less legal formality than an ordinance or statute.

Responsible means having the capability in all respects to perform fully the contract requirements and the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and having the integrity and reliability with a record of timely and acceptable past performance that will assure good faith performance.

Responsive means substantially conforming with all material respects to the requirements and criteria set forth in the invitation.

Services means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than those which are not defined as supplies and which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

Small Purchases means the procurement of commodities or services with a value within the thresholds set for this category without the requirement of quotes, or bids, from at least three (3) vendors.

Single Source means that a commodity can be purchased from multiple sources, but, in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Sole Source means that the commodity can be legally purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase, if, there is more than one potential supplier for that item. Use of Brand Names and Model numbers does not constitute a sole source.

Specifications mean any description of the physical or functional characteristics of the nature of a material, supply, service, construction, or equipment item. It may include a description of any requirement for inspection, testing, recycled or degradable materials content, or preparing a material, supply, service, construction, or equipment item for delivery.

Statute is a written law enacted by a duly organized and constituted legislative body.

Supplier means a person or firm who engages in the selling of materials and supplies to contractors, subcontractors, and/or manufacturers for the purpose of constructing, repairing, altering, remodeling, adding to or subtracting from or improving any building, structure or property through a direct contract/agreement on behalf of the general contractor.

Surety Bond is a written promise to pay damages or to indemnify against losses caused by the party or parties named in the document, through nonperformance or through default. For example, a surety bond might be required of an independent contractor. Surety bonds also include Fidelity Bonds covering government officials and employees.

Surplus Property means any tangible personal property or real property in excess of the needs of the County and not required for its foreseeable need.

Tie (Identical) Bid is when two or more bids are equal with respect to price and it appears the quality and service offered by the vendors are otherwise comparable.

Using Agency is any department, division, agency, commission board, committee, authority or other unit in the County government using supplies or procuring contractual services as provided for in the Policy.

Vendor means any business that will be or has been awarded a contract by the County.

Work Order is a written order authorizing and directing the performance of a certain task and issued to the person who is to direct the work. Among the items of information shown on the order are the nature and location of the job, specifications or the work to be performed, and a job number which is referred to in reporting the amount of labor, materials and equipment used.

Adopted this 12th day of September, 2002.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

9.16.02

James A. Darby
Chairman

ATTEST:

Gail Wadsworth
Clerk and Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

Carl E. Kern, County Attorney

Rt: LISA
BFC

GAIL WADSWORTH, FLAGLER Co. Time:11:39
Book: 852 Page: 708 Total Pgs: 37
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RESOLUTION NO. 2002-94

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY, AND REPEALING AND REPLACING POLICY NO. 91-4 AND POLICY 93-4; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Flagler County approved a Purchasing Policy that governs all procurements made by the Board of County Commissioners of Flagler County; and

WHEREAS, the Flagler County Purchasing Manager determined the Flagler County Purchasing Policy (Policy 91-4 and Policy 93-4) to be in need of updating and revising; and

WHEREAS, the Flagler County Purchasing Manager has submitted a revised Purchasing Policy, attached as Exhibit "A," for consideration by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds the revised Purchasing Policy to maximize the purchasing value of public funds in procurement; to provide safeguards for maintaining a procurement system of quality and integrity; and to provide for fair and equitable treatment of all persons involved in public purchasing by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flagler County, Florida:

1. The revised Purchasing Policy hereby repeals and replaces Policy No. 91-4 and Policy No. 93-4.

2. This Resolution shall become effective on October 1, 2002, at which time the revised Purchasing Policy shall be in effect.

3. Any purchasing activity that is being processed by the Purchasing Manager at the effective date of this Resolution may continue under the provisions of the prior Purchasing Policy where in conflict with this revised Purchasing Policy.

4. The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms consistent with this Board approved Purchasing Policy for the purpose of implementing the concepts, objectives and provisions of this Purchasing Policy.

ADOPTED and APPROVED this 12th day of September, 2002, by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Courthouse, Bunnell, Florida.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

9.16.02

James A. Darby, Chairman

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

APPROVED AS TO FORM:

Carl Kern, Flagler County Attorney

RESOLUTION 2007- 60

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY TO INCLUDE THE UPDATED PURCHASING CARD POLICY, REVISING POLICY NO. 02-01 TO REFLECT THIS UPDATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners of Flagler County approved a Purchasing Policy that governs all procurements made by the Board of County Commissioners of Flagler County; and

WHEREAS, the Flagler County Purchasing Manager determined the Flagler County Purchasing Card Policy to be in need of updating and revising; and

WHEREAS, the Flagler County Purchasing Manager has submitted an updated Purchasing Card Policy attached as Exhibit "A" for consideration by the Board of County Commissioners; and

WHEREAS, the Board finds the updated Purchasing Card Policy provides safeguards for maintaining a proper Purchasing Card Program, and provides for mandatory training classes for all Purchasing Card users, and provides clear examples of what the Purchasing Card can and cannot be used for, and provides a system of disciplinary actions for misuse of the cards by employees, and submits new forms for card requests, card changes and card cancellation,

NOW, THEREFORE, BE IT RESOLVED that the Flagler County Board of County Commissioners:

1. The current Purchasing Policy (02-01) has been revised to include a new Purchasing Card policy as attached in Exhibit "A".

2. The Resolution shall become effective on June 13, 2007 at which time the updated Purchasing Policy shall be in effect.

3. Any Purchasing Card activity that is being processed at the effective date of this Resolution may continue under the provisions of the prior Purchasing Policy where in conflict with this revised Purchasing Policy.

4. The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms consistent with this Board approved Purchasing

Policy for the purpose of implementing the concepts, objectives and provisions of this Purchasing Policy.

APPROVED in open session by the Flagler County Board of County Commissioners, Bunnell, Florida, on this 12TH day of JUNE, 2007.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

6.12.07

James A. Darby, Chairman,

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

APPROVED AS TO FORM:

Lisa Zinna Bosch
Deputy County Attorney

RESOLUTION 2008-51

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY, REVISING POLICY NO. 02-01 TO REFLECT THIS UPDATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners of Flagler County approved a Purchasing Policy that governs all procurements made by the Board of County Commissioners of Flagler County; and

WHEREAS, the Flagler County Purchasing Manager determined the Flagler County Purchasing Policy to be in need of updating and revising; and

WHEREAS, the Flagler County Purchasing Manager has submitted an updated Purchasing Policy attached as Exhibit "A" for consideration by the Board of County Commissioners,

NOW, THEREFORE, BE IT RESOLVED that the Flagler County Board of County Commissioners:

1. The current Purchasing Policy (02-01) has been revised by updating sections 3.5 and 4.5 and adding a new section 3.15 as attached in Exhibit "A".

2. The Resolution shall become effective on July 21, 2008 at which time the updated Purchasing Policy shall be in effect.

3. Any Purchasing activity that is being processed at the effective date of this Resolution may continue under the provisions of the prior Purchasing Policy where in conflict with this revised Purchasing Policy.

4. The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms consistent with this Board approved Purchasing Policy for the purpose of implementing the concepts, objectives and provisions of this Purchasing Policy.

APPROVED in open session by the Flagler County Board of County Commissioners, Bunnell, Florida, on this 21st day of July, 2008.

FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS

7-22-08

James M. O'Connell, Chairman,

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

APPROVED AS TO FORM:

Albert Hadeed
County Attorney

FLAGLER COUNTY RESOLUTION NO. 2009-07

A RESOLUTION OF FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY, REVISING PURCHASING POLICY NO. 02-01 TO REFLECT ADDITIONAL LOCAL VENDOR PREFERENCE; PROVIDING FOR SUPPLEMENTAL AUTHORITY, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

WHEREAS, Flagler County ("County") is a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners ("Board") is the governing body in and for Flagler County; and,

WHEREAS, the Board has the authority to contract for the purchase of goods and services that serve a public purpose, and are in the best interest of the citizens of the County; and,

WHEREAS, the Board has a valid public interest in promoting local industry and enterprise; and,

WHEREAS, Florida law recognizes local bid preferences under certain circumstances, and that the physical location of a bidder's principal place of business is a relevant factor in the public procurement process; and,

WHEREAS, it is not the intent of the Board by the adoption of this RESOLUTION to prohibit, exclude, discourage or disadvantage persons, firms, businesses or corporations that are non-local in nature from providing goods or services to Flagler County as part of the competitive selection process; and,

WHEREAS, it is the intent of the Board to provide the Local Bidder's Preference on an optional basis when facts and circumstances warrant that the County grant the preference amount; and,

WHEREAS, Board of County Commissioners of Flagler County approved a Purchasing Policy that governs all procurements made by the Board of County Commissioners of Flagler County; and,

WHEREAS, the Flagler County Purchasing Manager has submitted an updated Purchasing Policy attached as Exhibit "A" for consideration by the Board of County Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

SECTION ONE: RECITALS

1.1 The above preamble is hereby adopted in its entirety as if set out further at length in this section.

SECTION TWO:

2.1 The current Purchasing Policy 02-01 dated July 21, 2008 has been revised by updating section 3.9 Local Preference as attached in Exhibit "A'.

2.2 The Resolution shall become effective on March 2, 2009 at which time the revised Purchasing Policy shall be in effect.

2.3 Any Purchasing Activity that is being processed at the effective date of this Resolution may continue under the provisions of the prior Purchasing Policy where in conflict with this revised Purchasing Policy.

2.4 The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms consistent with this Board approved Purchasing Policy for the purpose of implementing the concepts, objectives and provisions of this Purchasing Policy.

APPROVED in open session by the Flagler County Board of County Commissioners, Bunnell, Florida on this 2nd day of March, 2009.

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS

Milissa Holland, Chair,

APPROVED AS TO FORM:

Albert Hadeed
County Attorney

FLAGLER COUNTY RESOLUTION NO. 2009-15

A RESOLUTION OF FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY, REVISING PURCHASING POLICY NO. 02-01 TO CLARIFY THE PROCEDURE FOR THE DISPOSAL OF SURPLUS PROPERTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board has the authority to contract for the purchase of goods and services that serve a public purpose, and are in the best interest of the citizens of the County; and,

WHEREAS, Board of County Commissioners of Flagler County approved a Purchasing Policy that governs all procurements made by the Board of County Commissioners of Flagler County; and,

WHEREAS, the Board of County Commissioners desires to clarify the process for disposing of surplus property; and,

WHEREAS, the Flagler County Purchasing Manager has submitted an updated Section 13.0(2) of the Purchasing Policy attached as Exhibit "A" that further clarifies and defines the procedure for disposing of surplus property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The current Purchasing Policy 02-01 dated March 2, 2009 has been revised by updating section 13.0 (2) Surplus Property and Disposal as attached in Exhibit "A'.

2. This Resolution shall become effective on March 16, 2009 at which time the revised Purchasing Policy shall be in effect.

3. The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms to implement the revised policy.

APPROVED in open session by the Flagler County Board of County Commissioners, Bunnell, Florida on this 16th day of March, 2009.

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

Milissa Holland, Chair

APPROVED AS TO FORM:

Albert Hadeed, County Attorney

Revised 3/10/2009

SECTION 13.0 SURPLUS PROPERTY AND DISPOSAL

1. Obtaining Surplus Property

The Purchasing Manager has the authority to obtain property from authorized surplus property programs such as other government agencies, manufactures, business's or public auction when purchased in accordance of the Purchasing Policy thresholds. The most common form of equipment obtained from auction is heavy equipment, off-road equipment, maintenance equipment, generators, etc. Certain laws, rules and regulations govern surplus property obtained from Federal and State programs. Policies and procedures for participating in Federal and State programs are a separate issue and may be obtained by contacting Purchasing.

Surplus property obtained from another government agency (a County, a City) is reviewed and the appropriate process determined by the Purchasing Manager on a case-by-case basis.

2. Disposing of Surplus Property

Any Department having surplus or obsolete property shall inform the Purchasing Manager of their desire to dispose of said property. The Purchasing Manager shall determine whether such property can be utilized by another department within the County. If another department can utilize the property the County Administrator may approve said transfer. If said transfer involves a non-general fund area (i.e., enterprise fund), a reasonable value shall be placed on the asset by staff and funds or in lieu of funds services shall be required for that exchange. If another department cannot utilize the property, the Purchasing Manager shall then obtain approval from the Board of County Commissioners for all fixed asset property to declare the property as surplus. Once property has been properly declared surplus, the Purchasing Manager will determine the proper disposal, using one of the following methods: (1) trading in on new equipment; (2) sold by sealed bids; (3) selling as scrap, or (4) selling at public auction.

When the County utilizes a public auction to dispose of surplus property the auction shall be held by an approved auction company or the County. Auctions shall generally be used when there is a sufficient amount of surplus property to dispose of. Other government agencies may also be invited to participate in these auctions. After the Board approves the list of surplus property to be sold, the Purchasing Manager shall advertise when and where each auction will be held, if being conducted by the County.

Due to unlimited demand and finite supply of surplus property, the County does not donate property to charitable or non-profit organizations. They may bid for the items at the County auctions.

FLAGLER COUNTY RESOLUTION NO. 2009-20

A RESOLUTION OF FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ADOPTING A REVISED FLAGLER COUNTY PURCHASING POLICY, REVISING PURCHASING POLICY NO. 02-01 TO CLARIFY THE PROCEDURE FOR INSURANCE REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Flagler County ("BOCC") has the authority to contract for the purchase of goods and services that serve a public purpose and are in the best interest of the citizens of the County; and,

WHEREAS, the BOCC approved a Purchasing Policy that governs all procurements made by the County; and,

WHEREAS, the BOCC desires to clarify the process for insurance requirements; and,

WHEREAS, the Flagler County Purchasing Manager has submitted an updated Section 11.0 of the Purchasing Policy attached as Exhibit "A" that further clarifies and defines the procedure for insurance requirements.

WHEREAS, the BOCC has determined that it is in the best interest of the citizens of Flagler County to adopt the updated Purchasing Policy.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The current Purchasing Policy 02-01 dated March 16, 2009 be revised by updating section 11.0 Insurance Requirements as attached in Exhibit "A".

2. This Resolution shall become effective on May 4, 2009 at which time the revised Purchasing Policy shall be in effect.

3. The Purchasing Manager is authorized to promulgate specific rules, guidelines, and forms to implement the revised policy.

APPROVED in open session by the Flagler County Board of County Commissioners, Bunnell, Florida on this 4th day of May, 2009.

ATTEST:

Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

Milissa Holland, Chair

APPROVED AS TO FORM:

Albert Hadeed, County Attorney

Revised 4/27/2009

FLAGLER COUNTY
HOUSING REPLACEMENT GUIDELINES

1. OBJECT OF PROGRAM:

   A. To provide replacement housing to low and very low-income homeowners to replace their dilapidated residences with units that meet minimum property standards and standards set forth in the **most current edition of the Florida Residential Code as adopted by the State of Florida.**

   B. To improve the condition of the housing stock while maintaining housing costs at levels affordable by low and very low-income households.

   C. To reverse the physical deterioration of Flagler County by eliminating dilapidated housing stock.

2. OWNER ELIGIBILITY:

   A. Properties must be located within Flagler County, Florida. The properties qualifying must be approved by the Affordable Housing Advisory Committee.

   B. Homeowners must fall within the income guidelines as periodically updated by the State Housing Initiative Partnership Program.

   C. Only owner-occupied dilapidated properties in Flagler County are eligible. Units of rental property will not be eligible under this activity. Units must have been occupied by the current owner for the past three (3) years in order to qualify for SHIP assistance. In addition, the owner must also occupy units at the time applications are being accepted for the Housing Replacement Program. Upon approval by the Affordable Housing Advisory Committee, any owner/applicant that is unable to occupy their unit due to unfit or unsafe conditions may remain eligible provided that the vacancy period does not exceed eight months prior to an initial application for assistance. It shall be the responsibility of the applicant to provide documentation that verifies the length of the vacancy prior to consideration by the Affordable Housing Advisory Committee. The owner must occupy the home upon completion.

      At the recommendation of the Affordable Housing Advisory Committee, the Flagler County Board of County Commissioners may grant a variance from any of the requirements of Subsection 2C hereof upon a finding that such a variance would promote the objectives of the Program.

   D. The applicant must be the homeowner and the deed must be in the homeowners name.

Priority will be given to the very low-income category, when it is necessary to do so, in order to ensure that the SHIP program requirements are being met.

Applicants living in areas targeted in either the Flagler County Comprehensive Plan or the Comprehensive Plans of any of the Municipalities within Flagler County as areas of distressed housing shall be given priority over applicants living in other areas of the county.

E. To select participants in the Housing Replacement Program, the following steps will be taken:

1. A display ad will be placed in one or more local newspapers of general circulation advising local citizens of the availability of grant funds and establishing a convenient time and place for interested citizens to obtain information and pick up application forms to allow them to be considered for inclusion in the program. The County will accept applications for a minimum of twelve (12) calendar days after the notice is placed.

2. Local organizations that would normally work with clientele that could qualify for the program shall be contacted and a list of possible applicants obtained from them. This list will then be reviewed and contacts made to help potential participants who qualify sign up for the program.

3. Once a list of potential participants has been obtained, the SHIP office or their representative shall perform initial inspections of the dwellings to determine which of the following categories they are part of:

   a. Minor rehabilitation – the cost to correct all code violations are estimated at ten-thousand dollars ($10,000.00) or less.

   b. Moderate – the cost of correcting all existing code violations is estimated to be between ten thousand and one dollar $10,001.00 and not to exceed twenty thousand dollars $20,000.00.
   Major – the cost between twenty thousand and one dollar $20,001.00 not to exceed the maximum allowable limited of thirty-five thousand dollars ($35,000.00).

   c. Replacement housing – the cost of correcting all existing code violations is estimated to exceed thirty-five thousand dollars ($35,000.00) or; the unit is deemed structurally unsound and not feasible for rehabilitation.

Those units falling into the replacement category either because the estimated cost of rehabilitation or existing structural conditions shall be considered for this program, depending upon funding availability.

Preliminary applications shall be taken on each potential participant.

3. <u>UNIT ELIGIBILITY</u>:

A. For a unit to be eligible, one of the following criteria must be met:

1. Cost of rehabilitation of a conventionally constructed housing unit must exceed eighty percent (80%) of the cost of new construction. Cost of rehabilitation of a

mobile/manufactured home must exceed fifty percent (50%) of the cost of new construction. Lead Based Paint inspection and abatement shall be included in calculating the rehabilitation cost. Current costs for new **construction are in excess of $114.26 per square foot for a single-family residence as per the August 2015 edition of the International Code Council Building Safety Journal. (the most recent valuation).**

2. Less than seventy-five percent (75%) of the exterior structural envelope is salvageable.

3. Owners of substandard or dilapidated mobile homes that hold title to both the mobile home and the real property it is located on shall be considered eligible to receive a replacement unit under this program.

4. OPTIONS OF THE OWNER:

A. The owner may elect to have a conventional home placed on the property where the house is currently located.

1. The new housing must be constructed meeting all of Flagler County's current zoning and building code requirements.

2. If the owner elects to participate in the Housing Replacement Program, the procedure will be as follows:

___ The SHIP Administrator will ensure that the deed is in the name of the homeowner. The Flagler County Purchasing Department will place a legal notice in a local newspaper of general circulation to solicit interested contractors to participate in the program. Flagler County also solicit bids through Onvia (Demandstar). (Contractors must be either State Certified or meet all local building department requirements to be eligible to obtain a building permit.) There will be a mandatory pre-bid meeting.

___ Each interested contractor will present the county with a set of plans and specifications that he or she (the contractor) is willing to provide for the amount of the housing replacement payment plus any additional funds the owner may provide.

___ The county will select a contractor to build a home based upon plans, specifications, and options available.

___ A Pre-Construction Conference will be held between the owner, the contractor, and Flagler County SHIP staff to review the project in detail.

___ The following contracts will be executed simultaneously:

___ Agreement between the owner and the contractor to provide for the construction of a new dwelling for the amount of the approved housing replacement payment.

___ The owner authorizes Flagler County to act as agent for the construction of the new residence.

___ A Mortgage and Promissory Note between the property owner and Flagler County will be completed at contract signing, and will be updated at a title agency office upon completion of the home.

5. SIZE OF UNITS

A. The size of each dwelling unit shall be based upon the following criteria as they pertain to the current permanent residents of the existing dwelling:

___ No more than two (2) persons of the same sex may occupy the same bedroom.

___ Two (2) persons of the opposite sex may not occupy the same bedroom (excluding husband and wife).

___ Only the husband, wife, dependent children (including those who are mentally and/or physically handicapped), and family members 62 years of age or older who are currently residing in the household will be counted in calculating family size and the minimum number of bedrooms and square footage allowance.

6. CONSTRUCTION IN A FLOODPLAIN

In designated floodplain areas where the existing housing unit is being demolished and a new housing unit is being constructed, the floor elevation of the new unit must be located above the existing one hundred (100) year flood plain elevation.

The one hundred (100) year flood plain elevation benchmark must have been established by a registered land surveyor. The owner shall be required to obtain flood insurance on the residence as part of the Flagler County SHIP Program requirements. The cost of the flood insurance shall be an eligible SHIP program expense.

7. TYPE OF FINANCING:

The SHIP funds provided to qualified very-low and low income recipients will be in the form of deferred payment assistance with recapture provisions. The deferred payment loan will be defined as a soft second mortgage with zero percent (0%) interest for **30 years.** Should the property be sold during the first ten years, or the homeowner should refinance the first mortgage to use equity in the home, the full loan will become due and payable. If a person should refinance or sell the home between years eleven (11) to thirty (30), there will be a reduction of 5% per year for each year of ownership between years eleven (11) and thirty (30). If, the homeowner stays in the house for the entire commitment period of **30 years**, and in compliance with related SHIP requirements, the assistance amount is depreciated to zero (0) at the end of this period.

APPROVAL:

The Affordable Housing Advisory Committee (AHAC) will review and approve all applications for rehabilitation/ replacement, which will include the following information:

1. Assigned case number.
2. Name and address of applicant.
3. Estimated minimum size and relocation payment for the dwelling.
4. Source and amount of the family's income.
5. Size and description of the family.
6. Property title information.
7. Legal description of the property.
8. Lot size.

8. OPERATING PROCEDURE:

A. On all applications:

1. The Flagler County SHIP staff or their representative makes the initial contact with the homeowner, explains the program, and leaves "General Information to Homeowners" forms.

2. The County's SHIP staff or their representative takes the application on the owner and the family.

3. The County's SHIP staff or their representative verifies all information, including the following:
   a. assets
   b. mortgage
   c. taxes
   d. title
   e. income
   f. property insurance

4. The property is inspected by Flagler County or their representative and determined to be beyond rehabilitation.

5. The owner indicates that he/she/they wish to participate in the Flagler County Housing Replacement program.

6. The Housing Replacement client is approved by the Affordable Housing Advisory Committee.

7. Flagler County Purchasing Department advertises for contractors.

8. The contractor prepares detailed plans and "A Description of Materials" form and submits these to the Flagler County Purchasing Department through the bid process.

9. Contracts between Flagler County, the client, and the contractor are executed (the client authorizes Flagler County to act as an agent for the applicant in construction of the new residence.

10. The client is relocated, if required, at his/her own expense.

11. The new dwelling is constructed.

12. The client signs an acceptance of the new structure.

13. The client occupies the new structure.

GUIDELINES AND REQUIREMENTS OF THE SHIP PROGRAM SHALL BE ADHERED TO AT ALL TIMES

*Note: The Flagler County SHIP office or their representative and Flagler County's building inspector shall make regular inspections on the work as it progresses.

APPROVED THIS 15 DAY OF February , 2016.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

Barbara S. Revels

Barbara S. Revels, Chair

APPROVED-AS-TO-FORM

Al Hadeed

Al Hadeed, County Attorney

per Valerie Bradley

SUBORDINATION POLICY

1. Flagler County will subordinate SHIP loans to lending institutions.

2. Requests for subordination must be in writing from the lending institution and submitted to:

   SHIP Administrator, Flagler County Board of County Commissioners, 1769 East Moody Blvd, Building 2, Bunnell, FL 32110 or vbradley@flaglercounty.org

3. Requests for subordination must be approved by the Affordable Housing Advisory Board. Before this is done, the following documents and information must be provided to the SHIP Administrator.

- Proof of licensure to do business in the State of Florida.
- Authorization for Release of Information signed by the homeowner (signatures will be verified).
- Reason for the Subordination request.
- Supporting documentation as to the validity of the reason.
- A Good Faith Estimate.
- Complete terms and conditions of the new loan.
- Whether the taxes and insurance payments are included in the new loan or whether the homeowner will be responsible for them.
- Whether or not any of the homeowner's equity will be used to pay bills for to consolidate debts.

Note: Consideration will not be given to any request for waiver of the subordination policy without this information. Additional information may be required.

1. The County will only agree to subordinate for proven hardship. **Credit card debt is not a basis for subordination.** Subordination takes a minimum of four weeks for the item to be placed on the agenda of the Affordable Housing Advisor Committee to approve and authorize the subordination. After approval, it takes an additional two weeks for the County Attorney and relevant Chair of the Board of County Commissioners to sign the document. The lending institution is responsible for recording the subordination document within 45 days of receipt.

2. Requests for subordination will be reviewed and a decision made on a case-by-case basis on such merits as the following:

- Emergency needs arising out of natural disasters
- Emergency repairs which eliminate a threat to the health and safety of the occupants or that eliminate an immediate or imminent danger to the dwelling itself.
- Refinancing to lower the interest rate on the first mortgage if the closing costs and/or fees can be recovered within 4 years.
- Refinancing for educational purposes.
- Refinancing for medical emergencies.
- If there is sufficient equity to support all outstanding mortgages.

3. Requests for subordination will not be considered under the following conditions:

- The Loan to Value ratio exceeds 100%
- The Housing Debt to Income ratio exceeds 33%
- The Total Debt to Income ratio exceeds 40%
- The mortgage lender and applicant fail to provide all required documentation.