

ORDINANCE NO: 94-45

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA THAT ESTABLISHES PROCEDURES FOR RESOLVING DISPUTES THAT MAY ARISE FROM THE COUNTY'S ACTIVITIES ASSOCIATED WITH THE PLANNING, DESIGN, CONSTRUCTION AND/OR OPERATION OF FACILITIES FINANCED WITH A LOAN OR LOANS FROM THE STATE REVOLVING FUND AUTHORIZED BY CHAPTER 403 FLORIDA STATUTES AND PROVIDING AN EFFECTIVE DATE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AS FOLLOWS:

Section 1. This ordinance shall only apply to disputes with St. Johns County, Florida, that arise from County activities associated with the planning, design, construction and/or operation of facilities financed by a loan or loans from the State Revolving Fund authorized by Chapter 403 Florida Statutes.

Section 2. Any person who can demonstrate that an improper action by St. Johns County in the above activities has caused, or will cause, a material adverse effect on such person may file at the office of the County Administrator a written protest within ten calendar days of having become aware of such action. A copy of the protest documentation must be provided to any party which potentially would be directly and adversely affected by the relief sought. Any protest filed after the deadline or not containing parts (a) through (e) of the following may not be considered:

- (a) The name and address of the protester;
- (b) A statement describing the disputed action and giving reasons that the action was believed improper;
- (c) A statement describing how and when the protester became aware of the disputed action;
- (d) A statement of how the protester is, or will be, adversely affected;
- (e) A statement of the relief sought;
- (f) Any other information material to the protest.

Section 3. Within seven calendar days of receipt of the protest, the County Administrator or his designee may settle the protest by mutual agreement. Otherwise, the dispute may be resolved at a formal hearing. If the protest is not first settled by mutual agreement, the County Administrator or his

designee shall, within fourteen calendar days of receipt of the protest, set a hearing location, time and date to be held no earlier than fourteen calendar days and no later than thirty calendar days after receipt of the protest. At the hearing the protester shall present evidence and testimony and may ask questions of witnesses. The St. Johns County representatives, consultants and witnesses may present testimony about the disputed action. Within ten calendar days of the conclusion of the hearing, the County Administrator or his designee shall render a written decision concerning the merits of the protest along with the justification for the decision.

Section 4. If the protester does not accept the propriety of the written decision, he may appeal the written decision to the Board of County Commissioners of St. Johns County (the "Board"). The appeal must be received at the office of the County Administrator within five calendar days after the decision is rendered. The appeal must contain the information provided in Section 2(a) through 2(f) above and the justification for the appeal. The County Administrator shall, within five days, designate a time and place for a public meeting of the Board at which the appeal is to take place. A copy of the appeal documentation must be provided by the appellant to any party which potentially would be directly and adversely affected by the relief sought. At the meeting, the justification for the written decision shall be presented, and the decision shall be presented, and the petitioner shall have the opportunity to present evidence and testimony. Decisions of the Board shall be final, subject to remedies at law.

Section 5. This ordinance shall take effect immediately upon receipt by the Clerk of official acknowledgment from the Florida Department of State that same has been filed.

Adopted, Passed and Enacted by the Board of County Commissioners of St. Johns County, State of Florida this day of 11th October, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Deean Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL

By: Carl "Bud" Markel
Clerk

Effective date: October 24, 1994

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Barbara Dresslar _____ who on oath says that she is

Accounting Clerk _____ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida; that

the attached copy of advertisement, being a _____
Notice of Intent _____

_____ in the matter of _____
Resolving Disputes _____

_____ in the _____ Court,

was published in said newspaper in the issues of _____
Sept. 16, 1994

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me _____
Susan Hunt Mills

this 16th day of Sept.

A.D. 19 94

Susan Hunt Mills
Notary Public



SUSAN HUNT MILLS
MY COMMISSION # CC 177699 EXPIRES
February 3, 1998
BONDED THRU TROY FAIR INSURANCE, INC.

COPY OF ADVERTISEMENT

NOTICE OF INTENT TO CONSIDER ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, October 11, 1994 at 1:30 p.m. in the County Auditorium, at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance:

ORDINANCE NO. 94
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA THAT ESTABLISHES PROCEDURES FROM RESOLVING DISPUTES THAT MAY ARISE FROM THE COUNTY'S ACTIVITIES ASSOCIATED WITH THE PLANNING, DESIGN, CONSTRUCTION AND/OR OPERATION OF FACILITIES FINANCED WITH A LOAN OR LOANS FROM THE STATE REVOLVING FUND AUTHORIZED BY CHAPTER 403 FLORIDA STATUTES AND PROVIDING AN EFFECTIVE DATE;

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Complex, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact David Holstead, ADA Coordinator, at (904) 823-2501 of the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CLERK "BUD" MARKEL,
ITS CLERK
By Patricia DeGrande,
Deputy Clerk
LD44 Sept. 16, 1994



FLORIDA DEPARTMENT OF STATE
Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

October 21, 1994

Honorable Carl Markel
Clerk to Board of County Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 14, 1994 and certified copy each of St. Johns County Ordinance Nos. 94-45 and 94-46, which were filed in this office on October 20, 1994.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

94 OCT 24 1994