

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING; HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
MAY 26, 2021**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman (entered during meeting)
Reggie Bellamy, Third Vice-Chairman
Misty Servia (entered during meeting)
James A. Satcher III
Carol Whitmore

Also present were:

Dr. Scott L. Hopes, Acting County Administrator
William Clague, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 1:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Guy Glass, Bethany Baptist Church, followed by the Pledge of Allegiance led by Commissioner Reggie Bellamy.

AGENDA

BC20210526DOC001

1. **ALL THINGS HOUSING – PART 2**

 Geri Lopez, Redevelopment and Economic Opportunity Director, used a slide presentation to review the outcomes of the past meeting including the local housing assistance plan, Affordable Housing Advisory Committee recommendations (Utility rates for construction phase), Land Development Code recommendations, policy for new construction fees, surplus property updates, and discussion items that remain to be discussed at a future meeting. The targets for the work session include guidance for initiatives.

(Enter Commissioners Van Ostenbridge and Servia)

 Denise Thomas, Community Development Division Manager, continued the slides to address solutions and options including expansion of down payment assistance program in the Southwest District (SWD), State Housing Initiative Partnership (SHIP) program, HEROs program levels, priority for essential service personnel and veterans, qualifications for buyers, approved sale price maximums, the level of assistance per household and use \$500,000 of SWD Tax Increment Funding (TIF) for the program. She responded that there is also Community Development Block Grant (CDBG) funding available for other areas of the County. There would be a 30-year mortgage on the properties. If a homeowner should pass; a family member may assume the mortgage.

Discussion ensued that homeowners invest at least \$500 in the transaction, but they usually invest more for deposits, Manatee County's role is at the end of the transaction, specific certified lenders and three hour training for potential homeowners to ensure they understand the program, if there is a foreclosure staff tries to get at least some of the funds, the Board can decide who would be qualified as a HERO, the School Board is aware of these programs, use the funds as more of an investment tool, because liens are smaller, some owners forget

about the County loan, there are fewer foreclosures when the loan is smaller, have the payment as a line-item on the tax bill, real estate values are currently at a high, but County should be concerned if there is a crash, is this is the proper role of government, is this what should be done with tax dollars, and investing would be a good idea as long as it safe.

Dr. Scott L. Hopes, County Administrator, clarified the purchased property under this program, would need to be in the SWD.

 Discussion continued regarding lien rights in a community land trust, it is unknown regarding the amount to be received from Sadowski funds, this is strictly down payment assistance to help with lower mortgage payments, SHIP requirements vary, this is a Pilot program, individuals who use the program typically remain in their homes, define essential service employees, this is a way to keep the economy going, Manatee County should receive more funds from documentary stamps, benefits of owning a home, renters are transient, and this particular program is designed to follow Board direction.

 Ms. Lopez defined the boundaries of the SWD, and that it encompasses unincorporated County and the collections have increased. She reviewed the amounts in the reserves.

 Jan Brewer, Financial Management Director, stated \$7 million is going in from the general fund to the TIF, and approximately \$600,000 is going in from unincorporated area.

 Further discussion took place regarding making the program useful, if there is nothing to buy with the restrictions, the program may need to be revised, and pursue collaboration with the School District.

Ms. Lopez stated there are a couple of veterans who are interested in homeownership.

 Ms. Thomas stated VA loans are typically 100 percent. If a loan application is 80 percent, there is better opportunity for approval and lower payments.

 Discussion continued that State leadership is keeping the Sadowski funds going, levels of risk to borrowers, the tax base will increase in the TIF as development continues at Aqua by the Bay and IMG, and better grades for schools when there is homeownership.

 Dr. Hopes clarified that the Manatee County School District was half a point away from being an "A" School District.

 Discussion ensued regarding Sadowski funding will be used countywide, but must follow statutory requirements, help the people who need assistance, there is a path to homeownership, markets are cyclical, this program is intended for individuals to maintain homeownership for years, there have been campaigns to get the amount collected on documentary stamps changed, increasing the return on investments, and have a work session on tax cuts.

 Glen Gibellina addressed down payments, veteran qualifications, Sadowski funds are \$1.3 million, low risk of defaults on these loans, and utility loans.

RECESS/RECONVENE: 2:31 p.m. – 2:41 p.m. All Commissioners present.

 Ms. Lopez continued the slides to address Community Land Trusts (CLT) including them supporting long term affordable housing, a CLT separates the land from the building, the homeowner owns the improvements on the land, CLTs are non-profits and hold title to the land while leasing the land to the homeowner, homeownership is more affordable since the land cost is not included, a CLT would sell or rent, and homebuyers purchase the house with a 99-year lease agreement. She continued to discuss key benefits for the homeowner, key benefits for the public, and that permanent stock of affordable housing is created. A pilot project would be a start. There is property available on 28th Street Court East off Canal Road near Tillman Elementary, purchased by the Manatee County Housing Authority (MCHA) with CDBG and HOME funds. A Land Use Restriction Agreement (LURA) was established, but the MCHA was not able to develop the land. The MCHA wants to give the property back to the County, but the zoning would need to be changed on the property to make it feasible for affordable housing. The Bright Community Trust (BCT) is an established builder/developer using the Community Land Trust model.

 Frank Wells, BCT, reviewed their philosophy, and explained a CLT is a good way to transition renters to homeownership. They are a certified housing counseling agency, to ensure potential buyers are prepared for homeownership.

 Ms. Lopez reviewed the proposed next steps including acquiring property, establish procedures for a pilot program, begin the County initiated rezone, and develop conveyance documents and partnership agreements with BCT to donate land to the CLT.

 Mr. Wells responded to questions and acknowledged BCT is the developer and owner of the land. Common areas are maintained by a Homeowner's Association. Their neighborhoods are typically mixed income and the percentage of affordable units would be up to the Board. There about three acres of wetlands on the property.

 Ms. Lopez reviewed the zoning and future land use of the property and noted it could be rezoned to RSF-6, to be compatible with neighboring properties.

 Discussion ensued regarding CLTs dramatically reduce the price of a home, a CLT does not need to be contiguous parcels, build on as many surplus properties as possible, and there are current builders in Manatee County working on affordable housing developments.

 Mr. Wells stated they work with other developers and builders to promote housing affordability. A dedicate staff at BCT member works with the Community.

 Discussion continued regarding the number of units in the proposed project, and ensure the surrounding community is aware of the plans.

 William Clague, County Attorney, explained when transferring owned houses it is difficult to maintain the affordability restrictions on the dwelling from owner to owner after a certain amount of time. There are old rules regarding restrictions travelling with the land. CLTs are a more reliable way to transfer the restrictions.

 Mr. Wells noted owners are required to establish homestead their property.

 Discussion took place regarding making sure the development is well kept, and Airbnbs are not allowed in the CLTs.

 Ms. Lopez stated staff was ready to make this presentation this in 2020, but COVID prevented the work session.

 Alice Nolan, League of Women Voters, thanked staff for bringing affordable housing to Manatee County and they support the down payment assistance program and the CLT pilot program.

 Diane Shoemaker, Habitat for Humanity, supports the ideas presented today. Habitat has participated in CLTs, and she encouraged moving forward.

 Glen Gibellina questioned if the CLT use can be used for rentals and suggested land owned by Churches could be used for potential affordable housing sites.

 Mr. Wells responded BCT will hold the land and the developer will build the homes and act as the property manager. Typically CLTs receive the land from a city or county. Most of BCT's money is from the development as the land leases provide minimal profit. There could be stipulations with non-profits, and they will designate percentages for affordable housing and homesteaded property.

There being no further citizen comments, Chairman Baugh closed citizen comments.

BC20210526DOC002

RECESS/RECONVENE: 3:25 p.m. – 3:30 p.m. All Commissioner present.

2. **ALL THINGS PROCUREMENT**

 Jan Brewer, Financial Management Director, introduced Jacob Erickson, Procurement Official.

 Jacob Erickson, Procurement Official used a slide presentation to define procurement, the mission and vision of procurement, division structure, function of the division to facilitate the procurement process to ensure all applicable laws, rules, regulations, ordinances, resolutions, and procedures are being followed, governing rules and regulations, purchasing categories, price-based solicitation methods (invitation to quote, invitation for bid, and invitation for bid construction), qualitative-based solicitation methods (request for offers, request for proposal, request for qualifications), other procurement methods, State Statute procurement methods including construction procurement, Consultant's Competitive Negotiation Act (CCNA) used for design purposes, CCNA negotiations, and continuing contracts. Procurement must follow the required steps to perform the procurement process for each project. Procurement works with the County Attorney's office for legal reviews to ensure all contracts are legally sufficient and that the procurement process complies with all laws and regulations.

Mr. Erickson responded that the Procurement Ordinance is established in the Code of Ordinances.

 Dr. Scott L. Hopes clarified that contracts up to \$500,000 can be signed off by procurement.

 Mr. Erickson explained a design build bid does not have local preference unless there is a tie bid for the lowest responsible bidder. There are a list of vendors approved for projects under \$4 million. Certain projects require the evaluation committee for competitive solicitation.

 Dr. Hopes explained this presentation is to introduce the various rules and procedures to be followed with a more intense discussion after the recess. Manatee's procurement division is the best he has worked with.

 Discussion continued regarding the piggy back ordinance, to piggy back on a contract that has already gone through the bid process, cooperative purchasing has not been used as much and can be explored further, but there has not been an opportunity to use these, and State contracts help tremendously with pricing,

 Mr. Erickson elucidation on local preference and the multiplier effect. There can be trade-offs, where a larger construction company will hire local firms to complete the work. Hillsborough and Pinellas Counties do not have local preference with Manatee County, but Sarasota does. He reviewed the last three years and created a report from 2018 to 2021, and noted most awards in Manatee County went to vendors in Manatee and Hillsborough Counties, although some technically complex contracts have gone to Hillsborough County vendors.

 Discussion continued regarding unsure if other counties have the same type of report, swaying toward a local vendor and seek a match, the evaluation committee comes from the requesting Department, there cannot be direct reports on the committee, request for quotation can be subjective, is there an anonymous tip line, and ensure rules are not changed to steer business toward one particular vendor.

 Mr. Erickson stated when proposals are being evaluated, the evaluations are based on publically noticed criteria. Vendor debriefings are offered to all vendors who are not selected.

 Discussion continued regarding whistleblower complaints, and vendor complaints.

 Mr. Erickson explained the entire process for the evaluation committee.

 Discussion ensued regarding including a definition of procurement, committee members serve a specific purpose and there should be no outside influences, the committee membership is confidential until the first public meeting, local preference should include minority, women owned and veteran owned businesses, what is the dollar amount per area for vendors, and can rules be changed to promote local preference.

 Ms. Brewer noted Purchasing-card purchases increased last year due to COVID.

Mr. Erickson explained Purchasing-card limits are updated to \$5,000 when a state of emergency is declared, and certain employees are given even higher limits.

 Dr. Hopes advised local preferences depends on what funds are being spent, and staff is looking at regulations and promoting minority, women owned, and veteran own businesses. Evaluation committees act under the Sunshine law.

 Mr. Erickson stated a notice of intent is posted to allow someone to protest the procurement process. As soon as the proposal goes out, the code-of-silence is established. The Board is the ultimate decision maker. Any appearance of impropriety is shut down.

 Discussion took place about the law created to create the most fair process for spending tax payer dollars, also need to consider fairness to the tax payer, local preference can have a negative impact on vendors if they take on too much work, special events for minority businesses, educational expo for vendors, vendor outreach convention, and local chambers are included when bids are sent out.

 Mr. Erickson noted they are actively turning on electronic bidding, and creating a video providing bidders with the information they need.

 Discussion continued that audits can be completed, there should be no back-door deals, there should be a different approval process, only during a state of emergency does the Emergency Operations Center Purchase-card limits go up, requested an audit of all departments and what their spending is during the COVID emergency, there are tight controls on Purchasing-cards, every aspect of a government must go through an audit cycle, Award of excellence in Procurement given to Manatee County, there is no special funding left for the COVID emergency, and discuss the state of emergency for COVID at the next meeting,

 Mr. Erickson stated regardless of level within the county everyone is the same when it comes to Purchasing-cards, and training is available online.

 Discussion ensued regarding abusing Purchasing-card purchases, and Accounts Payable does a pre-audit and final audit of all purchases.

 Andra Griffin spoke about local preference, state of emergency limits on Purchasing-cards, limits for approval for procurement, and the manner of the presentation.

 Glen Gibellina questioned where design build comes from, and if there is a return on investment, have solar renewable energy component to projects, and requested the Zoom meetings for evaluation committees be archived.

There being no further public comment, Chairman Baugh closed public comment.

BC20210526DOC003

COMMISSIONER COMMENTS

Commissioner Van Ostenbridge

- Scheduled a meeting June 7 at 8:30 am with Mayor Titsworth and the Chief of Police in the City of Holmes Beach
- Announced a Manatee County resident won \$2 million on a scratch off ticket
- Cortez Bridge Aesthetics Committee renderings are available
- Encouraged residents to conserve water
- Meeting with Fire Chiefs to see if a burn ban is necessary

Dr. Scott L. Hopes stated the water pressure issue is due to an equipment replacement.

Discussion ensued regarding water pressure in north Sarasota County has returned to normal.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 5:09 p.m.

Minutes Approved: July 27, 2021