

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

ATEGORY :

CODE NUMBER:

Utilities/Refuse

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AC-10-3

TITLE:

Local Dispute, Resolution Administrative
Procedures for ~~Water/Sewer projects~~
Financed with State ~~Revolving~~ Fund Loans

ADOPTED:

2/6/91

AMENDED:

ORIGINATING DEPARTMENT:

Utilities Department

URPOSE/SCOPE:

To provide dispute resolution process as required by State Department of Environmental Regulation when participating in state low interest loan program.

OLICY/PROCEDURE:

Lee County, by and through its Board of County Commissioners, hereby adopts these administrative procedures for resolving local disputes arising from its activities associated with the planning, design construction, and operation of facilities financed by loans from the State of Florida Revolving Fund as authorized by Section 43.1835, F.S. (1989)

1. Any person who can affirmatively demonstrate that an improper action by the Lee County Board of County Commissioners in the above activities will cause or has caused a material adverse effect on such person shall file at the office of the County Administrator, a written protest within ten (10) calendar days of such alleged improper action by the Board of County Commissioners. A copy of the protest documentation shall be provided by the protester to any party that would potentially be directly and adversely affected by the relief sought by the protester. Any notice of protest filed after the ten-day deadline, or not containing parts (a) through (e) below, shall not be considered, and the protester shall have no further administrative remedy.

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

2. Within seven (7) calendar days of receipt of the protest; the County Administrator or his/her designee shall provide an opportunity to the protester to settle the protest by mutual agreement.

3. If **Number 2. above**, is unsuccessful after good faith efforts on the **parts** of the **parties**, the dispute may be resolved at an administrative hearing. **The** County Administrator or his/her designee shall, within fourteen (14) calendar days of receipt of the protest or unsuccessful negotiations **under paragraph 2., above, set** a Rearing location and date to be held no earlier **than fourteen (14) calendar days and not later than thirty (30) calendar days** after receipt of the protest. **At the hearing;** the protester may present **evidence and testimony** and ask questions of witnesses. Lee County, by **and** through its representatives, consultants, staff and witnesses, may present evidence, and **testimony concerning** the disputed action and may also question witnesses. Within **ten (10) calendar days** of the conclusion of the hearing, the County Administrator or his/her designee shall render a written decision, with **findings** of fact and conclusions for **the decision.**

4. If the protester does not accept the administrative hearing decision of the County Administrator, he/she may appeal for reconsideration by the Board of County Commissioners. The appeal shall be received at the office of the County Administrator within **five (5) calendar days** after the administrative hearing decision is rendered. The appeal shall contain all the information provided in (a) through (e) above, and the reasons for requesting the appeal. The County Administrator shall schedule the appeal at a public meeting of the Board of County Commissioners and shall designate the time and place for the appeal to be heard. A copy of the appeal documentation shall be provided by the protester to any party that would potentially be directly and adversely affected by the relief sought by the protester. At the meeting, the justification for the County Administrator's decision shall be presented, and the protester shall have the opportunity to present his/her reasons for the appeal. No new evidence shall be presented by any party to the appeal. Decisions of the Board of County Commissioners shall be final, subject only to any further remedies available to the protester at law.