



# **TRANSFORM386**

**STRENGTHENING VOLUSIA'S FUTURE**

## **Administrative Policies and Procedures**

### **Community Development Block Grant – Disaster Recovery**





All Volusia County CDBG-DR Programs operate in accordance with the Federal Fair Housing Law (the Fair Housing Amendments Act of 1988)

Anyone who feels that he or she has been discriminated against may file a complaint of housing discrimination: 1-800-669-9777 (Toll Free), 1-800-927-9275 (TIY)

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

U.S. Department of Housing and Urban Development  
Principal Deputy Assistant Secretary for Fair Housing and Equal  
Opportunity  
451 7<sup>th</sup> Street, SW  
Washington, D.C. 20410  
(202) 708 - 4252

or

Jacksonville FHEO Field Office  
Charles E. Bennett Federal Building  
400 W. Bay Street  
Suite 1015  
Jacksonville, FL 32202  
(904) 232-1241

# Table of Contents

- 1.0 Anti-Fraud, Waste, and Abuse ..... 4**
  - 1.1: Background ..... 4
  - 1.2: Definitions/Examples ..... 4
  - 1.3: Complaint Process ..... 5
  - 1.4: Prevention Measures ..... 5
  - 1.5: Conflicts of Interest ..... 6
  - 1.6: Confidentiality ..... 7
  - 1.7: Fraud Related Training ..... 7
  - 1.8: Administration ..... 7
- 2.0 Community Participation Plan ..... 7**
  - 2.1 Background ..... 7
  - 2.2: Action Plan ..... 8
  - 2.3: Community Outreach ..... 9
  - 2.4: Public Hearings for Action Plan ..... 10
  - 2.5: Limited English Proficiency (LEP) ..... 11
  - 2.6: Accessibility for Persons with Disabilities ..... 11
  - 2.7. Citizen Complaints ..... 12
- 3.0 Maintaining a Comprehensive Website ..... 12**
  - 3.1: Background ..... 12
  - 3.2: Website Maintenance Procedures ..... 12
  - 3.3: Action Plan and Amendments ..... 13
  - 3.4: Citizen Participation Plan ..... 13
  - 3.5 Program Activities Information ..... 13
  - 3.6: Accessibility of Information ..... 13
  - 3.7: Internal Controls ..... 14
  - 3.8: Performance Reports ..... 14
  - 3.9: Contracts and Subrecipient Agreements ..... 14
- 4.0 Duplication of Benefits ..... 15**
  - 4.1: Duplication of Benefits Background ..... 15
  - 4.2: Duplication of Benefits Guidance ..... 17
  - 4.3: Duplication of Benefits Procedures ..... 17
  - 4.4: Monitoring for Duplication of Benefits ..... 18
- 5.0 Use of Program Income ..... 19**

5.1: Background .....19

5.2: Program Income after Grant Closeout .....19

**6.0 Timeliness of Expenditures.....20**

6.1: Background .....20

6.2: Performance Monitoring .....20

6.3: Corrective Measures.....21

**7.0: Volusia County Office of Recovery and Resiliency Residential Anti-displacement and Relocation Assistance Plan for CDBG-DR Programs.....21**

7.4: Policy.....23

7.5: Minimizing Displacement .....23

7.6: Relocation Assistance .....24

7.7: One-for-One Replacement .....24

## Version History

Version	Date	Notes
1.0	July 6, 2023	Original version posted as individual policies on Transform386 webpage for comments
1.1	October 11, 2024	Combined version

# **1.0 Anti-Fraud, Waste, and Abuse**

## **1.1: Background**

Volusia County is the recipient of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the United States Department of Housing and Urban Development (HUD) to support long-term disaster recovery needs for housing, infrastructure and economic development. As a steward of public funds, Volusia County is actively working to combat fraud, waste and abuse in its programs.

This policy manual is directed specifically to Volusia County's CDBG-DR funds and is intended to establish procedures and processes that will aid in the detection and prevention of fraud, waste, and abuse in its CDBG-DR funded programs. Volusia County and the wider Transform386 team will be responsible for implementation of these policies and procedures.

This policy applies to all Volusia County employees, providers, vendors, contractors, consultants, partners, citizens, applicants, external departments and agencies doing business with Volusia County, as well as beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR funds.

## **1.2: Definitions/Examples**

Fraud is the intentional (willful or purposeful) deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person. There are many forms of fraud.

Examples of fraud include, but are not limited to, misrepresentation of:

- Income (Unreported or under-reported)
- Household composition
- Financial resources (transferred or hidden resources)
- Residency
- Citizenship status

Other types of fraud include, but are not limited to:

- Using another person's identification
- Forging signatures or documents
- Concealing access to duplicate funding
- Misrepresenting a medical condition to obtain additional benefit
- Misusing funds (diverting them for an unintended use)

Waste includes over-utilizing Volusia County's services, supplies or equipment, or causing unnecessary costs through carelessness or inefficiency.

Abuse includes activities that result in unnecessary costs to the Volusia County. Note that this is financial abuse, not physical or emotional abuse of a person. Physical and emotional abuse of a person should be reported to the police.

Other actions constituting fraud, waste and abuse include, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, supplies or assets
- Impropriety in handling or reporting money or financial transactions
- Profiting as a result of insider knowledge
- Unauthorized disclosure of confidential or private information
- Accepting or seeking anything of material value from contractors, vendors or any person that seeks a beneficial decision, contract, or action for CDBG-DR activities.
- Unnecessary cost or expenditures
- Diversion of program resources

### 1.3: Complaint Process

Volusia County Council is striving to make our government more effective, open, and accessible to all citizens. Therefore, the County is very interested in receiving any citizen or employee concerns regarding fraud, waste, or abuse within Volusia County government operations. Volusia County's internal Auditor has been charged with receiving any citizen or employee concerns regarding fraud, waste, or abuse within Volusia County government operations.

There are three ways to report a concern to the Internal Auditor:

1. Phone: 386-822-5056
2. Email: [jpedwards@volusia.org](mailto:jpedwards@volusia.org) \*
3. Mail: Internal Auditor, 123 W. Indiana Ave., Room 301, DeLand, FL 32720-4612

\*Under Florida law, email addresses are public records. If you do not want your email address released in response to public records requests, do not send electronic mail. Instead, contact this office by phone or in writing.

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone:1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).

### 1.4: Prevention Measures

The Transform386 team is responsible for ensuring that Volusia County's CDBG-DR funds and programs comply with all federal, state and local regulations as well as recommending improvements that enhance programmatic efficiency, effectiveness, and documented results. Below are the main critical responsibilities of this team:

- Ensure ongoing compliance with federal, state, and local regulations through review of the policies and procedures, applicant eligibility and award determinations, and program activity files.
- Conduct regular internal monitoring of Volusia County's CDBG-DR programs and report results to the director.
- Provide oversight monitoring for Volusia County's CDBG-DR contractor(s).

- Monitor any duplication of benefits, any anomalies, any suspected fraud related to performance problems, and any abuse of funds, as stated in 83 FR 28.
- Review risk level of all grant programs to determine frequency of monitoring, as stated in 83 FR 28.
- Dependent upon risk level of grant programs, monitoring frequency and what is reviewed will vary, as stated in 83 FR 28.
- Identify and assist with investigations of potential fraud, referring cases to Volusia County's Internal Auditor as appropriate.
- Oversee and coordinate all reporting for Volusia County's CDBG-DR programs, including federal reporting requirements, data analysis, and providing data dashboards for agency leadership.
- Volusia County's Internal Auditor will monitor the Transform386 internal financial management or programmatic oversight related to grantee activities and monitoring, 83 FR 28.
- Volusia County's Internal Auditor has authority in conducting audits, reviews or evaluations of agency controls of Transform386. Thereby ensuring all Transform386 monitored grant programs are inspected for any fraud, waste, or abuse.
- Provide technical assistance to program areas regarding compliance issues and questions, as well as monitoring findings.

## **1.5: Conflicts of Interest**

All Volusia County employees are bound by Section 86-43 of Volusia County's Merit Rules and Regulations subsection (e), which prohibits employees of Volusia County from engaging in any activity that could create a conflict of interest (see, Appendix 1, attached). All new employees are provided an overview of the Merit Rules and Regulations concerning employee conduct during new-hire orientation. The Merit Rules and Regulations are further buttressed by the County of Volusia, Code of Ordinances, 2-283, which provides:

No employee of the county shall contract with or for any business with the county whereby he may derive income or benefits other than those provided as remunerations from the county for his employment. Employees and council members shall comply with the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes and other applicable laws as applicable.

In addition to these legal prohibitions on engaging in activity that creates a conflict of interest, Volusia County provides additional training to officers and employees who have been delegated authority to enter into contracts and manage procurements on behalf of Volusia County. For additional information on procurement controls, please see Volusia County's Purchasing and Contracts Procedures Manual.

## **1.6: Confidentiality**

Complainants reporting fraud, waste and abuse of federal resource, or other program irregularities may remain anonymous. All information received about suspected fraud, waste and abuse will be treated confidentially. Furthermore, all investigative materials developed, and interviews conducted to substantiate the allegations of fraud, waste or abuse will be treated confidentially.

Information will only be disclosed on a need-to-know basis to appropriate law enforcement authorities. No information about the status of an investigation will be shared outside of authorized Transform386 team members, Director, Internal Auditor and County Manager's office, except with the HUD OIG upon conclusion of the investigation or with law enforcement or legal counsel, in the event legal action should be needed.

## **1.7: Fraud Related Training**

Volusia County's Internal Auditor will be providing Fraud Awareness Training for all Directors and Managers and as needed afterwards. All applicable Transform386 team members and all subrecipients shall attend fraud related training provided by the HUD OIG to assist in the proper management of CDBG-DR grant funds.

As specific recovery programs become operational, the Transform386 team will implement procedures for educating beneficiaries about the risk of contractor fraud. Outreach efforts will be designed to raise awareness of possible fraudulent activity, how it can be avoided, and what Volusia County or state agencies can be contacted in response. These procedures will include provisions designed assist any beneficiary who experienced contractor fraud through no fault of their own and will include remedial steps to ensure that any beneficiary with a remaining unmet need is given access to any additional assistance that may apply.

## **1.8: Administration**

This Anti-Fraud, Waste and Abuse policy will be reviewed annually and revised as necessary to comply with Federal and State requirements. The Transform386 director is responsible for the administration, revision and application of this policy.

# **2.0 Community Participation Plan**

## **2.1 Background**

Volusia County is a recipient of Community Development Block Grant – Disaster Recovery grant funds (CDBG-DR). Volusia County established the Transform386 program to support the use of CDBG-DR funds. The Consolidated Planning requirements at 24 CFR Part 91, Subpart B, require this Program to adopt a Citizen Participation Plan and the following document describes the Citizen Participation Plan for adoption of CDBG-DR funds in accordance with applicable regulations. Volusia County encourages citizen



participation, particularly from low to moderate income households along with persons with disabilities or with limited English proficiency (LEP).

In compliance with 24 CFR 91.105(a)(3) this Citizen Participation Plan will be published for public comment on the Volusia County CDBG-DR webpage for a minimum of 14 days.

## 2.2: Action Plan

Volusia County is required to complete and submit an Action Plan detailing how the County will use all available funding to support unmet needs. The Action Plan lays out Program designs for each area of assistance along with projected timelines, performance, and expenditure schedule. The plan will be made accessible to persons with disabilities and those with LEP as described in Section E: Limited English Proficiency (LEP) and Section F: Accessibility for Persons with Disabilities.

Before adopting the Action Plan, the County will seek public input on activities and the feedback received during this period will be included in the Action Plan submitted to HUD. Opportunities for feedback will be provided during public hearings, public comments, and other methods described in this plan.

### Substantial Amendments to the Action Plan

In the event amendments are needed to the Action Plan, Volusia County will follow the process in Section C: Community Outreach. Comments will be accepted for thirty days, and a summary of these comments will be attached to the substantial amendment.

An amendment will be considered substantial if it meets one or all of the following conditions:

1. Incorporation of Additional Funds: If additional funds are allocated for the current or subsequent disaster, subject to applicable federal register notice requirements; or
2. Substantial Amendment Criteria: If an amendment that, at a minimum, satisfies the “Substantial Amendment Criteria” of the County which is defined here as any of the below criteria:
  - a. Addition or deletion of a program benefit or eligibility criteria;
  - b. Addition or deletion of an entire program or activity; or
  - c. Increase, decrease, or reallocation of funds amongst other approved activities, where alternation of funds constitutes at or above \$20 million of the the total current award.

## 2.3: Community Outreach

Effective public outreach is essential to the Action Plan and Volusia County will conduct outreach to the following groups:

- Local municipalities in Volusia County, including Daytona Beach, Daytona Beach Shores, DeBary, DeLand, Deltona, Edgewater, Holly Hill, Lake Helen, New Smyrna Beach, Oak Hill, Orange City, Ormond Beach, Pierson, Ponce Inlet, Port Orange, and South Daytona;
- Nonprofit, social service, and other organizations that advocate on behalf of vulnerable populations and underserved communities impacted by the disaster;
- The local chambers of commerce;
- Public housing authorities;
- Local or regional emergency management agencies that have primary responsibility for the administration of FEMA funds, if applicable;
- Volusia County residents;
- Key stakeholders and Community Representatives, to include any locally established recovery focused groups.

The Action Plan will also be presented at a public Volusia County Council meeting and will need to receive approval from the County Council before it is submitted to HUD. The County Council meeting will provide citizens an additional opportunity to provide input on the Action Plan.

### Public Notice for Action Plan and Substantial Amendments

For the Action Plan or substantial amendment, citizens will be given reasonable opportunity to review. The full Action Plan or substantial amendment will be posted electronically on the CDBG- DR webpage, [www.Transform386.org](http://www.Transform386.org). Citizens may request a hard copy of the Plan by emailing [transform386@volusia.org](mailto:transform386@volusia.org). Summaries of the Action Plan or substantial amendment will be provided at the following locations:

- Public libraries;
- Community Centers;
- Other municipal government buildings;
- One or more local newspapers.

### Comment Period for Action Plan and Substantial Amendments

Volusia County will collect any comments made on the Action Plan or substantial amendment. The comments will be considered in the following formats:

- Via email to [transform386@volusia.org](mailto:transform386@volusia.org);
- Using an online form available on the CDBG-DR website [www.transform386.org](http://www.transform386.org);

- Comments collected from public hearings; or
- Via mail to: Transform386, 123 W. Indiana Ave., DeLand FL 32720.

The Action Plan or substantial amendment will be made available for thirty days to allow for public comments unless the federal government specifies an alternative public comment period or waives the required public comment period. Volusia County will inform affected citizens of the comment period through various methods including e-mails, press releases, media announcements, and contacts with neighborhood and community organizations. Volusia County will consider all comments received both orally and in writing on the Action Plan or substantial amendment.

## Public Website

Information related to CDBG-DR will be posted on a consolidated webpage, accessible at [www.Transform386.org](http://www.Transform386.org). The webpage will allow individuals and entities awaiting assistance to see how all grant funds are used and administered.

Copies of the relevant documents will include at a minimum this citizen participation plan, the Action Plan including all substantial amendments, quarterly performance reports, procurement policies and procedures, information on each CDBG-DR program, any relevant notices or outreach information, and contact information.

## 2.4: Public Hearings for Action Plan

A minimum of one in-person public hearing will be conducted within a HUD-identified Most Impacted and Distressed (MID) area to provide comments on the Action Plan.

The hearing will be held in a facility that is physically accessible to persons with disabilities to ensure effective communication in accordance with 24 CFR 8.6.

Questions received and answers provided will be made available on the CDBG-DR website within a reasonable time frame.

Hearings will be held at times and locations convenient to potential and actual beneficiaries, with accommodation for persons with disabilities and appropriate auxiliary aids and services to ensure effective communication. For individuals with LEP, Volusia County will provide a translation of the documents in Spanish and will take reasonable steps to provide additional language assistance as identified in **Section E. Limited English Proficiency (LEP)**. Comments from other languages will be accepted and translated into English. For individuals with disabilities, Volusia County will follow the process listed in Section F. Accessibility for Persons with Disabilities

## 2.5: Limited English Proficiency (LEP)

Under the five-year estimates for 2019 of the American Community Survey (ACS), Volusia County is 2.1 percent Spanish speaking. Based upon this assessment, CDBG-DR notices, outreach materials, and other vital documents will be made available in both English and Spanish. Additional language assistance to LEP persons, to include in Spanish and other languages, may include, but is not limited to:

- Oral interpretation services;
- Bilingual staff;
- Telephone service lines interpreter;
- Written translation services;
- Notices to staff and recipients of the availability of LEP services; or
- Referrals to community liaisons proficient in the language of LEP persons.

Request for any the above language assistance, outside of translation of notices, outreach materials, and vital documents into Spanish, may be submitted to [transform386@volusia.org](mailto:transform386@volusia.org) and reasonable steps shall be taken by Volusia County to ensure meaningful access to LEP persons. Requests may also be made to Volusia County's ADA/Title VI Coordinator via email at [tking@volusia.org](mailto:tking@volusia.org).

Any persons who would like information available in an alternative format or a language other than English can contact Volusia County's ADA/Title VI Coordinator via email at [tking@volusia.org](mailto:tking@volusia.org). A request may also be made by emailing [transform386@volusia.org](mailto:transform386@volusia.org).

Comments received during the public comment period in a language other than English will be translated into English and incorporated into the Action Plan or substantial amendment.

## 2.6: Accessibility for Persons with Disabilities

Volusia County will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Volusia County services, programs, or activities. Possible aids and services include qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Volusia County is committed to continuously improving access to all services, including the County's website. If an individual is unable to use any aspect of the County's website, PDF files, or other attachments, he or she should contact [tking@volusia.org](mailto:tking@volusia.org), or by phone: 386-736-5951; Hearing impaired: 711 (Florida Relay)/800-955-8771 (Florida Relay for TTY); and the County will provide the individual or group with assistance within a timeline both parties deem reasonable.

Volusia County will make all reasonable modifications to policies and services, programs, or activities to ensure that people with disabilities have an equal opportunity to utilize services.

## **2.7. Citizen Complaints**

Citizens may submit a complaint by emailing [transform386@volusia.org](mailto:transform386@volusia.org) or calling (386) 943- 7029. All complaints received shall be reviewed by Volusia County CDBG-DR program staff for:

1. Conducting investigations, as necessary;
2. Finding a resolution; or
3. Conducting follow-up actions.

Volusia County will provide a written response to every citizen complaint within 15 business days following the receipt of the complaint. If additional time is needed, Volusia County will document the reason for needing additional time. Any complaints regarding fraud, waste, or abuse of government funds will be handled in accordance with Volusia County's CDBG-DR policies on fraud, waste, or abuse and substantiated complaints will be forwarded to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).

## **3.0 Maintaining a Comprehensive Website**

### **3.1: Background**

Volusia County manages the Transform 386 website at [www.transform386.org](http://www.transform386.org) that is dedicated to disaster recovery activities assisted with Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. This website will serve as the point of access for applicants and will serve as the primary repository of information for Volusia County's CDBG-DR grant. The webpage will include links to the Action Plan and its amendments, the Citizen Participation Plan and its requirements, as well as program information for the recovery activities described in the Action Plans. Pages related to program information will include eligibility and application information as well as Request for Applications for CDBG-DR subrecipient programs, subrecipient award notifications, procurement policies, and a list of all executed contracts and subrecipient agreements. The website will include every HUD Quarterly Performance Report (QPR). Information posted on the website will be updated quarterly, at a minimum.

### **3.2: Website Maintenance Procedures**

Volusia County directs and supervises the content of the website. Content will be reviewed by the Transform386 team. The director will be responsible for ensuring the website is updated on a quarterly basis. This will include performing monthly tests of the Transform386 webpage to ensure all links are active and documents are current. If

updates to content are needed, they will coordinate with appropriate staff and update or post to the website.

### **3.3: Action Plan and Amendments**

Drafts of the Action Plan and any substantial amendments will be posted for no less than 30 calendar days to solicit public comment before being submitted to HUD for approval. The final approved Action Plan, as submitted through HUD's Disaster Recovery Grant Reporting ("DRGR") system in, will then be posted to the webpage in the area designated for the Action plans and its amendments. All substantial amendments to the Action Plan will be posted for no less than 30 calendar days to solicit public comment before being submitted to HUD. Non-substantial amendments will not be posted for public comment. All final approved amendments, as created in DRGR, will be posted to the area on the website designated for the Action plans and its amendments.

### **3.4: Citizen Participation Plan**

The Citizen Participation Plan for the CDBG-DR program is posted on the transform386.org website. The County of Volusia will hold meetings to gather public input on the Action Plan program design. Contact information for the County of Volusia will be posted to the webpage for citizens and program participants with questions or complaints. Additionally, interested citizens may submit questions, comments, or complaints to the [transform386@volusia.org](mailto:transform386@volusia.org) email address on the webpage, which is monitored by staff for review and action.

### **3.5 Program Activities Information**

Program guidebooks and manuals are posted to the website. Additionally, the webpage provides an email address, [transform386@volusia.org](mailto:transform386@volusia.org) to request to be added to the Transform386 mailing lists.

Volusia County will post all program eligibility policies and program application procedures for CDBG-DR assistance on the Transform386 website in order to ensure that all individuals are afforded an opportunity to gain an understanding of how Volusia County will manage the disaster recovery and mitigation funds. These documents will be updated on an as needed basis and updates will be uploaded to the Transform386 webpage as soon as possible.

### **3.6: Accessibility of Information**

The County of Volusia will strive to implement inclusive CDBG-DR programs that recognize and embrace the diversity of its citizens. The County of Volusia will ensure that all citizens have equal access to information about the programs, including persons with disabilities (vision and hearing impaired) and limited English proficiency (LEP). Translation of all vital program documents will be completed as determined by the completion of a Limited English Proficiency analysis. The County of Volusia has bilingual staff members that are available to communicate effectively with non-English speakers. The county's website features embedded technology to provide accessibility to the

visually impaired via adjustment of font size and includes an Interpretive Translation Notice informing citizens in six different languages that translation services are available upon request.

### **3.7: Internal Controls**

Volusia County will post to its website additional documents that address the various internal controls put in place to ensure the appropriate use and management of the CDBG-DR funds. Those policies will include, but will not be limited to, the following internal control manuals:

- Procurement policies and procedures
- Policies and procedures governing the use of program income
- Policies and procedures that prevent duplication of benefits
- Policy and procedures to ensure timely expenditure of grant funds
- Policies and procedures to maintain a comprehensive website
- Policy and procedures to detect and prevent fraud, waste and abuse

### **3.8: Performance Reports**

As required by HUD, County of Volusia will complete a Quarterly Performance Report (QPR) detailing the expenditures, accomplishments, and beneficiaries associated with the appropriation of funding over each quarter. All quarterly reports are due to HUD on the 30th of each month after a quarter ends. The County of Volusia will post each QPR, as created using the DRGR system, when it is submitted to HUD.

### **3.9: Contracts and Subrecipient Agreements**

Volusia County will post to its website a list of all executed contracts and subrecipient agreements that will be paid with CDBG-DR funds, as defined in 2 CFR 200.22. Contracts and procurement actions that do not exceed the micro-purchase threshold, as defined in 2 CFR 200.67, are not required to be posted to a grantee's website. Information on the phase of the procurement, requirements for proposals, winning bidder, etc. will be included on the website, in addition to procurement policies and procedures.

## **4.0 Duplication of Benefits**

### **4.1: Duplication of Benefits Background**

Many federal and state agencies are involved in responding to presidentially declared major disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (the “Stafford Act”). Under Stafford Act requirements, Congress instituted a goal to achieve greater coordination and responsiveness of disaster preparedness and relief programs. The Stafford Act duplication of benefits (“DOB”) requirements apply to all federal agencies, including the United States Department of Housing and Urban Development (“HUD”), administering a disaster recovery program in which financial assistance for emergency response and long-term recovery is provided. Community Development Block Grant – Disaster Recovery (“CDBG-DR”) grants are subject to these requirements.

Section 312(a) of the Stafford Act requires federal agencies to assure that no person receiving federal financial assistance receives funds for any part of a loss already paid by insurance or any other source. Section 312(c) makes any person receiving duplicative assistance liable to the federal government for the duplicative amount and states, “the agency which provided the duplicative assistance shall collect [it] from the recipient when the head of such agency considers it to be in the best interest of the Federal Government” (42 USC 5155(c)). Additionally, Section 312(b) of the Stafford Act permits the payment of assistance to someone who is or may be entitled to future payments from insurance or another source, “if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance” (42 USC 5155(b)).

The Stafford Act requirements are reinforced by other regulations that govern the use of CDBG-DR funding. Acts of Congress, such as Public Law 117-328, appropriate CDBG-DR funding and require the HUD Secretary to certify that grantees have adequate procedures to prevent any DOB in advance of making grant awards. To receive HUD certification, grantees must demonstrate that they have “established adequate procedures to prevent any DOB as defined by section 312 of the Stafford Act.”

In addition to the explicit requirements of the Appropriations Act, Public Law 117-328, CDBG-DR grantees are also subject to the U.S. Code of Federal Regulations (“CFR”) Title 24, concerning HUD, and the Uniform Administrative Requirements of 2 CFR part 200. The latter regulations contain strict cost control guidance in Subpart E, which defines a reasonable cost as one that “in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost” (2 CFR 200.404).

While DOB verification is most often a component of housing-related recovery activities, it can also apply to public infrastructure and business recovery programs as well, depending on the nature of the activity. The fundamental requirement is that the grantee and its subrecipients must prove that they have accounted for any funds received by private insurance, the Small Business Administration (“SBA”), the National Flood Insurance Program (“NFIP”), the Federal Emergency Management Agency (“FEMA”), and/or any other funding an applicant has received for the same purpose as the CDBG-DR grant, prior to the award and expenditure of CDBG-DR funds.



Volusia County and its Transform386 partners will coordinate with FEMA, the NFIP, and the SBA to establish a process whereby beneficiary information can be obtained to determine if applicants, especially housing rehabilitation applicants seeking disaster recovery funding assistance, have either applied for or received funding from these agencies. Transform386 will leverage HUD's data sharing agreement with FEMA to ensure that applications for assistance incorporate the most recent available data when confirming the receipt of other sources of federal assistance. To ensure that the most recent assistance data is used to confirm other federal assistance, Volusia County is working on securing data sharing agreements with FEMA for 2022 Disaster – Hurricane Ian.

The Stafford Act directs the administrators of federal assistance to ensure that no person, business, or other entity will receive duplicative assistance and imposes liability to the extent that such assistance duplicates existing benefits available to the person for the same purpose from another source. The amount of the duplication is the amount of assistance offered in excess of need. The Stafford Act requires that recipients of federal disaster recovery funding make certain that no "person, business concern or other entity" will receive duplicative assistance. A DOB occurs when:

- A beneficiary receives assistance, and
- The assistance comes from multiple sources (e.g., private insurance, FEMA, NFIP, non-profits, etc.), and
- The total assistance amount exceeds the need for a particular recovery purpose

Eligible applicants may have previously received assistance from other sources. Under the requirements of Stafford Act (42 U.S.C. 5121, et seq.), as interpreted and applied by HUD, the program must account for certain aid received by applicants when determining the amount of assistance which can be granted. In accordance with the Stafford Act, all projects, both directly and subrecipient administered, will give due diligence to the identification and accounting of potentially duplicative sources of funding. This analysis will determine whether the source is duplicative, whether it was received or will be received, and deduct the total DOB amount from the project's need-based award determination.

The following are sources of funding assistance provided for structural damage and loss that are considered a DOB and under federal law must be deducted from the CDBG-DR assistance provided.

- FEMA Individual Assistance for Structure (IA),
- FEMA (National Flood Insurance Program),
- Private Insurance,
- Increased Cost of Compliance (ICC),
- Small Business Administration (SBA),
- Any other funding source available to the homeowner for the same purpose as a CDBG-DR grant that may duplicate the intended assistance of the program such as may be received from a charity or not-for-profit.

Funds received from any source, including flood insurance, FEMA, and hazard insurance that were used to cover repairs to the homeowner's home will reduce the amount of

disaster assistance if the evidence of expenditures at least equals the amount of assistance provided from the source(s). Documentation must be provided demonstrating the cost and type of repair conducted in accordance with 2 CFR 200.

Any additional funds paid to homeowner awardees for the same purpose as the housing assistance award after Volusia County has completed the repair, rehabilitation, or replacement of the homeowner’s housing units must be returned to the county as detailed in the executed grant agreement.

For additional information on duplication of benefits see the following Federal Register Notices 76 FR 71060, 84 FR 28836, and 84 FR 28848 available on the HUD Exchange website.

## 4.2: Duplication of Benefits Guidance

<b>Federal Register Notice</b>	<b>Publication Date</b>	<b>Subject</b>
84 FR 28836	June 20, 2019	June 2019 Duplication of Benefits Notice
84 FR 28848	June 20, 2019	June 2019 Duplication of Benefits Implementation Notice
76 FR 71060	November 16, 2011	Duplication of Benefits

On June 20, 2019, HUD issued two Federal Register notices applicable to duplication of benefits, 84 FR 28836 and 84 FR 28848. Federal Register 84 FR 28836 is entitled “Updates to Duplication of Benefits Requirements under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grants”. It outlines the new DOB requirements consistent with the Disaster Recovery Reform Act of 2018 (DRRA) as provided in division D of Public Law 115-254. Federal Register 84 FR 28848 entitled “Applicability of Updates to Duplication of Benefits Requirements under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees” provides implementation considerations for 84 FR 28836. These include the clarification that the new guidance supersedes and makes the November 2011 Federal Register 76 FR 71060 inapplicable to disasters occurring between 2015 and 2023 for any new activities or if the grantee revises policies and procedures and the applicable action plan for activities already being undertaken.

## 4.3: Duplication of Benefits Procedures

A duplication of benefits occurs when a beneficiary has received or is expected to receive assistance that serves the same purpose intended by Volusia County’s recovery program. For example, a duplication of benefits will occur if an applicant for a housing repair or rehabilitation program previously received financial or in-kind assistance for the repair or reconstruction of his or her home. To prevent any duplication of benefits from occurring prior to award, Volusia County will determine the remaining unmet need by considering all reasonably identifiable financial assistance made available to the applicant prior to the commitment of funds.

All agreements between applicants for housing repair, rehabilitation, or reconstruction and Volusia County or its subrecipients will require applicants to contribute any duplicative assistance identified (also known as DOB Gap Funds) prior to construction beginning on the project. DOB Gap Funds must be submitted within 90 days of the execution of the agreement, otherwise the homeowner's application will not be determined eligible. Commitment agreements will also require beneficiaries to repay any DOB assistance that is received after an award is granted if it is for the same purpose of the CDBG-DR funded award.

All beneficiary agreements, whether between Volusia County and applicants or subrecipients and applicants, will make it clear that awardees are expected to be honest and forthright in their disclosure of potential duplication of benefits. These requirements will be stated explicitly along with the following notification, "Warning: Any person who knowingly makes a false claim or statement to HUD or causes another to do so may be subject to civil or criminal penalties under 18 U.S.C. 2, 287, 1011 and 31 U.S.C. 3729. [Section III.A.1.a.(3) (c)]." For additional information regarding fraud, please see Volusia County's CDBG-DR Anti-Fraud, Waste, and Abuse policies and procedures. For additional information on HUD's policies concerning DOB related fraud, see the following Federal Register Notices: 76 FR 71060, 84 FR 28836, and 84 FR 28848 available on the HUD Exchange website.

#### **4.4: Monitoring for Duplication of Benefits**

Volusia County will design each of its recovery programs to account for any potential duplication of benefits that are relevant to the specific recovery activity. As recovery programs become operational, Volusia County will conduct periodic performance monitoring of recovery activities. Although the frequency and duration of these reviews will be based on individual program risk assessment, each monitoring review will incorporate an evaluation of the pre-award duplication of benefits analysis and the procedures for confirming the accuracy of the calculation.

## **5.0 Use of Program Income**

### **5.1: Background**

According to 24 CFR 570.489(e), program income is defined as “gross income received by a state, a unit or general local government or a subrecipient of a unit of general local government that was generated by the use CDBG funds.” CDBG-DR grant programs that provide loans (e.g., housing rehabilitation, or economic development assistance) or involve real property transactions (i.e., acquisition or buyouts) often generate program income. Although Volusia County’s CDBG-DR housing recovery programs are still in the planning and development stage, it is possible that some of these programs will generate program income. Volusia County will ensure that any such programs are developed in accordance with 24 CFR 570 as well as 2 CFR Part 200.302(b)(3), which requires funds to be adequately identified, classified, and coded for specific application of funds utilized by Volusia County, including program income.

Volusia County will ensure that all subrecipient agreements explicitly require subrecipient partners to report program income (as defined at 24 C.F.R. part 570.500(a) or in the Federal Register Guidance governing the CDBG-DR funds) in their quarterly progress reports. Program income must be used in accordance with the administrative requirements of 2 C.F.R. Part 200 and 24 C.F.R. Part 570.504, as well as the stated terms of the subrecipient agreement. Subrecipients will be required to return program income generated after closeout to Volusia County. Program income generated prior to closeout must be returned to Volusia County unless the program income is used to fund additional units of CDBG-DR activities, specified in a modification to this Agreement and duly executed prior to administrative closeout.

Volusia County will use the Disaster Recovery Grant Reporting (“DRGR”) system to track program income receipts, disbursements, and revolving loan funds (if applicable). If Volusia County allows subrecipients to retain program income, the subrecipients will report it to Volusia County’s CDBG-DR grant administration team, who will establish program income accounts in the DRGR system. The DRGR system requires grantees to use program income before drawing additional grant funds and ensures that program income retained by one organization will not affect grant draw requests for other organizations.

### **5.2: Program Income after Grant Closeout**

Volusia County is aware that the program income regulations found in 24 CFR 570.489(e) and 570.504 will remain in effect even after specific CDBG-DR recovery programs have ceased operating. In the event that Volusia County’s CDBG-DR programs have generated program income that cannot be used for any grant-funded program prior to closeout, Volusia County will transfer any program income to its annual CDBG-funded activities in accordance with the requirements of 2 CFR 200 and the procedures established by the County of Volusia’s Accounting and Related Procedures concerning grant revenues.

## **6.0 Timeliness of Expenditures**

### **6.1: Background**

Timeliness of expenditures for the grant funds is defined as 6 years for CDBG-DR grants. Volusia County will comply with this timeline by implementing effective budgeting and maintenance of expenditure projections.

Volusia County will use regular monitoring and reporting to ensure that CDBG-DR timeliness standards are met. This analysis includes but is not limited to ensuring that all funds are used in compliance with all applicable statutory and regulatory provisions, terms and conditions of the federal award including projections of expenditures of 50% and 100% within the period of performance. To monitor the CDBG-DR spend rate, a cumulative monthly trend report is prepared by the financial management staff of the department.

In order to provide an appropriate level of management review, the financial management staff prepares weekly expenditure and projection reports for each individual CDBG-DR grant award. The report is organized by the three HUD authorized CDBG-DR cost categories: Administration, Planning, and Activity Delivery. Within the categories, the report reflects the HUD budgeted allotments, the year-to-date expenditures, encumbrances, projected expenditures, and the percent expended. This report is used by county management to monitor the level of spending on a weekly basis and determine if any planning or activity budgets should be realigned.

As part of the requirements of the CDBG-DR grant, Volusia County's grant management team will prepare a quarterly report that details the progress on a program-by-program basis and includes a comparison of actual spending to projected expenditures. This will give Volusia County's grant management team the ability to determine whether funds are being expended in a timely manner. Projections are developed based on a combination of current spend rate, projected start and end dates, and input from program managers on anticipated milestones. Each program will continually monitor and assess the activities assigned to ensure timely expenditure of funds.

Funds may be realigned for reasons determined by county management including, but not limited to, activities that become stalled, programs that are not progressing in a timely manner, significant changes in unmet needs, undersubscribed programs, and/or oversubscribed programs. Volusia County will reallocate funds to another eligible activity outlined in the CDBG-DR Action Plan. Program managers will coordinate with Transform386 partners to determine the best use of funds.

### **6.2: Performance Monitoring**

To ensure all CDBG-DR subrecipient programs are on track to meet the timelines incorporated in their grant agreements, Volusia County will establish a monitoring plan for its recovery activities and those of its respective subrecipients. This will ensure that the recovery activities specified in the Action Plan progress toward timely completion while allowing for early identification of potential issues and problems so that they can be prevented or corrected. The monitoring plan will include a combination of desk

monitoring and onsite monitoring. Monitoring will be conducted in accordance with the latest risk assessment and associated monitoring plan for the specific CDBG-DR disaster recovery program.

### **6.3: Corrective Measures**

If program issues and problems are identified through monitoring and remain uncorrected, one or more remedies will be imposed. The choice of remedies will be governed by the type and seriousness of the deficiency. Possible remedies include the following:

- Seek changes in personnel duties and responsibilities
- Suspension of grant payments
- Reduction of grant amount
- Termination of grant
- Recapture of grant funds from subrecipient

## **7.0: Volusia County Office of Recovery and Resiliency Residential Anti-displacement and Relocation Assistance Plan for CDBG-DR Programs**

### **7.1: Background**

In accordance with the Housing and Community Development Act of 1974, as amended, (HCDA), and US Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and 570.440 (1), use of Community Development Block Grant Disaster Recovery (CDBG-DR) funds must minimize adverse impacts on persons of low and moderate-income persons. The purpose of this Residential Anti-displacement and Relocation Assistance Plan (RARAP) is to provide guidance on complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), (Pub. L 91-645, 42 U.S.C. 4601 et seq) and section 104(d) of the HCD Act (42 U.S.C. 5304(d))(Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C.

This plan serves as a supplement to the acquisition and relocation requirements cited herein. This plan is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or those in a floodplain or floodway.

### **7.2: Guidance**

The Volusia County RARAP serves as a supplement to the acquisition and relocation requirements stated in the URA. The approved plan must be made available publicly once approved. The plan shall indicate the steps that will be taken consistent with other goals

and objectives of the program, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities.

### 7.3: Waivers

For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD waived the following URA and section 104(d) requirements with respect to the use of CDBG-DR funds, as applicable in the Consolidated Notice (88 FR 32046):

- **Tenant-based Rental Assistance:** Per Section IV.F.3 of the Consolidated Notice, the requirements of sections 204 and 205 of the URA, and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to meet all or a portion of replacement housing payment obligations to a displaced tenant by offering rental housing through a tenant-based based rental assistance (TBRA) housing program subsidy, (e.g., Section 8 rental voucher or certificate), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Households may be denied URA assistance as a result of being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by the URA.
- **One-for-one replacement:** Requirements at section 104(d)(2)(A)(i) and (ii) and (d)(3) of the HCD Act and 24 CFR 42.375 regarding one-for-one replacement are waived in connection with funds allocated under Section IV.F.1 of the Consolidated Notice for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. This waiver exempts disaster-damaged units that are “not suitable for rehabilitation,” defined by Volusia County in Section 3.8 of the CDBG-DR Action Plan. Per Section 3.8 of the Action Plan, a residential property is “not suitable for rehabilitation” if any of the following three conditions apply:
  - The property is declared a total loss, or
  - Repairs would exceed 50% of the cost of reconstruction, or
  - Homes cannot be rehabilitated or reconstructed in place under existing agency policies and award caps due to legal, engineering, or environmental constraints, such as permitting, extraordinary site conditions, or historic preservation.
- **FEMA & CDBG rental assistance disparity:** For the purpose of uniform and equitable treatment between FEMA and CDBG funds, the relocation assistance requirements at section 104(d)(2)(A) of the HCDA are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified under Section IV.F.2 of the Consolidated Notice for these funds.
- **Safe housing incentive payments:** Per Section II.B.8 of the Consolidated Notice, 42 USC 5305(a) and associated regulations are waived to the extent necessary to

allow the provision of housing incentives as appropriate for the purpose of relocation to a suitable housing development or an area promoted by the community's comprehensive recovery plan.

- **Occupancy requirement:** Per Section IV.F.6 of the Consolidated Notice, homeowner occupants and tenants displaced from their homes as a result of the identified disasters and who would have otherwise been displaced as a direct result of any acquisition, rehabilitation, or demolition of real property for a federally funded program or project may become eligible for a replacement housing payment notwithstanding their inability to meet occupancy requirements prescribed in the URA. To the extent that it would apply to real property acquisition, rehabilitation or demolition of real property for a project commencing more than a year after the Presidentially declared disaster, Section 414 of the Stafford Act and implementing regulation at 49 CFR 24.403(d)(1) are waived, provided that the project was not planned, approved or otherwise underway prior to the disaster.
- **Optional relocation policies:** Per Section IV.F.5 of the Consolidated Notice, the requirement that optional relocation policies be established at the grantee level for households which do not meet the URA definition of "displaced person" under 24 CFR 570.606(d) is waived.

## 7.4: Policy

Low-income households permanently displaced as a result of CDBG-DR activities will be provided with relocation assistance under the HCDA and URA. Those households that are displaced but not low-income may be provided relocation assistance as needed, within the limitations of the allocation and to the extent that it is allowed as per the URA and implementing regulations at 49 CFR Part 24.

## 7.5: Minimizing Displacement

The following steps will be taken, where applicable, to minimize direct and indirect displacement of persons from their homes. Subrecipients must include the steps noted below in their local Residential Anti-displacement and Relocation Plan (RARAP). Applicability of items on this checklist is dependent upon the project objectives and related feasibility of each action.

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Consider effect of tax policies which impact property tax assessments for lower income owner-occupants or tenants affected by the disaster.
4. Adopt policies which provide reasonable protections for tenants residing in affected properties.



5. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex as long as possible during and after rehabilitation, working with empty units first.
6. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
7. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
8. Establish or utilize approved local counseling centers to provide homeowners and tenants with assistance to understand their options and implement their choices in the face of displacement.
9. Prioritize the rehabilitation of housing, as opposed to demolition, to avoid displacement.
10. If feasible, demolish or convert only dwelling units that are not occupied or vacant habitable “dwelling units” (as defined in 24 CFR 42.305) and in accordance with the One for One Replacement policy in Section 4.3, below.
11. Target only those properties deemed essential to the need or success of the project to avoid displacement that is unnecessary.

## **7.6: Relocation Assistance**

A displaced person may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24 or assistance under 104(d) of the HCD that includes the following:

1. advisory services,
2. reasonable moving expenses,
3. security deposits and credit checks,
4. interim living costs for actual reasonable out-of-pocket costs incurred in connection with the displacement including moving expenses,
5. replacement housing assistance as described above.

## **7.7: One-for-One Replacement**

Per Section IV.F.1 of the Consolidated Notice, HUD has waived the one-for-one replacement requirement of 24 CFR 42.375 for owner-occupied housing units that have been deemed “not suitable for rehabilitation.” As noted in the above Section 3, Volusia County has defined a residential property as “not suitable for rehabilitation” in its CDBG-DR Action Plan as one in which any of the following three conditions apply:

- The property is declared a total loss, or
- Repairs would exceed 50% of the cost of reconstruction; or

- Homes cannot be rehabilitated or reconstructed in place under existing agency policies and award caps due to legal, engineering, or environmental constraints, such as permitting, extraordinary site conditions, or historic preservation.

All occupied and vacant habitable lower-income dwelling units that are otherwise suitable for rehabilitation and are to be demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity will be replaced with comparable lower-income dwelling units. In the event that occupied or vacant habitable lower-income dwelling units are demolished or converted, replacement lower-income dwelling units will be provided in accordance with the following requirements:

1. The replacement units will be located within Volusia County and, to the extent feasible and consistent with other statutory proprieties, the units shall be located within the same neighborhood as the units replaced.
2. The units will be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in units shall be determined in accordance with applicable local housing codes. Units will not be replaced with units that are smaller, unless otherwise consistent with Volusia County's Five-Year Consolidated Plan 2020 - 2024.
3. The units will be provided in standard condition. Replacement lower-income dwelling units may include units that have been raised to standard from substandard condition if:
  - a. No person was displaced from the unit; and
  - b. The unit was vacant for at least 3 months before execution of the agreement between the recipient and the property owner.
4. The units will initially be made available at occupancy at any time during the period beginning 1 year before the recipient discloses to the public that the original units will be replaced and ending 3 year after the commencement of the demolition or rehabilitation related to the conversion.
5. The units will be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance.

Before committing funds to a proposed project that will directly result in the demolition or conversion of a lower income dwelling unit, Volusia County will make the following information public by posting on its website and circulating in a local newspaper:

1. A description of the proposed assisted project;
2. The address, number of bedrooms and location on a map of the lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;

4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units, or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in Volusia County's Five-Year Consolidated Plan 2020 – 2024.

## Appendix 1: Merit Rules and Regulations concerning Employee Conduct

### Sec. 86-43. Conduct of employees.

- (a) *Code of conduct.* Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.
- (b) *Political activity.*
- (1) All employees are entitled to exercise their rights as citizens to express their opinions on all political subjects and candidates, to vote as they choose, to hold membership in and support a political party, to maintain political neutrality, and to attend political meetings.
  - (2) No employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; participate in the management, affairs or campaign of any candidate for political office during work hours, in a county building, or on a county work site; solicit any assessments, contributions, services, or petitions for any political party or political campaign during work hours, in a county building, or on a county work site; use county property for any political party or any candidate campaign; or appear in any county uniform as a political candidate or as part of an event or advertisement in support of any candidate or political party.
  - (3) No employee may hold elected political office, except as provided in subsection (b)(4). Any employee elected or appointed to any elective public office other than one of the offices of elected department head created pursuant to Charter section 602.1 shall be deemed to have vacated his or her former position of county employment and to retain no right to re-employment.
  - (4) Any employee appointed to fill a vacancy in one of the offices of elected department director created pursuant to Charter section 602.1 shall be placed on leave of absence for the duration of the appointment. An employee appointed as an elected department director thereafter may become a candidate for such Charter office. However, if elected, such employee shall be deemed upon commencement of the term for which election is first sought to have vacated his or her former position of county employment and to retain no right to re-employment.
  - (5) An employee without resignation of employment may become a candidate for any elected public office subject to the restrictions of this section; provided that nothing herein shall excuse compliance with controlling provisions of Florida or federal law that forbids candidacy for certain offices or requires resignation of certain employees when seeking office. Employees who run for office pursuant to this subsection shall continue to abide by all other applicable county personnel rules and policies while employed by the county.
  - (6) Unless waived by the county manager for the needs of the county, an employee who becomes a candidate for an elected public office shall be required to take 15 calendar days of mandatory uninterrupted leave immediately prior to and on the date of each primary or general election for which such office is on the ballot. An employee taking such leave shall use available personal or annual leave time to meet the requirements of this subsection; however, if such employee has insufficient personal or annual leave available for the entirety of the mandatory leave period, the remainder shall be treated as approved unpaid leave without pay but without loss of benefits.
- (c) *Outside employment.*
- (1) Full-time employees are not encouraged but not prohibited from engaging in other employment during their off-duty hours. However, county employment shall be considered the primary employment; and no employee may engage in outside employment which in any manner

interferes with proper and effective job performance, results in a conflict of interest or which may subject county government to public criticism or embarrassment.

- (2) Approval to engage in outside employment must be obtained in writing from the employee's appointing authority. If the specific conditions of the outside employment change, a new request for approval must be submitted. Failure to secure required approval may cause an employee to be suspended or discharged. Approval will at all times be subject to review and cancellation.
- (3) Disapproval of a request or cancellation of an existing approval may be appealed through the grievance procedure.

(d) *Gifts and gratuities.*

- (1) No employee shall solicit or accept any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any organization, business firm or person who has or is seeking to obtain business with the county government or from any organization, business firm or individual whose interests may be affected by the employee's performance or nonperformance of official duties. This restriction is not intended to prohibit employees from obtaining loans from regular lending institutions.
- (2) Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; unsolicited advertising or promotional material, e.g., pens, notepads, calendars, etc., or social courtesies which promote good public relations is permitted.
- (3) Contributions made for flower funds or special gifts for fellow employees are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.
- (4) Supervisors, in addition, must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from subordinates.
- (5) Inspectors, contracting officers and enforcement officers must be particularly careful to guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

(e) *Conflict of interest.*

- (1) No employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service:
  - a. That would cause a reasonably prudent person to be influenced in the discharge of official duties.
  - b. That is based upon any understanding that the vote, official action or judgment of the public officer, employee or candidate would be influenced thereby.
- (2) No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment or thing of value when such public officer or employee knows, or with the exercise of reasonable care should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.
- (3) No employee shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit or exemption for himself or others.

- (4) No employee shall have or hold any employment or contractual relationship (personal services) with any business entity or any agency which is subject to the regulation of, or doing business with, the county, excluding those organizations and their officers, who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the county; nor shall an employee have or hold any employment or contractual relationship that will create a conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.
  - (5) No employee shall disclose or use information not available to members of the general public and gained by reason of his official position or benefit or for the personal gain or benefit of any other person or business entity.
  - (6) It is not the intent of this section, nor shall it be construed, to prevent any employee of the county from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge of such employee of his duties to the county.
  - (7) The provisions of this subsection (e) shall be construed to be consistent with state law regarding conflict of interest. Notwithstanding anything in this section to the contrary, employees are bound by all state laws respecting conflict of interest, including but not limited to any required disclosure of financial interests.
- (f) *Business activities and solicitation.* No employee shall engage in any business other than his regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit, etc.
  - (g) *Privileged information.* Employees may deal with plans, programs and information of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide any other person with financial advantage, or with information which could be used for financial advantage. If an employee finds that he has an outside financial interest which could be affected by county plans or activities, he must immediately report the situation to his supervisor. Each employee is charged with the responsibility of ensuring that he releases only information that he has authority and responsibility to release and that should be made available to the general public. Violation of privileged information or use for private gain is just cause for dismissal. This section shall not be construed to be in conflict with the State Public Records Act, F.S. ch. 119.
  - (h) *Family employment restrictions.* No employee shall advocate, lobby, influence, use their position to influence, or appear to influence, any employment or personnel related decision for or on behalf of an immediate family member or an immediate family member of another employee. No member of the immediate family of an employee may be employed, promoted, demoted or transferred on a permanent or temporary basis, to a position where that relative would be supervised by or supervising, or influenced by or influencing, the activities of that employee. For purposes of this subsection, the term "immediate family" is defined as blood, marital or step relatives, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, step-sister, half-brother, half-sister, or any ward of an employee living within the same household.
  - (i) *Use of county property.* Employees should not, directly or indirectly, use or allow the use of county property of any kind for other than official activities.
  - (j) *Violations.* Any officer or employee of the county who knowingly violates any of the provisions of this section shall be subject to dismissal from his position in the county service.
    - (1) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article.
    - (2) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the county government.

- (3) No employee of the human resources office, or any other person, shall defeat, deceive or obstruct any person in their right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the county service.
- (4) No councilmember during the term for which he has been elected or appointed, or for one year thereafter, shall be eligible for appointment to any office, position or employment in the county service which carries compensation.
- (5) Any county employee participating in a strike, as defined in F.S. ch. 447, pt. II (F.S. § 447.201 et seq.), shall be subject to termination from county employment.
- (k) *Loyalty oath.* All persons who now or hereafter are employed by the county shall be required to take the state loyalty oath. Penalty for refusing shall be as prescribed by state law, which includes but is not limited to the immediate discharge of said person.

(Ord. No. 81-19, § 2.05, 9-3-81; Ord. No. 2016-03 , § I, 1-21-16; Ord. No. 2016-05, § I, 4-7-16; Ord. No. 2017-27, § I, 11-16-17)

Editor's note(s)—Ord. No. 2017-27, § I, adopted Nov. 16, 2017, repealed the former §§ 86-43 and 86-44, which pertained to consolidation into or conversion to merit system coverage and service of classified employees in unclassified positions and derived from Ord. No. 81-19, § 2.03, 9-3-81 and Ord. No. 81-19, § 2.04, 9-3-81. At the direction of the county, §§ 86-45 and 86-46 have been renumbered as §§ 86-43 and 86-44.

Charter reference(s)—Ethics, art. XII.

State law reference(s)—Political party membership, F.S. § 112.046; public ethics, F.S. § 112.311 et seq.; official oath, F.S. § 876.05.