CITY COMMISSION
REGULAR MEETING
OFFICIAL AGENDA
January 19, 2016
6:00 p.m.

Municipal Administration Building
Commission Chambers
201 W. Central Avenue
Lake Wales, FL 33853

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. ROLL CALL

5. MAYOR

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS
   Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and whether your address resides inside or outside City limits. Please limit your discussions to five (5) minutes.

8. CONSENT AGENDA
   Any member of the public can ask the City Commission to pull a consent item for separate discussion and vote that they would like to make comment on.

8.I. Approval Of Minutes: January 5, 2016, Regular Meeting

Documents: 2016-01-05REG.PDF

8.II. Office Space Lease - University Of South Florida Board Of Trustees
The approval will allow Florida SBDC to continue leasing office space in the City of Lake Wales Municipal Administration Building for annual payment of $1.00. Total in-kind contributions provided by the City from January 1, 2015 to December 31, 2015 were $26,400.

Documents: MEMO - USF LEASE.PDF, LEASE RENEWAL.PDF, RECORD OF INKIND SERVICES 2015.PDF, FSBDCN BROCHURE.PDF, WORKSHOPCATALOG.PDF

8.III. Special Event Application: Lake Wales Car Show 3-Year Permit
The Lake Wales Main Street has submitted a permit application to continue the Car Show on Stuart Avenue on the 4th Saturday of each month for 3 more years.

Documents: MEMO TO COMMISSION FOR CAR SHOW 2016.PDF, CAR SHOW APPLICATION 2016.PDF

8.IV. Cancelation Of Tank Maintenance Contract
Staff requests commission approval to cancel the current tank maintenance contract which expires on September 30, 2016.

Documents: MEMO-TANK MAINTENANCE CANCELATION.PDF, TANK MAINTENANCE CANCELATION LETTER.PDF

8.V. Lease Agreement With The Bancorp Bank For A New Vactor Truck

Staff requests commission approval to enter into a new lease agreement with The Bancorp Bank for the lease of a new vactor truck in the amount of $6,352.25 per month. The Wastewater Department has placed $76,227 for the new vactor lease in the FY 2015'16 operating budget to be funded by operating revenues for this purchase. Through FY 2020'21, the Wastewater Department would plan annual appropriations of $76,227 to cover this purchase.

Documents: MEMO-VACTOR LEASE OPTION 2016.PDF, SCHEDULE -VACTOR SEWER CLEANER.PDF

8.VI. Edward Byrne Memorial State And Local Law Enforcement Assistance Grant

Approval of this item will allow the police department to submit for and receive grant funding to purchase items to be used in the investigation of criminal activity and traffic crashes.

Documents: MEMO-2016 JAG-D.PDF, FISCAL IMPACT STATEMENT.PDF, 2016 JAGD APPLICATION - COMPLETE.PDF

8.VII. Preliminary Financial Statements For December 31, 2015

The preliminary financial statements report revenues received and expenditures made through the end of December 31, 2015.

Documents: 001 - AGENDA -COMMISSION FINANCIALS - DEC 2015.PDF, 002 - DEC 2015 - FINANCIALS.PDF

9. OLD BUSINESS

9.I. Ordinance 2016-01 – 2nd Reading And Public Hearing Amendments To Zoning, Land Use And Development Regulations

This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

Documents: MEMO 2ND R ORD 2016-01 ZONING AMENDMENTS.PDF, ORDINANCE 2016-01 HOUSEKEEPING.PDF

9.II. Ordinance 2016-02 – 2nd Reading And Public Hearing Amendments To Chapter 12 – Health Sanitation, Nuisances, And Minimum Property Maintenance Standards

This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

Documents: MEMO 2ND R ORD 2016-02 CHAPTER 12 AMENDMENTS.PDF, ORDINANCE 2016-02.PDF

10. NEW BUSINESS

11. CITY MANAGER

11.I. TRACKING REPORT

Documents: TRACKING.PDF

11.II. City Commission Meeting Calendar

Documents: CITY COMMISSION MEETING CALENDAR,1-19-2016.PDF

11.III. Other Meetings & Events Calendar

Documents: OTHER MEETINGS AND EVENTS CALENDAR.PDF

11.IV. Information: Boards, Commissions, Committees
This information provides the meeting dates and times of when City Boards, Commissions, and Committees meet, and it lists the duties of each and vacancies that currently exists.

Documents: BOARD INFORMATION.PDF

12. CITY COMMISSION COMMENTS

13. MAYOR COMMENTS

(The staff memos are incorporated into the official record)
Minutes of the City Commission meeting can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:
Persons who wish to appeal any decision made by the City Commission with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The meeting of the Lake Wales City Commission was held on January 5, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Pete Perez; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Albert C. Galloway, Jr., City Attorney

5. MAYOR

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

Kevin Kieft, Lake Wales Area Chamber of Commerce and EDC, announced their 5th Annual Economic Forum that will be held on Friday, January 15 at Lake Ashton starting at 7:30 a.m. He said that Raymond James, Pat Cain sponsors the event. Jeff Sault will be giving a forecast on what 2016 has in store regionally and nationally. The event is open to the public at $12.00 per person. Mr. Fields said the City has a table reserved and asked that anyone who would like to go to let him know so he could give a proper count to the Chamber.

8. CONSENT AGENDA

Agenda Item 8.1. APPROVAL OF MINUTES: December 15, 2015 Regular Meeting

Agenda Item 8.II. Grant of Distribution Easement to Duke Energy

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider granting Duke Energy Florida, Inc. a 10-foot Easement for the City property located 440 South Airport Road.

RECOMMENDATION

It is recommended that the City Commission grant Duke Energy Florida, Inc. a 10-foot distribution easement for the City property located at 440 South Airport Road (Lake Wales Municipal Airport).

BACKGROUND

In July 2015, the City Commission approved a ground lease at the Lake Wales Municipal Airport with Terry Short Aircraft Services to build a hangar. In addition to building the hangar Mr. Short wants to have three (3) street light poles installed for the hangar.

DRAFT

There are existing street lights in this section but according to Duke Energy records, there was never an easement granted for this section.

Duke Energy Florida, Inc. informed the Terry Short Aircraft Services that in order to move forward with the installation of the light poles, they are requiring a 10-foot distribution easement.

FISCAL IMPACT

None, all cost associated with the installation and monthly electric bill is the responsibility of Terry Short Aircraft Services.

OTHER OPTIONS

None

[End Agenda Memo]

Deputy Mayor Thornhill made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

9. OLD BUSINESS

10. NEW BUSINESS

Agenda Item 10.I Ordinance 2016-01, Amendments to Zoning, Land Use and Development Regulations – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-01 after first reading. A public hearing is not required.

The Planning and Zoning Board held a public hearing on December 9, 2015 and recommended favorably for the approval of the proposed amendments.

BACKGROUND

DRAFT

Most of the amendments are housekeeping in nature. They correct misspellings and insert words that were inadvertently left out.

Section 1 of the ordinance proposes an amendment increasing the number of Planning Board members that can reside outside the city, but must own property within the city limits, from one (1) to three (3) members. The Board is made up of seven (7) members therefore the majority of the membership would still require residency. The Planning Board discussed this amendment at length and on a three (3) to one (1) vote recommended approval.

Section 2 proposes an increase in the number of principal buildings on a lot that can be approved as a major site plan from two (2) to four (4). This will streamline some of the approval process and may encourage development. The Planning Board unanimously supported this amendment.

Sections 3, 4, 5, 6, and 8 deal with scrivener's errors such as misspelling and omitted words.

Section 7 proposes to allow an administrative approval of an increase in fence height from four (4) feet up to six (6) feet in a functional side yard. This would be applicable for corner lots that by design have two front yards by regulatory definition, but one functions as a side yard.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-01 by title only:

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO PLANNING BOARD MEMBERSHIP; LOTS AND STRUCUTRES; CERTIFICATE OF APPROPRIATENESS; EXEMPTION FROM PAYMENT OF REVIEW FEES; APPEALS AND VARIANCES; TOWER AND TELECOMMUNICATIONS FACILITIES; FENCES AND HEDGES; AND CONCURRENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.I. and explained the proposed changes recommended by the Planning & Zoning Board.

OPENED PUBLIC COMMENT

There were no comments made by the public.

CLOSED PUBLIC COMMENT

Commissioner Howell made a motion to approve Ordinance 2016-01 after first reading. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

DRAFT

Deputy Mayor Thornhill "YES"
Commissioner Lutton "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Agenda Item 10.II. Ordinance 2016-02, Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum Property Maintenance Standards – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-02 after first reading. A public hearing is not required.

BACKGROUND

In 2012 when the last amendment to Chapter 12 was initiated the numbering was not integrated as well as it could have been. This is being corrected with this amendment. The Code Enforcement Division has been made part of the Department of Planning and Development so this is reflected in the amendment.

An effort has been made to remove redundancies from the chapter and to clarify responsibilities of all parties including staff and citizenry.

Staff is recommending additional detail for dead trees as well as conditions that may pose a danger to children.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-02 by title only:

(Amendments to Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHPATER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; RENUMBERING SECTIONS TO FIT OVERALL CODE NUMBERING SYSTEM, CLARIFYING RESPONSIBILITIES; REMOVING REDUNDANCIES; UPDATING CROSS REFERENCES WITH OTHER SECTIONS OF CODE; ADDING DEAD TREES AND

DRAFT

PROHIBITING CONDITIONS DANGEROUS FOR CHILDREN; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.II. She explained the proposed changes and said there are two proposed additions recommended because the Code is not too clear: Sec. 12-233.5, Dead Trees, Limbs, Branches, and Accumulated Landscaping Materials, and Sec. 12-233.11, Conditions Dangerous to Children.

In regards to Sec. 12-233.5, Deputy Mayor Thornhill asked what would happen if he removed a dead tree in the backyard and left the stump. Ms. Bangley said the purpose of the change is more for safety reasons and that Code Enforcement doesn't always enter a backyard unless they are asked to. The proposed change is more for the front yard and not the back yard. Deputy Mayor Thornhill said some people leave the stump and make something decorative out of it and Ms. Bangley said if they make something decorative and not create a safety hazard then that is okay.

Deputy Mayor Thornhill questioned Sec. 12-233.11, Conditions Dangerous to Children, and as an example Ms. Bangley explained that someone could have a refrigerator on their carport that they might be using that could pose a danger to children by not having a latch on it to prevent them from getting into it whether it is operational or not. She said that is the same as someone dumping off a refrigerator because it poses a danger to children if they can get into it.

The Mayor asked if Republic Services will still pick up limbs and other foliage that people put out. Ms. Bangely said yes, although it might require them calling and asking for a special pickup. She said when people dump it on vacant land that becomes an issue because Republic Services do not know who to send the bill to. Another issue is that Republic Services does not pick up construction debris so trying to clean up that is an ongoing issue. Deputy Mayor Thornhill said that might require them getting a dumpster to put the construction debris in, which costs more money. Ms. Bangley said it becomes difficult to pick up when people leave it on the side of the road because the Streets Division does not have the manpower or the equipment with their pickup truck to remove the debris so that continues to be an ongoing issue.

OPENED PUBLIC COMMENT

There were no comments made by the public.

CLOSED PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-02 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Perez	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Agenda Item 10.III. Ordinance D2016-01, CPA/Zoning, American Garden Perlite Property, 31 Airport Road – 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

DRAFT

The proposed amendment will designate land use and zoning for approximately 10.62 acres of property located at 31 Airport Road.

RECOMMENDATION

Staff recommends that the City Commission approve, following a public hearing, a first reading of Ordinance D2016-01.

Notice requirements for a public hearing have been met.

The Planning and Zoning Board held a public hearing on December 9, 2015 and voted unanimously to recommend a change in land use designation on the subject property from Polk County Future Land Use designation BPC-2 Business Park Center-2 to City of Lake Wales Future Land Use designation of I-Industrial.

BACKGROUND

The ordinance proposes land use designation changes for approximately 10.62 acres of property located at 31 Airport Road and owned by American Garden Perlite, LLC. The property was annexed into the city by Ordinance 2015-15.

See Attachment A to the ordinance for location and land use designations.

Surrounding land use designations:

North: County – IND Industrial
South: City – IND Industrial and CON Conservation
East: County – BPC-2 Business Park Center
West: County BPC-2 Business Park Center

Proposed development impact:
The owner intends to redevelop the existing facility and will connect to city utilities when they become available.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance D2016-01 by title only:

(CPA/Zoning American Garden Perlite – 10.62 Acres – 31 Airport Road)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 10.62 ACRES OF LAND LOCATED ON AIRPORT ROAD FROM POLK COUNTY DESIGNATION BPC-2 - BUSINESS PARK CENTER-2 TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION I – INDUSTRIAL AND ZONING DESIGNATION I-2 – INDUSTRIAL INFILL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.III.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

DRAFT

Deputy Mayor Thornhill made a motion to approve Ordinance D2016-01 following first reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Perez	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Mr. Fields said the City has been approached recently and in the past by food vendors about operation of food trucks. He said according to our Code it is illegal to operate a food truck in the City of Lake Wales so he was wondering if the Commission had any objection in looking at what other cities are doing in that regard in terms of areas in allowing them etc. Ms. Bangley explained currently the rules are that we would allow a food truck to be like a vendor at a special event but for somebody to just show up in the City during the week it is not allowed. It is an accessary use because it doesn't have a permanent location. Currently the Code only allows for an accessary use to be located where a primary use exists. They would have to pick a primary place to be and go through a special exception use process with the Planning Board with the sign-off of that property owner allowing them to be located there even if it is only three days a week. Home Depot or Lowes has a food truck or they both might have one in front of their establishment, but it is more of a food wagon as opposed to a full food truck. Those were approved as part of their site approval process. But, for somebody to come into the City just to serve lunch two or three days a week we really don't have a provision for where they can set up. So, we are looking for direction from the Commission in looking into how other municipalities of our size in our area deal with this kind of thing.

Commissioner Lutton commented that he heard from some of the larger cities that food trucks have an unfair tax advantage. Ms. Bangley said they do not pay the same tax scenario that a permanent structure such as a brick and mortar type scenario does so whether or not we want that in our community is certainly a discussion. Commissioner Lutton said that is the biggest con about the food trucks. It is really an upcoming trend in more progressive cities like Portland and DC. There are not enough restaurants to feed that many people. He said he has no problem with it if we locate them in an area where it is not in direct competition with our current local food stores. If they had a spot where regulars could come by it would be better because not everyone goes to the same restaurant every day. It will give a little variety in our town that we don't have and are not going to get quickly.

Ms. Bangley said those that have inquired have been informed and it has been made available for them on how to get on our vendor list for our special events to at least get them into the City if they haven't been here before.

Mr. Fields said we've had people to express interest down at the lake. We have a trail and a horseshoe that is empty. More than one vendor can easily be accommodated down there a couple days a week. It would be another amenity. It is not in direct competition because there is nothing else down there and it would make the lakefront more attractive.

Ms. Bangley said after looking into this she will bring back a white paper to the Commission on the opportunities and where they can be accommodated. She said the lake is a great idea because it has electric and other kinds of things. Commissioner Lutton said these are very astute business people. If they can't turn a profit in a few days they will not come back.

Commissioner Howell said we need restaurants in Lake Wales, so if food trucks deliver food then she is in favor of it.

DRAFT

Ms. Bangley reported that she is in desperate need of Board of Appeals members; she has an application that has been sitting on her desk for about six weeks that she cannot take action on due to a lack of quorum and she got a call today about another application. She said the board meets at 9:00 a.m. so if that time is a problem the two sitting members are not opposed to changing the time.

Agenda Item 10.IV. Resolution 2016-01, Polk County Board of County Commissioners Library Municipal Services Taxing Unit

[Begin Agenda Memo]

SYNOPSIS

The adoption of Resolution 2016-01 urges Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

RECOMMENDATION

Staff recommends that the City Commission adopt Resolution 2016-01 requesting the Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

BACKGROUND

In 1997, thirteen Polk County cities entered into an Interlocal Agreement with the Polk County Board of County Commissioners to provide public library services to residents of unincorporated Polk County. There are no public libraries in unincorporated Polk County. The 1997 Interlocal Agreement stipulated that library service to non-city residents by provided by the 16 municipally funded public libraries.

Revenues from the Polk County BOCC for the operation of the Polk County Library Cooperative totaled $600,000 annually for the first three years. Minimal increases in funding followed, but the per capita support from the Polk County BOCC fell drastically behind what city residents in all 13 municipalities were assessed per capita.

In 2005, Polk County BOCC took action and instituted a Library Municipal Services Taxing Unit on unincorporated residences in Polk County. The Library millage rate was set at .25 by the BOCC, and then rolled back to .2109 two years later in 2007.

The Lake Wales Library Board requests that the Lake Wales City Commission adopt the attached Resolution supporting the Polk County Board of County Commissioners return to a minimum of .25 mils assessed for the Library Municipal Services Taxing Unit.

Staff recommends approval.

OTHER OPTIONS

None

FISCAL IMPACT

Increased revenues for the Lake Wales Public Library's operation if .25 millage rate is restored. Exact dollar amount varies each year.

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-01 by title only:

DRAFT

A RESOLUTION OF THE CITY OF LAKE WALES OPPOSING CONTINUED REDUCTION IN THE LIBRARY MUNICIPAL SERVICES TAXING UNIT FROM THE 2007 ROLLBACK AND SUPPORTING THE REINSTATEMENT OF THE POLK COUNTY LIBRARY MUNICIPAL SERVICES TAXING UNIT ON UNINCORPORATED RESIDENCES TO THE PRE-ROLL BACK LEVEL OF .25 MILS TO CREATE A MORE EQUITABLE FUNDING COMMITMENT FOR POLK COUNTY LIBRARY SERVICES TO ALL POLK COUNTY, FLORIDA RESIDENTS.

Library Director Tina Peak reviewed Agenda Item 10.IV. She said the County Commission does their budget retreats in February so she would like to get the City's wishes to them before that. They reinstated impact fees last year and those impact fees stay at the Polk County level to help with administrative costs, etc. If this is instituted it will bring more funding to each municipality that serves unincorporated residents. It was recommended that the impact fees still remain on the books but funded at zero so the Board of County Commission did reinstate impact fees for new residential construction in the county for library services. However, that does not come back to the local level. It would have to be a county-wide project of the Polk County Library Cooperative for us to receive any of those impact fees. The new software system that we have operated off of for the past two years was paid for by impact fees so each municipality benefited from that. This is day-to-day operating expenses that come from the Municipal Taxing Services Unit. The county has a MSTU for parks and for Libraries. Last year they rolled the parks' MSTU back to the original rate but not for the libraries. So, the libraries are hoping by next October that will be back in place.

OPENED PUBLIC COMMENT

There were no comments made by the public.

CLOSED PUBLIC COMMENT

The Mayor said he has been pushing for more money for libraries at least a couple of years at the Mayor's roundtable meetings. We have more county services going out of our library than anything else. Hopefully, the county will begin to see that and bring more money into the area so that we can begin to relieve the financial stress the library encounters.

Commissioner Lutton inquired about the formula perimeter that the library serves. Ms. Peak explained she does know how the formula works but it includes the support dollar amount the local provides and the circulation count. Right now, we are about third in line behind Lakeland and Winter Haven. Last year, we got about $225,000 which is about 40% of what the City funded the library. We are about 60/40 on usage with county residents versus city residents. It is not a huge discrepancy but at this point there are a lot of unincorporated people coming to Lake Wales. The formula is the best way to distribute those monies. It affects the smaller libraries at the least level. As far as what the libraries have to share they are doing far better because the Lake Wales Library is #3 out of 16 libraries in Polk County which reflects that we are very busy.

Following further discussion, Deputy Mayor Thornhill made a motion to approve Resolution 2016-01. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

DRAFT

11. CITY MANAGER

Agenda Item 11.I City Commission Tracking Report

Mr. Fields had no updated information on the tracking report. He said that he will be attending the Polk Regional Water Cooperative meeting with the Mayor tomorrow. The goal is to get an interlocal agreement worked out between Polk County, the municipalities, and the water management district by April. He said he would bring a progress report to the next meeting.

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

The City Commission wished everyone a Merry Christmas and a Happy New Year.

13. MAYOR COMMENTS

The meeting was adjourned at 6:41 p.m.

_____

Mayor/Deputy Mayor

ATTEST:

_____

City Clerk Clara VanBlargan, MMC

DRAFT

MEMORANDUM

DATE: January 12, 2015

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Clara VanBlargan, MMC, City Clerk

SUBJECT: Office Space Lease - University of South Florida Board of Trustees

SYNOPSIS: The approval will allow Florida SBDC to continue leasing office space in the City of Lake Wales Municipal Administration Building for annual payment of $1.00. Total in-kind contributions provided by the City from January 1, 2015 through December 31, 2015 were $26,400.

RECOMMENDATION

It is recommended that the City Commission approve the Lease agreement renewal with the University of South Florida College Board of Trustees, a public body corporate, to provide office space to FSBDC for a term beginning February 1, 2016 through January 31, 2017 for $1.00.

The City Commission approved the original Lease on February 4, 2014.

BACKGROUND

The Florida SBDC network is a statewide partnership of higher education, economic development organizations, and other sponsors dedicated to the economic prosperity of Florida. Funded in 1976 by the U.S. SBA, the program successfully links Florida's education system with community outreach to aid in the development and education of the state's entrepreneurs and small business community. As the only statewide provider of entrepreneurial services, the SBDC plays a vital role in Florida's economic development initiatives by assisting entrepreneurs in all stages of business; working with firms in all industry sectors; utilizing the expertise and resources of some of the best universities and colleges in Florida; accessing the resources of national network of more than 5,000 SBDC professionals; and accrediting through the National Association of SBDCs.

State designated as Florida's Principal Provider of Business Assistance, the Florida SBDC Network has more than 35 years of experience helping businesses grow and succeed. Florida SBDCs have assisted hundreds of thousands of potential and existing business owners by providing management advice, training, and information needed to make sound business decisions in a complex and ever-changing marketplace. With partners ranging from institutions of higher learning to federal, state, and local governments to private organizations, and funding from the U.S. Small Business Administration, Florida SBDCs offer this business management and technical assistance through no-cost consulting and low-cost training for entrepreneurs. Services include strategic market research, business and strategic plan development, market and revenue growth strategy development and implementation, capital access and loan packaging, financial analysis and assessment, accounting systems and financial literacy, and feasibility analysis and start-up assistance.

The Florida SBDC would like to continue providing this vital program to the City of Lake Wales and its citizens by requesting the City Commission approve the Lease agreement renewal for office space at the Lake Wales Municipal Administration Building for a term beginning February 1, 2016 through January 31, 2017 for $1.00. Hours of operation will be Monday through Friday, 8:00 a.m. to 5:00 p.m. The City will provide the office space, telephone, internet, electric, and water utilities for Lessee. The Total in-kind contributions provided by the City from January 1, 2015 through December 31, 2015 were $26,400. The $1.00 payment will offset this in-kind services cost. The lease does not include training class space.

OTHER OPTIONS

Do not approve the lease as proposed.

FISCAL IMPACT

The lease will generate $1.00 in annual revenue that will offset the cost of office space, telephone, internet, electric, and water utilities for Lessee. Total in-kind contributions provided by the City in 2015 were $26,400.

ATTACHMENTS
Lease Agreement Renewal
In-Kind Contributions 2015
Florida SBDC Brochure and Workshop Catalog

General Lease

The City of Lake Wales, 201 W Central Ave, Lake Wales, Florida 33853, (“Lessor”), hereby leases to:

Name: The University of South Florida Board of Trustees, a public body corporate(“Lessee”)
FSBDC at the University of South Florida College of Business
1101 Channelside Drive, Suite 210
Tampa Port Authority Building
Tampa, FL 33602-3613
P 813.905.5800
F 813.905.5801

Rental of Office space within the City Administration Building: 201 W. Central Avenue, Lake Wales, Florida 33853 (the “Premises”)
Annual Rent: $1.00
Commencing: February 5, 2015

Lessee Agrees to notify Lessor in writing of any change in Address or Phone Number.

This Lease is made and entered into this _____ day of _____ 2016, by and between the Lessor and the above listed Lessee. Lessor agrees to allow the Lessee to use and occupy certain “designated space” within the Premises subject to the terms and conditions as set forth in this Agreement. The designated space is as follows:

Space Room# 138 – 300 Sq.Ft.

TOTAL – 300 Square Feet of leased space

Term: The term of this Agreement shall begin on February 1, 2016 and end on the 31st day of January 2017.

Renewal: The Lessee, at its option and if budgetary funding is available from the University of South Florida, may renew the term of this Lease in accordance with the same terms and conditions as are contained in this Lease, for two (2) additional terms.

Payment: In consideration for use of the designated space and access to the Common Area Restrooms, Lessee shall pay Lessor all of the following mandatory charges. All payments are to be made at the Premises address stated above. Lessor may amend the charges with 20 days written notice. No monthly billing.

Rent and Sales Tax: Lessee shall pay Lessor annual rent in the amount of $1.00 and applicable sales Tax on the 1st day October without notice, demand, deduction or offset.

Late Charge: If Lessee does not pay any annual installment of rent when due, access to the unit will be denied on the tenth day delinquent and a lock will be placed barring access to the designated space.

Returned Checks: If any of Lessee's checks are returned for insufficient funds or for any other reason, Lessee shall pay Lessor a service charge of $25.00 plus

any collection fees, and the rent will be considered delinquent until the dishonored payment has been satisfied.

Clean-up Charges: If Lessee does not return the space to Lessor in "Broom Clean" condition and/or if Lessee leaves garbage or materials requiring disposal, the Lessee shall pay Lessor, on demand, a $300.00 clean-up charge. Lessee is responsible for its own garbage removal.

Hours of Access: The hours this office will be accessible will be the normal hours of operation of the Premises (the Municipal Administration Building).

Signs: No signs shall be placed on the building without first obtaining the consent of Lessor as to size and placement of such signs. Consent shall not be unreasonably withheld.

Inspection: Lessor will have at all times the right to enter the property with reasonable notice, except in cases of emergency when such notice shall not be required. Lessor is to have a key code to enter the Premises at all times. Lessee grants Lessor the right to remove any security codes and locks without notice if Lessee is in default under this Lease and agrees that Lessor will not be responsible for any claimed loss, rent or damage to any of Lessee's goods which may occur after Lessee's locks have been removed.

Authorized Users: Access will be limited to Lessee, its employees or agents identified by Lessee in a separate attachment to this Lease.

Termination and Cancellation: If the Premises are destroyed by fire or other casualty as to render it unusable, Lessor may terminate this lease and payment for the designated space rented will be made only to the date of the fire or casualty. The Lessor will have no responsibility to Lessee due to the unavailability of the Premises as a result of fire or other casualty. If Lessee becomes insolvent or if bankruptcy proceedings are filed by or against the Lessee, this Lease shall terminate. If Lessee breaches any of the provisions of this Lease, Lessor may terminate this Lease effective immediately without notice of any type.

Expenses: Lessee shall pay Lessor any and all expenses incurred by Lessor in enforcing its rights under this Lease, including reasonable attorney's fees.

Utilities: Lessor will provide telephone, internet, electric and water utilities for Lessee.

Cleaning of the Designated Space and Refuse Removal: Lessee shall be responsible for cleaning of the designated space. Refuse placed outside the office door at designated times will be collected and disposed of by the Lessor.

Insurance and Disclaimer:
Lessee is a self-insured, sovereign entity of the State of Florida, and its self-insurance limitations are provided by law. Lessee is provided with comprehensive general liability insurance through the State Risk Management Trust Fund with limits of coverage up to a maximum of $200,000 per person and $300,000 in the aggregate per occurrence, pursuant to the terms and limitations of Sections 768.28, Florida Statutes and Chapter 284, Part II, Florida Statutes, or as amended from time to time. Worker’s Compensation insurance is maintained in full compliance with Florida law. Lessee will provide evidence of its self-insured status upon request. The parties agree that this is sufficient in lieu of any other insurance requirements.

Lessee agrees that the Lessor is a landlord renting space for the Lessee’s use and is not a bailor or warehouseman in the business of soliciting goods for hire. Lessee acknowledges that the Lessor does not have insurance covering Lessee or Lessee's stored property. It is hereby agreed that Lessor is not an insurer and it is not the intention of the parties that the Lease provides any form of coverage for any loss or damage sustained through burglary, theft, robbery, fire, water damage, mysterious disappearance, rodents, insects, acts of God, . The parties agree that Lessor does not accept Lessee's goods or property and is not liable in any manner for the safekeeping or condition of the same, nor is Lessor responsible therefor as a warehouseman.

Within the limits provided by law, Lessor assumes all risk of and will remain primarily responsible for personal injury occurring on the Premises that are attributable to the negligent acts or omissions of Lessor and its officers, agents, and employees while acting within the scope of their office or employment.

Pursuant to Florida law and notwithstanding anything to the contrary herein, as a state agency of Florida, Lessee cannot and will not indemnify Lessor. Within the limits provided by law, Lessee assumes all risk of and will remain primarily responsible for personal injury and property damage attributable to the negligent acts or omissions of Lessee and its officers, agents, and employees while acting within the scope of their office or employment. Notwithstanding anything to the contrary in the Agreement, Lessee does not agree to enlarge the scope of the waiver of sovereign immunity for state agencies provided in Florida Statute 768.28 and does not consent to be sued other than as provided by Florida law.

Lessor’s Lien and Abandonment: Pursuant to Chapter 83 of the Florida Statues, Lessor shall have a lien on all property, whether or not owned by Lessee, which is in the Lessee's designated space for rent. The Lessor's lien attaches as of the date which property is brought into the Premises or date Lessee takes possession of the designated space, whichever occurs first. The Lessor's lien is superior to any other lien or security interest, except for those which are perfected and recorded prior to the date of this Lease.

Assignment and SubLease: Lessee shall not assign this Lease or sublet the whole or any portion of the designated space rented hereunder without the written approval of the Lessor.

Condition and Alteration: Lessee acknowledges that the Premises which is the subject of this Lease is now in good condition and suitable for the purpose for which it is leased, and accepts the designated space in an "as is" basis. Lessee shall immediately notify Lessor of any fire (or other casualty), defects or dangerous conditions. Lessee shall keep the designated space in good order and condition and shall pay for any and all repairs to the building (office) arising out of negligence or willful misconduct of Lessee, its agents, employees, licenses, invitees or contractors. Lessee will make no alterations or additions to the leased space without the written permission of the Lessor and Lessee shall not subject the premises to any mechanic's lien. Any alterations will be made at Lessee's expense and shall become the property of the Lessor at the termination of this Lease. However, Lessor will have the right to compel Lessee, at the Lessee's expense, to remove any alterations, additions, or fixtures and return the designated space to the original condition.

Entire Agreement: This Lease is the entire agreement between Lessee and Lessor and may not be changed or amended orally. This Agreement shall be governed by Florida Law. Lessee and Lessor hereby waive the right to jury trial to resolve any litigation resulting from this Agreement. The Agreement is binding and shall inure to the benefit of Lessor and Lessee and their respective heirs or legal representatives. Venue for any litigation arising out of this Agreement shall be in Polk County, Florida. If one or more of the provisions of this Lease are deemed to be illegal or unenforceable, the remainder of this Lease shall be unaffected and shall continue to be fully valid, binding and enforceable.

Dated this _____ day of _____ 2016

LESSOR: CITY OF LAKE WALES

By: _____
Eugene Fultz, Mayor

ATTEST:

_____
City Clerk Clara VanBlargan, MMC

LESSEE: The University of South Florida Board of Trustees, a public body corporate

By: _____ _____
Signature (Print) Name & Title

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of February 2015, by _____, on behalf of and as authorized by The University of South Florida, who is personally known to me or has produced the following Identification _____.

Seal

_____
Notary Public

Florida Small Business Development Center Network
Record of In-Kind Contributions

Name of Contributor	City of Lake Wales
Phone Number	863-678-4182
E-Mail	kfields@cityoflakewales.com

Volunteer Services (Counseling and Training)

Date and Time of Service Performed	January 1, 2015 - December 31, 2015
Description of Services Performed (volunteer counselor, workshop speaker, hours contributed, etc.):	
Rate Charged	
Value of Donated Services	
Basis for Rate Charged:	

Non-Expendable Property *

Date Property Provided	
Type of Property: Office Facility/Classroom Facility/Public Service Announcement, Other (Explain):	
300 sqft Office @ $7sqft/month = $2100.00/month x 12 months = $25,200	
Internet $50/month x 12 months = $600	
Telephone $50/month x 12 months = $600	
Fair Market or Rental Value	
Additional Information Description:	

Expendable Property

Office Supplies	
Equipment	
Handouts (brochures and other printed material)	
Other (Explain)	

TOTAL	**$26,400.00**

Volunteer Services: I certify that I have placed a fair market value on my donated services.
Signature of Volunteer:

Donated Property: I certify supporting documentation is on file to support the fair market/rental value of the non-expendable and expendable property reported above.
Signature:

Record for matching purposes toward program identified below (SBDC, PTAC, Other)
Program: SBDC

SBDC Representative: Carl Hadden
Signature:
Title: Consultant
Date:

* Supporting documentation on fair market/rental value of non-expendable and expendable property should be kept on file.

Effective Date: 7/21/2003

Interested In

- ★ Increasing Sales
- ★ Obtaining Financing
- ★ Improving Cash Flow
- ★ Winning Government Contracts
- ★ Exporting/Importing
- ★ Preparing for a Disaster
- ★ Starting a Business

Our Certified Business Consultants Can Help

The Florida SBDC Network is a statewide partnership of higher education, economic development organizations, and other sponsors dedicated to the economic prosperity of Florida. Funded in 1976 by the U.S. SBA, the program successfully links Florida's education system with community outreach to aid in the development and education of the state's entrepreneurs and small business community. As the only statewide provider of entrepreneurial services, the SBDC plays a vital role in Florida's economic development initiatives by:

- ★ **Assisting** entrepreneurs in all stages of business;
- ★ **Working** with firms in all industry sectors;
- ★ **Utilizing** the expertise and resources of some of the best universities and colleges in Florida;
- ★ **Accessing** the resources of a national network of more than 5,000 SBDC professionals; and
- ★ **Accrediting** through the national Association of SBDCs.

Florida SBDC Regional Centers

FSBDC at UWF
Pensacola
850.474.2528

FSBDC at GCSC
Panama City
850.747.3204

FSBDC at FAMU
Tallahassee
850.599.3407

FSBDC at UNF
Jacksonville
904.620.2476

FSBDC at UCF
Orlando
407.420.4850

FSBDC at USF
Tampa
813.905.5800

FSBDC at FGCU
Ft. Myers
239.745.3700

FSBDC at IRSC
Ft. Pierce
772.462.7296

FSBDC at PBSC
Boca Raton
561.862.4726

FSBDC in Broward
Ft. Lauderdale
954.762.5235

FSBDC Miami-Dade
Miami
866.737.7232

FSBDC at FKCC
Key West
305.809.3156

STATE OFFICE
850.473.7800 or 866.737.7232

"Without the guidance of the FSBDC at UNF, Enterprise Florida, the U.S. Commercial Service, and the STEP Grant, Arc Surveying & Mapping would struggle to achieve its expansion goals in South America," said John Sawyer, Founder.
— Arc Surveying & Mapping, Jacksonville

The FSBDCN is a statewide service network of approximately 40 centers funded in part through a cooperative agreement with the U.S. SBA, nationally accredited by the Association of SBDCs, and hosted by UWF.

www.FloridaSBDC.org

Helping Businesses Grow & Succeed

State Designated as Florida's Principal Provider of Business Assistance
[§ 288.001, Fla. Stat.]

AMERICA'S SBDC FLORIDA

Let our Certified Business Consultants assist in creating a strategy for you to

Accelerate the Growth of YOUR BUSINESS

Professional Business Consulting

Confidential consulting is provided at no cost to Floridians who want to grow their business. Our professionally certified business consultants have the knowledge and tools to help emerging and growing businesses design growth strategies and make better business decisions. Consultant expertise focuses on areas vital to accelerating business growth:

- Strategic Market Research
- Business and Strategic Plan Development
- Market and Revenue Growth Strategy Development and Implementation
- Capital Access and Loan Packaging
- Financial Analysis and Assessment
- Accounting Systems and Financial Literacy
- Feasibility Analysis and Start-up Assistance

Business Data & Information

Through its affiliations and partnerships with institutions of higher education, the Florida SBDC Network has access to high-cost databases and business research resources, including the experts who know how to put the information to work; from interpretation to implementation.

Value-Added Training

Educational events provide current and practical information on business topics ranging from the basics to advanced business management skills. Events include workshops, seminars, conferences, CEO peer-to-peer roundtables, networking, and matchmaking. Instructors include Certified Business Consultants, faculty, government and private-sector professionals. Nominal fees may be charged for educational events.

Our Consultants are credentialed business professionals highly qualified in corporate management and consulting. They are vested and trusted advisors driven to improve business performance.

Targeted Growth Services

Growth Acceleration

Provides in-depth business assessments for micro businesses and small and medium-sized enterprises (SMEs) to develop sustainable growth strategies.

Government Contracting

Assists established Florida businesses with reaching new markets through federal, state, and local government contracts, and prime contractors.

International Trade

Provides "Export Ready" programs and services to help new-to-market, new-to-export businesses in Florida expand globally.

Business Technology Commercialization

Provides support for the rapid commercialization of innovative products and processes, systems integration, productivity and quality improvements by SMEs engaged in R&D or manufacturing in Florida.

Business Continuity

Helps businesses develop Business Continuity, Emergency Preparedness and Disaster Recovery Plans.

Veterans' Business Outreach

Serves as a clearinghouse of technical assistance for veterans interested in starting or growing a business.

Small Business Resource Network

Serves as an information clearinghouse to connect small businesses with government, non-profit agencies, and fee-for-service professional expertise.

Helping Businesses Grow & Succeed

No-cost Consulting & Low-cost Workshops

Workshop Catalog

The FSBDC Network is funded in part through a cooperative agreement with the U.S. Small Business Administration (www.sba.gov).

Florida SBDC Network
at the University of South Florida

AMERICA'S SBDC FLORIDA

Helping Businesses Grow & Succeed

State Designated as the Principal Provider of Business Assistance [§ 288.001, Fla. Stat.]

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Florida SBDC Network
at the University of South Florida

No-cost, one-on-one consulting & low-cost training workshops for business growth and success

Success Checklist:

Starting Your Business

	3-Week Start-Up Series (Covering Marketing, Planning, Financing, Bookkeeping & Taxes)
	Starting Your Business Class
	Meet with Small Business Consultant (Develop Business Idea & Feasibility Analysis)

Plan to Succeed

	Building the Ultimate Business Plan Class
	Meet with Small Business Consultant (Business Plan)

Create or Increase Revenue

	Marketing Your Business Class (Target Market, Marketing Strategies)
	Social Media Strategies
	SEO: 15 Steps to Increase Your Google Rankings and Double Your Site Traffic Class
	Ignite Your On-line Marketing: A Guide to 4 Essential Google Tools
	Meet with Small Business Consultant (Business/Marketing/Internet Strategies Plan)

Financing, Cash Flow, Credit, Accounting & Financial Statements

	Financing Your Business in Today's Economy Class
	Basic Bookkeeping Class
	Understanding QuickBooks Class
	Financial Intelligence: Understanding Your Financial Statements
	Meet with Small Business Consultant (Financing Options and Strategy)

Legal & Tax Compliance

	Contracts & Legal Strategies (offered as 3-part series & as individual classes)
	Business Taxes Class
	Legal Entity Selection (Meet with CPA Small Business Consultant)
	Meet with a Small Business Consultant

Specialties

	Women/Minority/Disabled Veteran Certification Class
	Basic Government Contracting 101 Class
	Government Series (6 Classes)
	Business Side of Medicine (Meet with Small Business Consultant Specialist)
	International Trade Basics Class
	International Trade Certification Program Classes
	Florida Export Series Classes
	Meet with Small Business Consultant
	Evaluate Buying or Selling a Business (Meet with Small Business Consultant)
	Evaluate Buying a Franchise (Meet with Small Business Consultant)

Stay on top of your business with SBDC business tips & event listings

YouTube @usfsbdc

Business Basics

Starting Your Business

You've got the idea. Now you need to know how to get on your way. From how to determine feasibility and legal structures, to the types of licenses you'll need, this class covers all the essentials that help you get started.

Time: 2.5 hrs. Cost: $25

Start-up Series: Three Week Course

Don't know which direction to take in launching your business? Let us help you navigate the road to success. After working with thousands of business owners each year, we've put together six courses that make up the critical business foundation all entrepreneurs need to know before starting a business. The series will take you through determining feasibility and legal structures; developing financial projections; obtaining a loan; accounting and bookkeeping processes; and attracting customers. You'll learn from SBDC Certified Business Consultants who are backed by the Small Business Administration, USF College of Business, and the National Association of SBDCs. Plus, the Florida SBDC is State Designated as Florida's Principal Provider of Business Assistance [§ 288.001, Fla. Stat.].

Included: 6 classes, 17 hours of instruction, handouts and software.
Plus: By taking the series you're getting Business Taxes and Financing Your Business in Today's Economy for FREE.
Time: 17 hrs. Cost: $185

Plan for Success

Building the Ultimate Business Plan

Business planning is the foundation to starting a new venture, raising funds or growing your business. Receive all the tools necessary to complete a practical business plan, including a copy of the Ultimate Business Planner software. Our expert advice simplifies conducting necessary research to make decisions and develop financial projections. Don't be intimidated, take the first step.

Time: 3.5 hrs. Cost: $90

www.SBDCTampaBay.com/training 813.905.5800

Marketing Strategies

15 Steps to Improve Your Google Rankings

Not showing up in Google? It's your Search Engine Optimization (SEO). This seminar will teach you how to develop a strategy based on methods of the Amazon best-selling book, "The Small Business Owners Handbook to SEO…in Just 15 Steps." You'll learn how to select keywords that are proven performers, combine keywords into site content and boost site popularity. Attendees will master:

- Basic SEO terms
- How to use several free SEO tools to select the best keywords
- How to implement a 15-step process for optimizing site content
- How to measure results using free tools, like Google Analytics

Amazon best-selling SEO textbook included.

Time: 3 hrs. Cost: $60

Ignite Your Online Marketing: A Guide to 4 Essential Google Tools

Stuck in "the web?" Online marketing doesn't have to be so frustrating. Attend this seminar to learn how you can take advantage of incredible online marketing tools that will enable your business to have a successful online presence. You'll learn about the four Google resources that can help you attract customers as well as how to get local exposure with Google Places; how to increase productivity with Google Apps; and how to measure success with Google Analytics.

Curriculum & materials provided from Google.

Time: 3 hrs. Cost: $45

Marketing Your Business

You know why your business rocks. Does anyone else? Take this class to uncover the characteristics that make up your business' DNA. Soon, you'll be able to boost consumer loyalty and company profits. After answering the two most important questions in all of marketing, you'll be ready to skillfully implement customer-winning strategies and face the competition.

Time: 3 hrs. Cost: $25

SBDC Quick Tip:

Marketing Your Business is a must-take class before launching that website, product or new business.

Social Media Strategies

Twitter, Facebook, Google Plus and LinkedIn are all relationship building tools you can use to win the hearts and minds of your customers (so they think of you first when it comes time to buy). These tools also serve as a way to help prospective customers discover your business. This seminar focuses on what you need to know to use social media to promote your business.

Time: 2 hrs. Cost: $25

Accounting & Taxes

Basic Business Taxes

There's no way to get around it– every business must report taxes. But how you pay your taxes all depends on the type of business you have. This class explores the taxation process and filing requirements for sole proprietorships, partnerships, corporations, and LLCs.

Time: 3 hrs. Cost: $10

Helping Businesses Grow & Succeed

Employer Taxes

Navigating tax issues around hiring workers can be challenging. Prepared by the IRS, this class can help you determine whether workers are employees or independent contractors as well as guide you through the tax requirements for each. This class is a must for any entrepreneur who will be paying people to work in his or her business. By the end of this course, you'll:

- Know the difference between employees and independent contractors.
- Understand employer responsibilities related to taxes, filing, and IRS and Florida requirements.
- Have greater confidence in managing the tax requirements.
- Be able to comply with IRS payroll tax deposit and reporting requirements for employees and independent contractors.

Time: 2 hrs. Cost: $25

Bookkeeping Basics

Proper bookkeeping is essential to managing your business. Learn how to classify and record basic business transactions, enter data into an account, chart accounts, and many basic accounting terms. You'll also learn what you must hold on to for tax compliance and find out what accounting software might be useful to help make your bookkeeping easier.

Time: 2 hrs. Cost: $45

Understanding QuickBooks

Creating invoices, writing checks and managing customers, QuickBooks makes it all easier. This introductory class takes you through the basics of the software program. This course gets you started on making your company's bookkeeping simpler.

Time: 3.5 hrs. Cost: $60

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International Trade

Florida Export Series

Like to go global, but not sure how to get there? Let the SBDC's three-part Florida Export Series be your guide. We'll put you on the right path toward international growth and expansion. No business is too small to go global. In fact, more than 95 percent of Florida's exporters are small businesses.

Series covers: Intro to Trade • Dealing with Your Export Market • Documentation and compliance

Includes textbooks and certificate

Time: 3 hr. per module Cost: $120/3 modules

Going Global: International Trade Basics

If you are a small, domestically-owned business interested in exploring potential international markets or are a first time exporter with limited international market experience, then this class is for you.

SBDC Quick Tip:

Florida is the nation's sixth-largest export state and more than 95 percent of its exporters are small and medium-sized enterprises.

Selling to the Government

Time: 2 hrs. Cost: $10

Government Contracting 101

Ready…set…sell to the federal government! This workshop provides information on registering with the federal government, how to locate federal opportunities, who to market to within the federal government, and so much more.

Time: 2 hrs. Cost: $10

Government Contracting Series

- Taking the mystery out of government contracting
- Reading Requests for Proposal and Invitation for Bids
- Responding to solicitations
- Examining the Federal Acquisition Regulation
- Marketing to the government

Minority Certifications

Women/Minority/Disabled Veteran Certification

It's no myth… a women, minority or veteran certification could present opportunities for your business. But, there is a process to becoming certified. In this class, you'll learn how to complete the State of Florida certification application and discover how you can use it to seek business with the private sector and government.

Time: 2 hrs. Cost: $10

Financing & Cash Flow

Financial Intelligence: Analyzing Your Business' Financial Statements

Ever wished you had a crystal ball to help predict your business outcomes? Well, you do! And, it's probably sitting on a shelf collecting dust. Get rid of the excuses that keep you from looking at the numbers. We'll teach you how to comprehend your business' financial statements so you can focus on the big picture. After this course, you'll be able to use the numbers to evaluate the condition of your business and effectively manage its financial performance by learning how to:

- Read, review and understand your statements in as little as one hour per month
- Use your statements to recognize negative trends before it's too late
- Understand the three statements you must have before making operating & marketing decisions
- Speak the same language as your banker and CPA
- Perform vertical & horizontal comparative analyses
- Use ratios to make the most of your assets
- Determine the net worth of your business
- Ask financially intelligent questions

Text Book Included: Financial Intelligence for Entrepreneurs

Time: 3.5 hrs. Cost: $75

Financing Your Business in Today's Economy

Are you looking for money for your business? Are you considering a SBA loan? This seminar will help you zero in on the right funding choices for your business and avoid money scams. Our financing veteran will educate you on how to ask for a loan, get prepared for the bank and where to find money in a tight-fisted economy. You'll explore:

- SBA loans: when, where and how to apply
- How to plan your financing request to banks
- Which banks are making loans
- Angel investors and venture capitalists
- Six Cs of credit and how credit scores effect your business
- The fundamentals of royalties, licensing and supplier credit
- Busting the myths about small business grants

Time: 2.5 hrs. Cost: $10

SBDC Quick Tip:

A minority certification can give you an advantage in selling your products and services to the government and corporations as long as the business is at least 51% owned by a woman, minority or veteran.

Class descriptions, pricing and availability are all subject to change. All materials within this brochure are property of the Florida SBDC Network and may not be reproduced or copied. 12/2013.

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MEMORANDUM

January 7, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Jennifer Nanek, Assistant to the City Manager

SUBJECT: "Lake Wales Car Show"

SYNOPSIS: Approval of the Special Event Permit Application will allow the "Lake Wales Car Show" to continue their event on the fourth Saturday of each month in the downtown area for the next three years.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the Special Event Permit application for the "Lake Wales Classic Car Show" to take place the fourth Saturday of each month between the hours of 3:00 p.m. and 8:30 p.m. beginning January 31, 2016 and ending January 31, 2019.

2. Approve the temporary closing of the Marketplace, Stuart Avenue from First Street to Scenic Highway, partial closure of S. Market Street from Stuart Avenue to Central Avenue and the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue (west side of SR17).

BACKGROUND

Mr. Larry Bossarte, Lake Wales Main Street Inc. submitted a Special Event Permit Application to continue holding the "Lake Wales Car Show " in the downtown area the fourth Saturday of each month beginning on January 31, 2016 and ending on January 31, 2019. The event hours would be from 3:00 p.m. to 8:30 p.m. which includes set up and take down. This event will showcase custom, classic and antique cars which will be located along Stuart Avenue. Musical entertainment and food vendors will be set up in the Marketplace and/or on a portion of S. Market Street between Stuart Avenue and Central Avenue. They are requesting the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue, closing of Stuart Avenue from First Street to SR17 and a portion of S. Market Street from Central Avenue to Stuart Avenue.

The sponsor is responsible for all requirements for site preparation, site clean up, food vendor licensing, and sanitary facilities. Proof of liability insurance will be provided to the City.

In November 2012 the Lake Wales Main Street was granted a 3 year permit for the Car Show to continue from January 2013 through January 2016. There have been no problems associated with this event during that time.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

ATTACHMENTS
Special Event Permit Application
Agreements of Financial Responsibility
Site Location Drawing

SPECIAL EVENT APPLICATION

City of Lake Wales
201 W. Central Ave.
Lake Wales, FL 33853
863-678-4182x270

Applicant Information:

Organization Name: Lake Wales Main Street

Is this organization classified a 501c3 status by the IRS? yes ☒ no ☐
(if so, please provide a copy of the determination letter)

Address: 222 SR 60 EAST
Lake Wales, FL
33853

Phone: 863-676-7631

Event Contact Information:

Name: (First & Last): Larry Bossarte

Mailing Address: 118 E. Stuart Ave.

City, ST, ZIP: Lake Wales, FL 33853

Phone#: 863-207-3402 Email: Larry@PolkCommercial.Com

Event Information:

Name of Event: Lake Wales CAR Show

Please note: All events requesting a street closure must have approval from the City Commission.

☒ Festival - an organized public gathering in a park or downtown e.g. Art Show

☐ Organized Competitive Event - a planned race, walk, tournament or other contest

☐ Parade/Walk - a public or private march, run, walk or parade of any kind.

☐ Circus or Carnival

☐ Other _____

Event Description: Display of Custom, Classic & Antique Cars & Trucks

Event Start Date: 1-23-16 Time: 4:00 pm Event End Date: 1- Time: 8:00 pm
Every 4th Saturday for Next 3 years
Set up Date: 1-23-16 Time: 3:00 pm Take Down Date: Time: 8:30 pm

☐ Gated/Ticketed ☒ Open to the Public ☐ Private Other:

Location of Event:

☐ Lake Wailes Park ☒ Downtown Market Place ☐ Kiwanis Park

☐ Stuart Park ☐ Crystal Lake Park ☒ Other East Stuart Ave. Between 1st St & Scenic Hwy.

Site Plan Requirements:

Please attach a clear and legible site plan/map with the following indicated:

1. Depiction of the area (streets, park, etc) where the event will be held.
2. The overall event area such as parking and requested street closures.
3. The location and dimensions of all physical equipment being placed; such as stages, vendors, booths, tents, barricades, restrooms, dumpsters, etc.
4. Disabled parking and handicapped access clearly defined.
5. Location of temporary alcohol sales where both sales & consumption will occur. (Sale or consumption of alcohol requires additional permitting from the state and hiring of at least 2 off-duty police officers)

Event Components:

☐ Alcohol - (Special Permit Required)*
☐ Portolets
☐ Sales/Distribution/Display
☒ Food Distribution/Sales
☒ Use of electric outlets
☐ Use of water spigots
☐ Live animals
☒ Temporary Structures
☒ DJ

☒ Amplified Sound
☐ Stage
☐ Inflatables (bounce houses)
☐ Concerts/Live Music
☐ Installation of additional outlets
☐ Tents (permit required for tents larger than 30x30)
☐ Boat Racing
☐ On-Site Cooking
☐ Amusement rides

☐ Other

*Events involving the sale and consumption of alcohol must have a designated area where the sale and consumption of alcohol will take place. Sponsor must get an additional permit from the State Division of Alcoholic Beverages and Tobacco and requires the presence of a police detail.

Other Information:

Will City Streets be closed? [X] yes [ ] no Requires Commission Approval

Please list all affected streets: East Stuart Ave. – First St. to Scenic Hwy.
North Market St. – Central Ave. to Marketplace

Will any alleys, parking lots or other public places be closed? [X] yes [ ] no

Please describe: Public Parking Lots on E. Stuart Ave. (2)

Will State Roads be closed? (SR 17) [ ] yes [X] no Requires FDOT Permit

Please describe State Roads to be closed: _____

Will you need additional trash receptacles from the City? [ ] yes [X] no

Will you need clean-up assistance from the City throughout the event? [ ] yes [X] no

Note: For unbudgeted events the organization must reimburse the City 100% of costs for use of Public Services and Police Department.

Any other requested assistance from the City? Drop off & Pick up
Barricades at E. Stuart Ave & First St. Central Ave & Market
St. and Wells Fargo Bank Drive Through Exit on E. Stuart Ave.

Any additional information: We request this permit to be extented
for 3 years ending January 31, 2019.

Insurance Requirements:

Liability Insurance is required for all special events involving City property and must name the City of Lake Wales as an additional insured. For events requesting the sale or consumption of alcohol, liability insurance in the amount of $1,000,000.00 is required. All proof of insurance must be submitted to the City of Lake Wales a week before the event. Failure to provide acceptable insurance will result in the cancellation of the event.

Agreement to Assume Financial Responsibility for Injury or Damage

The Sponsor (hereinafter referred to as "the permittee"), shall indemnify, defend, and hold harmless the City of Lake Wales (hereinafter referred to as "the City"), and all of its elected or appointed officials, officers, agents, and employees from any claim, loss, damage, cost, change, or expense arising out of any acts, actions, neglect, or omission by the Permittee, its agent, employees, or subcontractors during the performance of the permitted event, whether direct or indirect, and whether to any person or property to which the City or said parties may be subject, except that neither the Permittee nor any of its agents, employees, or subcontractors will be liable under the agreement for damages arising out of the injury or damage to persons directly caused or resulting SOLELY from the negligence of the City or any of its elected or appointed officials, officers, agents, or employees.

Permittee's obligation to indemnify, defend and pay for the defense or at the City's option, to participate and associate with the City in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be initiated by the City's notice of claim for indemnification to Permittee. Permittee's inability to evaluate liability or its evaluation of liability shall not excuse Permittee's duty to defend and indemnify within seven days after such notice by the City is provided by Certified Mail. Only an adjudication or judgment after highest appeal is exhausted specifically finding the City SOLELY negligent shall excuse performance of this provision by Permittee. Permittee shall pay all costs and fees related to this obligation and its enforcement by the City. City's failure to notify Permittee of a claim shall not release the Permittee of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the City from and against any and all loss, damage, cost, and expense arising in any manner on account of the exercise or attempted exercise by said Permittee of the aforesaid rights and privileges.

During the event, the Permittee shall observe all safety regulations of the City, and the Permitee shall take measures to ensure the safety of the public.

By signing this application, it represents the information provided to be true and correct and signifies a binding agreement to comply with the rules and regulations of the City of Lake Wales. Should the City grant approval and a permit be issued, it is further agreed the Permittee will comply with any other requirements provided by Federal, State, and Local Law.

By execution hereof, the undersigned affirms that he or she is vested with full right and authority to bind the Permittee to the terms of this Agreement.

In case of non-compliance with the City's requirements in effect as of the approved date of the permit resulting from this Agreement, said permit is void.

Lawrence A. Bossarte _____ 1-7-16 _____
Signature of Sponsor or Authorized Representative of Sponsor — Date

Lawrence A. Bossarte
Printed Name

State of Florida
County of Polk

The forgoing instrument was acknowledged before me this 7th day of January, 2016 by Lawrence A. Bossarte

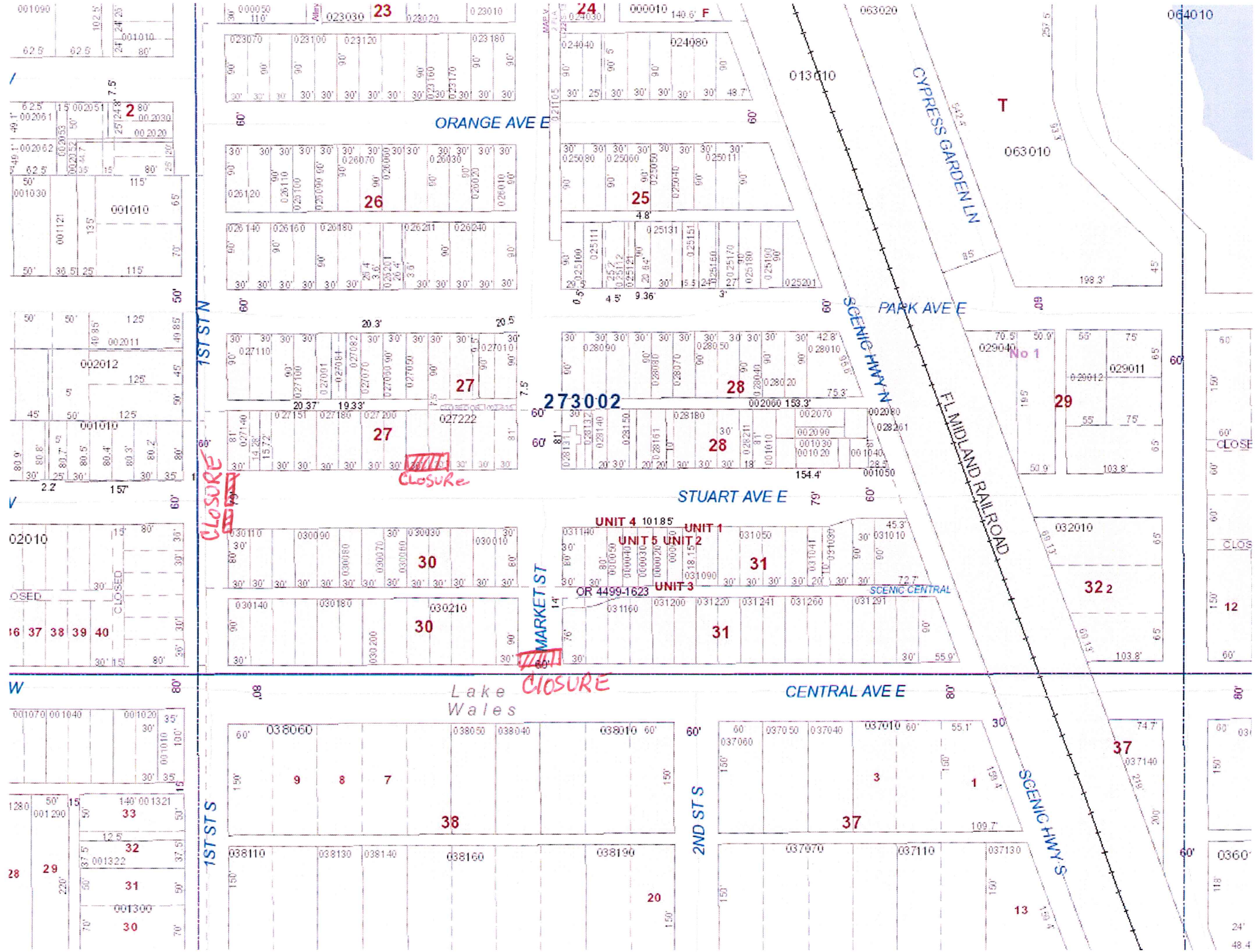
DORIS C. MCBRIDE
Notary Public - State of Florida
My Comm. Expires Sep 28, 2018
Commission # FF 154049
Bonded through National Notary Assn.

(NOTARY SEAL)

D. C. McBride
Signature of Notary Public-State of Florida

DORIS C. MCBRIDE
Name of Notary Typed, Printed, or Stamped

Personally Known X OR Produced Identification _____
Type of Identification Produced: _____


ORANGE AVE E
PARK AVE E
STUART AVE E
CENTRAL AVE E
1ST ST N
1ST ST S
2ND ST S
MARKET ST
CYPRESS GARDEN LN
SCENIC HWY N
SCENIC HWY S
FL MIDLAND RAILROAD
SCENIC CENTRAL
Lake Wales
273002
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
OR 4499-1623
CLOSURE
CLOSURE
CLOSURE
No 1

CNA

CNA Connect

Renewal Declaration

POLICY NUMBER	COVERAGE PROVIDED BY	FROM - POLICY PERIOD - TO
B 4029397588	CONTINENTAL CASUALTY COMPANY 333 S. WABASH CHICAGO, IL. 60604	07/01/2015 07/01/2016

INSURED NAME AND ADDRESS
LAKE WALES MAIN STREET
P.O. BOX 191

LAKE WALES, FL 33859-0191

AGENCY NUMBER
061516

AGENCY NAME AND ADDRESS
MAURY DONNELLY & PARR INC.-ARG
24 COMMERCE & WATER STREETS
BALTIMORE, MD 21202
Phone Number: (410)685-4625

BRANCH NUMBER
505

BRANCH NAME AND ADDRESS
BALTIMORE BRANCH
1954 GREENSPRING DR STE 450
TIMONIUM, MD 21093
Phone Number: (410)453-4480

This policy becomes effective and expires at 12:01 A.M. standard time at your mailing address on the dates shown above.

The Named Insured is an Association.

Your policy is composed of this Declarations, with the attached Common Policy Conditions, Coverage Forms, and Endorsements, if any. The Policy Forms and Endorsement Schedule shows all forms applicable to this policy at the time of policy issuance.

The Estimated Policy Premium Is	$500.00 **
Florida Fire Insurance Surcharge	$.36
Florida Property Surcharge	$4.00
Total Policy Charges	$504.36
Terrorism Risk Insurance Act Premium	**$.00**

Audit Period is Not Auditable

** Minimum Premium

PROPERTY COVERAGE	**LIMIT OF INSURANCE**

The following deductible applies unless a separate deductible is shown on the Schedule of Locations and Coverage.

Deductible: $500

Business Income and Extra Expense Coverage Business Income and Extra Expense	12 Months Actual Loss Sustained
Business Income and Extra Expense - Dependent Properties	$10,000
Employee Dishonesty	$25,000
Forgery and Alteration	$25,000

LIABILITY COVERAGE	**LIMIT OF INSURANCE**
Liability and Medical Expense Limit - Each Occurrence	$1,000,000
Medical Expense Limit -- Per Person	$10,000
Personal and Advertising Injury	$1,000,000
Products/Completed Operations Aggregate	$2,000,000
General Aggregate	$2,000,000
Damage To Premises Rented To You	$300,000
Hired Auto Liability	$1,000,000
Nonowned Auto Liability	$1,000,000

POLICY NUMBER
B 4029397588

INSURED NAME AND ADDRESS
LAKE WALES MAIN STREET
P.O. BOX 191
LAKE WALES, FL 33859-0191

SCHEDULE OF LOCATIONS AND COVERAGE

LOCATION 1 **BUILDING** 1

340 W. CENTRAL AVENUE
LAKE WALES, FL 33853

Construction: Joisted Masonry

Class Description: Associations - Civic, Not For Profit

Inflation Guard 3%

Windstorm or Hail Deductible: $1,000

Windstorm or Hail Business Income Special Deductible: 72 HOURS

PROPERTY COVERAGE	LIMIT OF INSURANCE
Accounts Receivable	$25,000
Business Personal Property	$1,082
Electronic Data Processing	$50,000
Equipment Breakdown	$1,082
Fine Arts	$25,000
Ordinance or Law - Demolition Cost, Increased Cost of Construction	$25,000
Seasonal Increase: 25%	
Valuable Papers & Records	$25,000

MEMORANDUM

January 13, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Sarah B. Kirkland, Interim Utilities Director

RE: Cancelation of Tank Maintenance Contract

SYNOPSIS: Staff requests commission approval to cancel the current tank maintenance contract which expires on September 30, 2016.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve staff to cancel the current tank maintenance contract.

2. Authorize the signing of the cancelation letter by three members of the City Commission on the city's behalf.

BACKGROUND

As part of the water treatment process, staff operates and maintains four separate elevated storage tanks located within the water distribution system. These tanks have to be inspected and cleaned once a year. The existing contract has been effect for quite some time and staff would like to go out to market for bid to try and get the best price available for this service.

The current contract states that if the City chooses to cancel its contract, the cancelation has to be approved by three members of the commission six months in advance of the end of the current contract period. The current contract period expires on September 30, 2016. Bringing this item before the commission at this time allows staff the proper time needed to take this service out for bid, and have a new contract in place prior to the start of the 2016-2017 fiscal year. Staff is seeking commission approval to cancel the current tank maintenance contract and authorize the cancelation by the signing of the cancelation letter by three members of the city commission.

FISCAL IMPACT

$62,000 has been placed in the FY' 2015-2016 for the required maintenance and inspection.

OTHER OPTIONS

Chose not to cancel the current contract and not go out to bid for competitive pricing.

ATTACHMENTS

Tank Maintenance Cancelation Letter

City of
Lake Wales
201 Central Avenue W.
P. O. Box 1320
Lake Wales, FL 33859-1320
Phone (863) 678-4182
Fax (863) 678-4180

January 13, 2016

Utility Service Company, Inc
Attn: Customer Service
P O Box 1350
Perry, Georgia 31069

Re: City of Lake Wales, Florida

The City of Lake Wales desires to seek competitive bids for its water tank maintenance services. These services have not been competitively bid for quite some time. This shall serve as notice of the City's intent to terminate its existing contracts with Utility Service Company, Inc., as of September 30, 2016.

This cancellation shall apply to each of the contracts for the following elevated storage tanks:

500,000 Gal Elevated Mall Tank
200,000 Gal Elevated High School Tank
500,000 Gal Elevated Market Street Tank
500,000 Gal Elevated Southside Storage Tank

Eugene Fultz

Mayor Signature Date

Jonathan Thornhill

Depty Mayor Signature Date

Terrye Howell

City Commissioner Signature Date

MEMORANDUM

January 13, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Sarah B. Kirkland, Interim Utilities Director

SUBJECT: Lease Agreement with The Bancorp Bank for a new Vactor Truck

SYNOPSIS: Staff requests commission approval to enter into a new lease agreement with The Bancorp Bank for the lease of a new vactor truck in the amount of $6,352.25 per month. The Wastewater Department has placed $76,227 for the new vactor lease in the FY 2015'16 operating budget to be funded by operating revenues for this purchase. Through FY 2020'21, the Wastewater Department would plan annual appropriations of $76,227 to cover this purchase.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the lease for a new vactor truck for the Waste Water Department from The Bancorp Bank in the amount of $6,352.25 per month for a 60 month period. At the end of 60 month period the City will have the option to purchase the Vactor for the amount of $1.00.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

Due to the constant use of the vactor, it has become necessary for staff to look into the option of adding to the sewer department cleaning equipment. The current vactor being used for the wastewater department is a 2006 International. This piece of equipment has been in service for approximately 10 years and is used for sewer emergencies and storm water overflows. Staffs intent is to enter into a lease for the purchase of an additional vactor truck for use. By increasing the utilities fleet by another vactor, staff will be able to respond to multiple emergencies at once. Also if the vactor is being used to address storm water issues, it becomes unavailable to address sewer emergencies that arise. In years past when the vactor has been out of service, it has been difficult to borrow one from the Polk County Fleet due to the fact of them not having one to lend. The vactor is a vital piece of equipment to the waste department daily operations, by adding another vactor to the utilities fleet, staff is assured to always have this vital piece of equipment available for emergencies.

Staff is seeking commission approval and city manager authorization to enter into a new lease contract with The Bancorp Bank to provide a new vactor for a cost of $6352.25 per month, providing at the end of 60 month term the City will have the option to purchase the vactor for a total of $1.00.

OTHER OPTIONS

Wastewater Department Vehicle options:

1) A full purchase would result in a current year decrease of cash flow of $363,016.
2) The lease purchase option with The Bancorp Bank would result in a yearly decrease in cash flow of $76,227. The City would then have the option at the end of the fifth year to purchase the Vactor for a total price of $1.00.

FISCAL IMPACT

The Wastewater Department has placed $76,227 for the new vactor lease in the FY 2015'16 operating budget to be funded by operating revenues for this purchase. Through FY 2020'21, the Wastewater Department would plan annual appropriations of $76,227 to cover this purchase.

OPEN-END LEASE SCHEDULE

The following vehicle is hereby added to the Master Lease Agreement dated _____, between The Bancorp Bank (Lessor) and

The City of Lake Wales (Lessee).

Customer # 10890

Date 10/29/2015

Unit # _____

Year, Make & Model	VIN
2016 Vactor Combination Sewer Cleaner	

Exterior Color	Interior Color	Optional Equipment	State of Registration	Est. Annual Mileage
			FL	

Term & Frequency	60	**Security Deposit**	$0.00
Original Value	$363,016.00	**Down Payment**	$0.00
Base Payment	$6,352.25	**Termination Value**	$1.00
Sales / Use Tax	0.00	**Estimated Initial Tax & Tags**	not included
Total Monthly Payment	$6,352.25		

Additional Terms and Conditions:

LESSEE The City of Lake Wales

Signature _____

Signature _____

Signature _____

Signature _____

Signature _____

Signature _____

LESSOR The Bancorp Bank

Signature _____

Title _____

Lake Wales Police Department

133 East Tillman Avenue – Lake Wales, Florida 33853
(863) 678-4223 Office (863) 678-4298 Fax

Memorandum

To: Honorable Mayor and City Commission

Via: Kenneth Fields, City Manager

From: Christopher Velasquez, Chief of Police

Date: January 12, 2016

Ref: Edward Byrne Memorial State and Local Law Enforcement Assistance Grant

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Synopsis:

Approval of this item will allow the police department to submit for and receive grant funding to purchase items to be used in the investigation of criminal activity and traffic crashes.

Recommendation:

Staff recommends that the Honorable Mayor and City Commission authorize the Police Department to apply for and accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

Background:

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is $4,609.00 and if approved would be included in the 2015/2016 budget.

The Police Department proposes to use the JAG-D funds to purchase equipment that will aid in the investigation of criminal activity. Additionally, the department will purchase a metal detector for crime scene processing and a 20'x10' enclosure to protect crime scenes from the elements while shielding victims from public view.

Matching funds are not required to participate in this grant; however, the department will use Forfeiture Funds to supplement any additional expenses not covered with grant funding.

Other Options:

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

Fiscal Impacts:

The Finance Department has reviewed this application and the Fiscal Impact Statement is attached.

STATEMENT OF FISCAL IMPACT
U.S. Department of Justice
Florida Department of Law Enforcement
Justice Assistance Grant
2016-JAGD-1842
(Federal Fund – Wireless Fingerprint Scanner)

PREPARED BY

CITY OF LAKE WALES
FINANCE DEPARTMENT

Nature of Statement and Information Disclosed

This is a statement of fiscal impact for the grant performed as required by and in accordance with Section 2-802, Article VIII of the City of Lake Wales Code of Ordinances. It is a statement solely for the purpose of analyzing and reporting the fiscal impact on the City of either applying or not applying for this grant, using certain assumptions as indicated herein. No attempt is made to evaluate the Grant Application for suitability to City objectives.

In order to provide an unqualified statement of fiscal impact that can be certified as reasonably full and complete by the Finance Department, certain information must be provided permitting Finance Department personnel to produce a full and complete determination as to all anticipated fiscal impacts. This impact statement was produced using:

- **Grant Application**
- **Information From Staff**

This impact statement represents, in our unqualified opinion, a valid estimate of known present or future impacts anticipated to result from the acceptance of the aforementioned grant.

In some cases, the nature of a fiscal impact is described rather than stated using specific dollar amounts or figures. This is done in order to provide information on the nature of the expected fiscal impact where there simply is not enough information to quantify the impact, or whether the exact amount of the impact depends on the exact type of future events or conditions.

General Assumptions

A fiscal impact statement constitutes a forward-looking statement on the acceptance of grant funds and the proper execution of all requirements as set forth in any grant application, agreement, covenants attached to real or tangible property, or other duly enforceable stipulations. In order to produce such a statement, assumptions about future events and conditions must be made.

In any case where a reasonable expectation of a future condition or event has been disclosed or is already known to Finance Department personnel, that information has been used as an Assumption in the fiscal impact statement. Expectations not known or not considered reasonably expected to occur have been excluded from the fiscal impact statement. If an event or condition may occur which would have a material and *direct* fiscal impact, but is not reasonably expected to occur, it is disclosed in the fiscal impact statement.

General Assumptions are made in this fiscal impact statement that the City Staff executing the grant program already possess the required knowledge and expertise to expertly perform all of the requirements of the grant, and that the information provided to prepare this impact statement is true and correct. It is also assumed that no outside events will create a positive or negative influence on the grant program, and that there will be no changes in the legal, operational, or economic environment in which the grant program, and the City as whole, operates, except as disclosed herein.

Current Fiscal Impacts

Impacts on Revenue
The grant application amount is for $4,609.

Impacts on Expenditures
Estimated costs relating to investigative equipment are approximately $4,689.

Any capital cost overruns would be borne entirely by the Forfeiture Fund.

Future Fiscal Impacts

Impacts on Revenue
No net future revenue impact is expected from accepting the grant.

Impacts on Expenditures
Any future maintenance or repair cost relating to this equipment would be borne entirely by the General Fund.

Other Future Commitments
N/A

Disclosures of Possible Material Future Events
N/A

Certification
We hereby certify that this fiscal impact statement is, to the best of our knowledge, a valid estimate of known present or future impacts anticipated to result from the application and acceptance of the aforementioned grant.

Approved By:

D Ecklund

Dorothy Ecklund
Finance Director
City of Lake Wales

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 1: Administration

Subgrant Recipient

Organization Name: City of Lake Wales
County: Polk

Chief Official

Name: Eugene Fultz
Title: Mayor
Address: 201 West Central Avenue
City: Lake Wales
State: FL **Zip:** 33853-1320
Phone: 678-4182 **Ext:** 225
Fax:
Email: efultz@cityoflakewales.com

Chief Financial Officer

Name: Dorothy Ecklund
Title: Finance Director
Address: Post Office Box 1320
City: Lake Wales
State: FL **Zip:** 33859-1320
Phone: 863-678-4182 **Ext:** 257
Fax: 863-678-4634
Email: decklund@cityoflakewales.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 1: Administration

Implementing Agency

Organization Name: City of Lake Wales Police Department
County: Polk

Chief Official

Name: Christopher Velasquez
Title: Chief
Address: 133 East Tillman Avenue
City: Lake Wales
State: FL **Zip:** 33853-4178
Phone: 863-678-4223 **Ext:** 256
Fax: 863-678-4298
Email: cvelasquez@cityoflakewales.com

Project Director

Name: Judi Gladue
Title: Executive Assistant
Address: 133 East Tillman Avenue
City: Lake Wales
State: FL **Zip:** 33853-4178
Phone: 863-678-4223 **Ext:** 260
Fax: 863-678-4298
Email: jgladue@cityoflakewales.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 2: Project Overview

General Project Information

Project Title: LAKE WALES CRIMINAL INVESTIGATIONS EQUIPMENT
Subgrant Recipient: City of Lake Wales
Implementing Agency: City of Lake Wales Police Department
Project Start Date: 2/1/2016 **End Date:** 6/30/2016

Problem Identification

Law Enforcement personnel are faced with a variety of challenging investigations from day to day. Each situation can be unique and rapidly evolving, requiring advanced methods and technology to successfully resolve.

The impact of burglary, theft and vandalism related crimes often exceed that of a monetary value. Many victims are often left with psychological and emotional scars as a result of these types of crimes. In fact, studies show that these victims often experience emotions similar to those of victims of assault and other types of violent crimes. The psychological effects of these crimes can lead to feelings such as constant fear, anger, grief, and guilt. Additionally, the challenges associated with investigating these cases, as well as their low probability of being solved, often compound these feelings.

In addition to investigating crimes such as burglary, theft and vandalism, law enforcement is also responsible for investigating a variety of traumatic crimes and incidents. These cases include but are not limited to homicide, traffic fatalities, and accidents involving death or serious bodily injury. These incidents present a variety of challenges, one of them being to protect the victim?s privacy and dignity from onlookers while thoroughly investigating the case and ensuring all evidence is collected

Project Summary (Scope of Work)

The Lake Wales Police Department will purchase investigative equipment in order to provide a more effective means of conducting challenging investigations.

The Police Department will utilize grant funds to purchase [redacted] equipment, a portable crime scene enclosure and a commercial grade metal detector. The [redacted] equipment will aid law enforcement in capturing crucial evidence necessary for the successful identification, apprehension and prosecution of those committing certain crimes within our community. This equipment can be used for a variety of investigations to include illegal drug transactions, which directly impact other categories of crime [redacted]. The portable crime scene enclosure will assist law enforcement in protecting outdoor crime scenes from contamination and/or destruction from the elements, while also shielding the victim from the view of onlookers. This will be especially beneficial in cases involving traffic homicide investigations that take extended time to process on roadways occupied by passersby. The metal detector will aid law enforcement and crime scene personnel efficiently locating and recovering evidence, not readily seen by the naked eye. This evidence may help enhance the ability to successfully prosecute the case as well as link it to similar cases.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - Direct

Section 2: Project Overview

Section Questions:

Question: What percentage of the total cost of this project is being funded by sources other than this award?

Answer: 0

Question: What is the name of the jurisdiction your agency serves? (i.e., your city or your county)

Answer: City of Lake Wales

Question: What is the combined population of the jurisdiction(s) your agency serves, according to the 2010 census?

Answer: 15011

Question: What is the physical address of the location being used to provide services for this project? If services are being provided at more than one location, list all of them.

Answer: 133 E. Tillman Avenue, Lake Wales, Florida 33853

Question: Describe your agency (e.g., municipal government, school board, sheriff's office).

Answer: Police Department

Question: Have you verified that the subgrantee has an active and current registration in SAM.gov? (If no, funds will not be available for drawdown.)

Answer: Yes

Question: What is the Operating Capital Outlay threshold used by the subgrantee? (Verify this with your finance director.) If the implementing agency is a sheriff's office, indicate the sheriff's office's threshold instead.

Answer: $500.00

Question: Does the subgrantee receive a single grant in the amount of $750,000 or more from the U.S. Department of Justice?

Answer: No

Question: Does the implementing agency receive a single grant in the amount of $750,000 or more from the U.S. Department of Justice?

Answer: No

Question: In your organization's preceding completed fiscal year, did your organization (the subgrantee) receive at least (a) 80 percent or (b) $25,000,000 of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Answer: No

Question: If you answered yes above, does the public have access to information about the compensation of the executives in your organization (the subgrantee) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? If answer to Part 1, above, was "no," answer N/A.

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 3: Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 01 - Law Enforcement (Includes Task Forces)

State Purpose Area: 3E - Equipment, Supplies, and Technology Enhancements

Objectives and Measures

Objective: Equipment - Questions for recipients funding Equipment, Supplies, and Technology Enhancements.

Measure: Equipment 01

Do the Subrecipient and Implementing agencies understand that they will be required to submit an itemized account of all items purchased during each reporting period as part of their performance reporting?

Goal: Yes.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 4: Financial

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000357

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	$0.00	$0.00	$0.00
Contractual Services	$0.00	$0.00	$0.00
Expenses	$1,669.89	$0.00	$1,669.89
Operating Capital Outlay	$3,015.80	$0.00	$3,015.80
Indirect Costs	$0.00	$0.00	$0.00
-- Totals --	**$4,685.69**	**$0.00**	**$4,685.69**
Percentage	**100.0**	**0.0**	**100.0**

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - Direct

Section 4: Financial (cont.)

Budget Narrative:

CAPITAL OUTLAY:

[redacted]

totaling $1,308.00.
Freight to ship[redacted]s is $25.00.
Tota[redacted] is $1,333.00

One (1) 10'x20' polyester canopy with six 10' walls and accessories is $1,575.62.
Freight to ship the canopy and accessories is $107.18
Total for the canopy and shipping is $1,682.80.

TOTAL CAPITAL OUTLAY IS $3,015.80.

EXPENSES:

One (1) Fisher Evidence Finder = $376.89
[redacted] = $495.00
[redacted]a = $399.00
[redacted] = $399.00

TOTAL EXPENSES IS $1,669.89

TOTAL CAPITAL OUTLAY AND EXPENSES IS $4,685.69.

Capital Outlay and expenses is over the award amount of $96.19. The City of Lake Wales will cover the overage of $76.69.

Capital Outlay = $3,015.80
Expenses = $1,669.89

Total = $4,685.69

Minus Amount City will pay = $ (76.69)

AWARD AMOUNT = $4,609.00

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - Direct

Section 4: Financial

Section Questions:

Question: If the budget contains salaries and benefits, will this project result in a net personnel increase, or continue to fund a prior federally grant funded net personnel increase? (Documentation will be required.)

Answer: N/A

Question: If fringe benefits are included, are they detailed in the budget narrative?

Answer: N/A

Question: If indirect cost is included, explain the indirect cost plan. Provide documentation of approval.

Answer: N/A

Question: If contractual services in the budget are based on unit costs, provide a definition and breakdown of cost for each service. Include the methodology for the unit cost plan and when it was approved.

Answer: N/A

Question: If Expenses or Operating Capital Outlay are included in your budget, what will be the method of procurement for those items? (e.g., competitive bid, sole source, state term contract)

Answer: The Capital Outlay items will be purchased with State Contract pricing.

The Expenses items are under $500.00 each, and per the City's purchasing guide, no competitive bids, sole source, or State Contract pricing is required.

Florida Department of Law Enforcement
Office of Criminal Justice Grants
Post Office Box 1489 Tallahassee, Florida 32302-1489 (850) 617-1250 criminaljustice@fdle.state.fl.us

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

STANDARD CONDITIONS

The State of Florida, Department of Law Enforcement (FDLE) is a recipient of federal JAG funds. FDLE, as the non-federal pass-through entity and State Administering Agency (SAA) for this program, subawards JAG funds to eligible units of government. All subawards made by FDLE to units of government under this program require compliance with the agreement and Standard Conditions upon signed acceptance of the subaward. Upon approval of the application, or subaward, the following terms and conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed, withholding of federal funds and/or termination of the project, as specified within the terms of these conditions.

GENERAL REQUIREMENTS

All subrecipients must comply with requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide (Financial Guide), http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf, the Edward Byrne Memorial Justice Assistance Grant (JAG) program guidance, federal statutes, regulations, policies, guidelines and requirements and Florida laws and regulations including but not limited to:

Florida Administrative Code, Chapter 11D-9, "Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program": www.flrules.org/

Office of Management and Budget (OMB) Uniform Grant Guidance (2 C.F.R. § 200) Subpart A Definitions, Subparts B-D Administrative Requirements, Subpart E Cost Principles, Subpart F Audit Requirements and all applicable Appendices. http://www.ecfr.gov/cgi-bin/text-idx?SID=62764122c780e5d1d2134127afadc30d&node=2:1.1.2.2.1&rgn=div5 This guidance supersedes previous OMB Circulars and Standard Conditions and is applicable to any new subawards made under Federal grants awarded on or after December 26, 2014.

Code of Federal Regulations: www.gpo.gov/fdsys/
2 C.F.R. § 175.15(b), "Award Term for Trafficking in Persons"
28 C.F.R. § 38, "Equal Treatment for Faith-Based Organizations"
28 C.F.R. § 66, "U.S. Department of Justice Common Rule for State And Local Governments"(Common Rule)
28 C.F.R. § 83, "Government-Wide Requirements for Drug-Free Workplace (Grants)"
28 C.F.R. §§ 18, 22, 23, 30, 35, 42, 61, and 63

Public Law
Pub. L. No. 109-162, Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program: www.bja.gov/ProgramDetails.aspx?Program_ID=59

United States Code: www.gpo.gov/fdsys/
42 U.S.C. §§ 3711 et seq., "Omnibus Crime Control and Safe Streets Act of 1968"

State of Florida General Records Schedule GS1-SL for State and Local Government Agencies: http://dlis.dos.state.fl.us/barm/genschedules/GS2-2008-Rev2010.pdf

State of Florida Statutes
§ 215.971, "Agreements funded with federal or state assistance"
§ 215.985, "Transparency in government spending"

DEFINITIONS

Disallowed costs means those charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000. See also §§ 200.12, "Capital assets"; 200.20, "Computing devices"; 200.48, "General purpose equipment"; 200.58, "Information technology systems; 200.89, "Special purpose equipment"; and 200.94, "Supplies."

Grant agreement means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. §§ 6302, 6304, is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. § 6101(3)); and not to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use; and is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

Improper payment means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and Improper payment includes any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. The non-Federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1,"Definitions". It is $3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.

Modified Total Direct Cost (MTDC) means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

Non-Federal entity is a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

Non-federal pass-through entity –a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program; the Florida Department of Law Enforcement (FDLE) is the non-federal pass-through entity for this agreement, also referred to as the State Administering Agency (SAA).

Performance goal means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate. In some instances (e.g., discretionary research awards), this may be limited to the requirement to submit technical performance reports (to be evaluated in accordance with agency policy).

Period of performance means the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award (see §§ 200.210 Information contained in a Federal award paragraph (a)(5) and 200.331 Requirements for pass-through entities, paragraph (a)(1)(iv)).

Protected Personally Identifiable Information means an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to social security number; passport number; credit card numbers; clearances; bank numbers; biometrics; date and place of birth; mother's maiden name; criminal, medical, and financial records; and educational transcripts. This does not include PII that is required by law to be disclosed. (See also § 200.79 Personally Identifiable Information (PII)).

Questioned cost means a cost that is questioned by the auditor because of an audit finding 1) that resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; 2) where the costs, at the time of the audit, are not supported by adequate documentation; or 3) where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

Simplified acquisition threshold means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition

threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. § 1908. As of the publication of this part, the simplified acquisition threshold is $150,000, but this threshold is periodically adjusted for inflation. (Also see definition of § 200.67 Micro-purchase.)

Subaward / Subgrant - an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Supplies means all tangible personal property other than those described in 2 C.F.R. § 200.33, "Equipment". A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000, regardless of the length of its useful life. See also §§ 200.20, "Computing devices" and 200.33, "Equipment".

SECTION I: TERMS AND CONDITIONS

The subrecipient agrees to be bound by the following standard conditions:

1.0 **Payment Contingent on Appropriation and Available Funds -** The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subrecipients for incurred costs is subject to available federal funds.

2.0 **System for Award Management (SAM)** - The subrecipient must maintain current information in SAM until it submits the final financial report required under this award or receives the final payment, whichever is later. This requires that the subrecipient review and update the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

3.0 **Commencement of Project** - If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report by letter to the Department the steps taken to initiate the project, the reasons for delay, and the expected start date.

3.1 If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the Department explaining the implementation delay.

3.2 Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subaward funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written adjustment to this agreement.

4.0 **Supplanting -** The subrecipient agrees that funds received under this award will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

5.0 **Personnel Changes -** Upon implementation of the project, in the event there is a change in Chief Officials for the Subrecipient or Implementing Agency or any contact information to include mailing address, phone number, email or title change, project staff must notify the SIMON help desk to update the organizational information in SIMON. Project director changes require a grant adjustment in SIMON.

6.0 **Non-Procurement, Debarment and Suspension** - The subrecipient agrees to comply with Executive Order 12549, Debarment and Suspension and 2 C.F.R. § 180, "OMB Guidelines To Agencies On Government wide Debarment And Suspension (Non-procurement)" These procedures require the subrecipient to certify that it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.

7.0 **Federal Restrictions on Lobbying -** Each subrecipient agrees to comply with 28 C.F.R. § 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subrecipient for award of federal contract, grant, or cooperative agreement.

8.0 **State Restrictions on Lobbying** - In addition to the provisions contained above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this agreement.

9.0 **Additional Restrictions on Lobbying** - The subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs.

10.0 **"Pay – to – Stay"** - Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail," as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon as offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

11.0 **The Coastal Barrier Resources Act** - The subrecipient will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (Pub..L. No. 97-348) dated October 19, 1982 (16 U.S.C. §§ 3501 et seq.) which prohibits the expenditure of most new federal funds within the units of the Coastal Barrier Resources System.

12.0 **Enhancement of Security** - If funds are used for enhancing security, the subrecipient agrees to:

12.1 Have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken.

12.2 Conduct such an assessment with respect to each such enhancement; and, submit to the Department the aforementioned assessment in its Final Program Report.

13.0 **Background Check** - Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of § 435 Fla. Stat. shall apply.

13.1 All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to § 435, Fla. Stat., using the level 2 standards set forth in that chapter.

13.2 All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

13.2.1 Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.

13.2.2 Such background investigations shall be conducted at the expense of the employing agency or employee. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for

any costs incurred by it in the processing of the fingerprints.

14.0 **Privacy Certification** - The subrecipient agrees to comply with all confidentiality requirements of 42 U.S.C. § 3789g and 28 C.F.R. § 22 that are applicable to collection, use, and revelation of data or information. Subrecipient further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. §§ 22 and, in particular, section 22.23. Privacy Certification forms must be signed by the subrecipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.

15.0 **Conferences and Inspection of Work** - Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the right of visiting the project site to monitor, inspect and assess work performed under this agreement.

16.0 **Insurance for Real Property and Equipment** - The subrecipient must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity.

SECTION II: CIVIL RIGHTS REQUIREMENTS

1.0 Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in funded programs or activities. All subrecipients, implementing agencies, and contractors must comply with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Department of Justice Non-Discrimination Regulations 28 C.F.R. § 42; see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

2.0 FDLE does not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in the delivery of services or benefits or in employment. The subrecipient must notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services or benefits or in employment practices.

3.0 Subrecipients are responsible for ensuring that contractors and agencies to whom they pass through funds are in compliance with all Civil Rights requirements and that those contractors, and agencies are aware that they may file a discrimination complaint with the subrecipient, with FDLE, or with the Office for Civil Rights and how to do so.

4.0 **Equal Employment Opportunity Plans**

4.1 A subrecipient or implementing agency must develop an EEO Plan if it has 50 or more employees and has received any single award of $25,000 or more from the Department of Justice. The plan must be prepared using the online short form at www.ojp.usdoj.gov/about/ocr/eeop_comply.htm, must be retained by the subrecipient or implementing agency, and must be available for review or audit. The organization must also submit an EEO Certification to FDLE.

4.2 If the subrecipient or implementing agency is required to prepare an EEO Plan and has received any single award of $500,000 or more from the Department of Justice, it must submit its plan to the Department of Justice for approval. A copy of the Department of Justice approval letter must be submitted to FDLE. The approval letter expires two years from the date of the letter.

4.3 A subrecipient or implementing agency is exempt from the EEO Plan requirement if it is has fewer than 50 employees or if it does not receive any single award of $25,000 or more from the Department of Justice or if it is a nonprofit organization, a medical or educational institution, or an Indian Tribe. If an organization is exempt from the EEO Plan requirement, it must submit an EEO Certification to FDLE.

4.4 The subrecipient and implementing agency acknowledge that failure to comply with EEO Requirements within 60 days of the project start date may result in suspension or termination of funding, until such

time as it is in compliance.

5.0 In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to FDLE and to the Office for Civil Rights, Office of Justice Programs.

6.0 In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

7.0 Subrecipients must include comprehensive Civil Rights/Nondiscrimination Provisions in all contracts funded by the subgrant recipient.

8.0 If the subrecipient or any of its employees, contractors, vendors, or program beneficiaries has a discrimination complaint, they may file a complaint with the subrecipient, with FDLE, or with the Office for Civil Rights. Discrimination complaints may be submitted to FDLE at Office of the Inspector General, Post Office Box 1489, Tallahassee, Florida 32302-1489, or online at info@fdle.state.fl.us. Discrimination complaints may also be submitted to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, Northwest, Washington, D.C. 20531, or by phone at (202) 307-0690.

9.0 The subrecipient must have procedures in place for responding to discrimination complaints that employees, clients, customers, and program participants file directly with the subrecipient.

10.0 The subrecipient must have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the subgrantee/implementing agency with FDLE or the OCR.

11.0 Any discrimination complaints filed with FDLE will be reviewed by FDLE's Inspector General and referred to the Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission, based on the nature of the complaint.

12.0 **Americans with Disabilities Act** - Subrecipients must comply with the requirements of the Americans with Disabilities Act (ADA) (Pub. L. No. 101-336), which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

13.0 **Rehabilitation Act of 1973 (28 C.F.R. § 42(G))** - If the subrecipient has 50 or more employees and receives DOJ funding of $25,000 or more, the subrecipient must take the following actions:

13.1 Adopt grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. § 42(G), which prohibit discrimination on the basis of a disability in employment practices and the delivery of services.

13.2 Designate a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. § 42(G).

13.3 Notify participants, beneficiaries, employees, applicants, and others that the subgrantee/implementing agency does not discriminate on the basis of disability.

14.0 **Limited English Proficiency (LEP)** - In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at www.lep.gov. FDLE strongly encourages subgrant recipients to have a written LEP Language Access Plan.

15.0 **Title IX of the Education Amendments of 1972 (28 C.F.R. § 54)** - If the subrecipient operates an education program or activity, the subrecipient must take the following actions:

15.1 Adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at

28 C.F.R. § 54, which prohibit discrimination on the basis of sex.

15.2 Designate a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. § 54.

15.3 Notify applicants for admission and employment, employees, students, parents, and others that the subrecipient/implementing agency does not discriminate on the basis of sex in its educational programs or activities.

16.0 Equal Treatment for Faith Based Organizations - The subrecipient agrees to comply with the applicable requirements of 28 C.F.R. § 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. The subgrantee also understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from the award, or the parent or legal guardian of such students. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See www.ojp.gov/about/ocr/equal_fbo.htm.

17.0 Immigration and Nationality Act - No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. § 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subrecipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

SECTION III: FINANCIAL REQUIREMENTS AND RESPONSIBILTY

1.0 Fiscal Control and Fund Accounting Procedures

1.1 All expenditures and cost accounting of funds shall conform to the Office of Justice Programs Financial Guide, the Common Rule, and OMB Uniform Grant Guidance (2 C.F.R § 200) as applicable, in their entirety.

1.2 Subrecipients must have written procedures for procurement transactions. Procedures must ensure that all solicitations follow 2 C.F.R. § 200.319 Competition.

1.3 The subrecipient is required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. As a subrecipient, you must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. An adequate accounting system for a subrecipient must be able to accommodate a fund and account structure to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients.

1.4 All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.

1.5 All funds not spent in accordance with this agreement shall be subject to repayment by the subrecipient.

SECTION IV: SUBAWARD MANAGEMENT AND REPORTING REQUIREMENTS

1.0 Obligation of Subrecipient Funds - Subaward funds shall not under any circumstances be obligated prior to the effective date, or subsequent to the termination date, of the period of performance. Only project costs incurred on or after the effective date, and on or prior to the termination date of the subrecipient's project are

eligible for reimbursement. All payments must be completed within thirty (30) days of the end of the subaward period of performance.

2.0 Advance Funding - Advance funding may be provided to a subrecipient upon a written request to the Department. The request must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer designee.

3.0 Trust Funds

3.1 The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.

3.2 The account may earn interest, but any earned interest must be used for program purposes and expended before the federal grant period end date. Interest earned up to $500 per year may be retained by the subrecipient for administrative expense. Any unexpended interest remaining at the end of the federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

4.0 Performance

4.1 Subaward Performance - The subrecipient must comply with state and federal requirements for subaward performance under 2 C.F.R. §§ 200.76 and 200.77. The subaward shall describe the timing and scope of expected performance as related to the outcomes intended to be achieved by the program. Where appropriate, the subaward should provide specific performance goals, indicators, milestones, or expected outcomes (such as outputs, or services performed or public impacts of any of these) with an expected timeline for accomplishment. Submitted programmatic reports must clearly articulate, where appropriate, performance during the execution of the award has met a standard against which the subrecipient's performance can be measured. These requirements should be aligned with agency strategic goals, strategic objectives or performance goals that are relevant to the program.

4.2 Performance of Agreement Provisions - In the event of default; non-compliance; or violation of any provision of this agreement by the subrecipient, the subrecipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subrecipient of its decision thirty (30) days in advance of the effective date of such sanction. The subrecipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

5.0 Grant Adjustments - Subrecipients must submit a grant adjustment through SIMON for major substantive changes such as scope modifications or changes to project activities, target populations, service providers, implementation schedules, project director, designs or research plans set forth in the approved agreement, and for any budget changes that affect a cost category that was not included in the original budget. Adjustments are also required when there will be a transfer of 10% or more of the total budget between budget categories, or there is an indirect cost rate category change.

5.1 Subrecipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval as long as the funds are transferred to an existing line item.

5.2 Under no circumstances can transfers of funds increase the total budgeted award.

5.3 Requests for changes to the subaward agreement must be electronically signed by the subrecipient or implementing agency's chief official or the chief official's designee.

5.4 All requests for changes must be submitted in SIMON no later than 30 days prior to grant expiration date.

6.0 Required Reports - All reports must relate financial data to performance accomplishments. Subrecipients must submit both reports on the same reporting cycle.

6.1 Financial Expenditure Reports

6.1.2 The subrecipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Project Expenditure Reports are due thirty (30) days after the end of the reporting period. In addition, if the subaward period is extended, additional Project Expenditure Reports shall be submitted.

6.1.3 All project expenditures for reimbursement of subrecipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCJG) through the SIMON (Subgrant Information Management Online).

6.1.4 All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.

6.1.5 Before the "final" Project Expenditure Report will be processed, the subrecipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.

6.1.6 Reports are to be submitted even when no reimbursement is being requested.

6.1.7 The report must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.

6.2 Project Performance Reports

6.2.1 Reporting Time Frames: The subrecipient shall submit Monthly or Quarterly Project Performance Reports in SIMON, hereafter known as the Department, within fifteen (15) days after the end of the reporting period. In addition, if the sub award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

6.2.2 Failure to submit Quarterly Performance Reports that are complete, accurate, and timely may result in sanctions, as specified in item 19, Performance of Agreement Provisions.

6.2.3 Report Contents: Performance Reports must include a response to all objectives included in your subaward. A detailed response is required in the narrative portion for yes/no performance objectives. The narrative must also reflect on accomplishments for the quarter and identify problems with project implementation and address actions being taken to resolve the problems. Additional information may be required if necessary to comply with federal reporting requirements.

6.2.4 Submission: Performance Reports may be submitted by the Project Director, Application Manager, or Performance Contacts.

6.3 Project Generated Income (PGI) - All income generated as a direct result of a subgrant project shall be deemed program income. Program income must be accounted for and reported in SIMON in accordance with the OJP Financial Guide.

6.3.1 Required Reports - the subrecipient shall submit Quarterly PGI Earnings and Expenditures Reports to the Department within thirty (30) days after the end of the reporting period covering subaward project generated income and expenditures during the previous quarter. If any PGI remains unspent after the subaward ends, the subrecipient must continue submitting quarterly PGI reports until all funds are expended. (See Item 12, Program Income.)

6.3.2 PGI Earnings and Expenditures reports must be electronically signed by the subrecipient or implementing agency's chief financial officer or the chief financial officer's designee.

6.3.3 PGI Expenditure - Program income should be used as earned and expended as soon as possible and used to further the objects in which the award was made. Any unexpended PGI remaining at the end of the federal grant period must be submitted to OCJG for transmittal to the Bureau of Justice Assistance.

6.4 Other Reports - The subrecipient shall report to the Uniform Crime Report and other reports as may be reasonably required by the Department.

SECTION V: MONITORING AND AUDITS

1.0 Access to Records - The Florida Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subrecipient, implementing agency and contractors for the purpose of audit and examination according to the Financial Guide and the Common Rule.

The Department reserves the right to unilaterally terminate this agreement if the subrecipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of § 119, Fla. Stat., unless specifically exempted and/or made confidential by operation of § 119, Fla. Stat., and made or received by the subrecipient or its contractor in conjunction with this agreement.

The subrecipient will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

2.0 Monitoring - The recipient agrees to comply with FDLE's grant monitoring guidelines, protocols, and procedures; and to cooperate with FDLE on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide FDLE all documentation necessary to complete monitoring of the award and verify expenditures in accordance with § 215.971, Fla. Stat. Further, the recipient agrees to abide by reasonable deadlines set by FDLE for providing requested documents. Failure to cooperate with grant monitoring activities may result in sanctions affecting the recipient's award, including, but not limited to: withholding and/or other restrictions on the recipient's access to funds, referral to the Office of the Inspector General for audit review, designation of the recipient as a FDLE High Risk grantee, or termination of award(s).

3.0 Property Management - The subrecipient shall establish and administer a system to protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the Office of Justice Programs Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments, or 2 C.F.R. § 200, as applicable. This obligation continues as long as the subrecipient retains the property, notwithstanding expiration of this agreement.

3.1 Property Use - The subrecipient must use equipment acquired under a Federal award for the authorized purposes of the project during the period of performance, or until the property is no longer needed. Subrecipients must use, manage, and dispose of equipment acquired under a Federal award in accordance with to § 274, Fla. Stat. and 2 C.F.R. § 200.313, "Equipment".

4.0 Subaward Closeout - A Financial Closeout Audit shall be submitted to the Department within forty-five (45) days of the end date of the performance period.

4.1 The Financial Closeout Audit must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.

5.0 High Risk Subrecipients - The subrecipient agrees to comply with any additional requirements that may be imposed during the grant performance period if FDLE pre-award risk assessment or the U.S. Department of Justice determines the subrecipient is a high-risk grantee. Cf. 28 C.F.R. §§ 66, 70.

6.0 Reporting, Data Collection and Evaluation - The subrecipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the Bureau of Justice Assistance in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by FDLE.

7.0 Retention of Records - The subrecipient shall maintain all records and documents for a minimum of five (5) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons. The subrecipient shall comply with State of Florida General Records Schedule GS1-SL for State and Local Government Agencies:
http://dos.myflorida.com/media/693574/general-records-schedulegs01-sl.pdf
http://dos.myflorida.com/media/693578/gs02.pdf

8.0 Disputes and Appeals - The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subrecipient shall proceed diligently with the performance of this agreement according to the Department's decision. If the subrecipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subrecipient's right to appeal the Department's decision is contained in § 120, Fla. Stat., and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under § 120, Fla. Stat.

9.0 Single Annual Audit

9.1 Subrecipients that expend $750,000 or more in a year in federal awards shall have a single audit or program-specific audit conducted for that year. The audit shall be performed in accordance with 2 C.F.R. § 200(F) Audit Requirements and other applicable federal law. The contract for this agreement shall be identified in the Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received, and funds disbursed. When applicable, the subrecipient shall submit an annual financial audit that meets the requirements of Florida Statutes 11.45, "Definitions; duties; authorities; reports; rules."; 215.97, "Florida Single Audit Act"; Rules of the Auditor General; Chapter 10.550, "Local Governmental Entity Audits"; and Chapter 10.650, "Florida Single Audit Act Audits Nonprofit and For-Profit Organizations."

9.2 A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, including audit report and management letter findings. Incomplete audit reports will not be accepted by the Department.

9.3 Audits shall be completed by an Independent Public Accountant (IPA) and according to Generally Accepted Government Auditing Standards (GAGAS). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant. Subrecipients shall procure audit services according to § 200.509, and include clear objectives and scope of the audit in addition to peer review reports to strengthen audit quality and ensure effective use of audit resources.

9.4 The subrecipient shall promptly follow-up and take appropriate corrective action for any findings on the audit report in instances of noncompliance with federal laws and regulations, including but not limited to preparation of a summary schedule of prior audit findings and a corrective action plan. Subrecipient follow-up to audit findings must abide by requirements in 2 C.F.R. § 200.511.

9.5 Auditees must make copies available for public inspection and ensure respective parts of the reporting package do not include protected personally identifiable information. Records shall be made available upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.

9.6 Subrecipients that expend less than $750,000 in federal awards during a fiscal year are exempt from the audit requirements of 2 C.F.R. § 200(F) for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subrecipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.

9.7 If this agreement is closed without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.

9.8 The Federal Audit Clearinghouse is the repository of record for 2 C.F.R. § 200(F). Audits performed as a result of this requirement must be completed and submitted to the Federal Audit Clearinghouse within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Submissions must include required elements described in Appendix X to Part 200 on the specified Data Collection Form (Form SF-SAC), and be signed by a senior level representative or chief official of the auditee. If the subrecipient opts not to authorize the Federal Audit Clearinghouse to make the reporting package publically available, the single audit report must be submitted directly to the Department. A scanned copy of the completed audit reports or a link to the electronic audit report should be sent via email to criminaljustice@fdle.state.fl.us or mailed to the following address:

SECTION VI: SUBAWARD PROCUREMENT AND COST PRINCIPLES

1.0 Procurement Procedures- Subrecipients must use documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurement standards conform to applicable Federal law (2 C.F.R. §§ 200.317-200.326.)

2.0 Federal Procedures - All procedures employed in the use of federal funds for any procurement shall also be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; , 2 C.F.R. § 200.318, "General procurement standards", and Florida law to be eligible for reimbursement.

3.0 Cost Analysis - A cost analysis must be performed by the subrecipient if the cost or price is above the simplified acquisition threshold of $150,000. Costs or prices based on estimated costs for contracts are allowable only if allowable under 2 C.F.R. § 200.405(e),"Cost Principles".

4.0 Allowable Costs - Allowance for costs incurred under the subaward shall be determined according to the general principles and standards for selected cost items set forth in the Office of Justice Programs Financial Guide, 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and 2 C.F.R. § 200.405(e), "Cost Principles".

4.1 All procedures employed in the use of federal funds for any procurement shall be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,,;2 C.F.R. § 200.420, "Considerations for selected items of cost"; and Florida law to be eligible for reimbursement.

4.2 Subrecipients encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods/services. Subrecipients are also encouraged to use excess and surplus property in lieu of purchasing new equipment and property when this is feasible.

4.3 Subrecipients eligible to use the "de minimis" indirect cost rate described in 2 C.F.R. § 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise FDLE Office of Criminal Justice Grants in writing of both its eligibility and election, and must comply with all associated requirements in the OMB Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).

5.0 Unallowable Costs - Payments made for costs determined to be unallowable by either the Federal awarding agency or the Department, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements, 2 C.F.R. §§ 200.300, "Statutory and national policy requirements", through 200.309, "Period of performance."

5.1 Prohibited Expenditure List - Subaward funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition. https://www.bja.gov/Funding/JAGControlledPurchaseList.pdf

5.2 Controlled Purchase List - Requests for acquisition of items on the Controlled Purchase List must be receive explicit prior written approval from FDLE and BJA. If award funds are approved and used for the purchase or acquisition of any item on the Controlled Purchase List, the subrecipient must collect and retain certain information about the use of 1) the federally grant funded controlled equipment and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to FDLE and BJA upon request. No equipment on the Controlled Expenditure list that is purchased or acquired under this award may be transferred or sold to a third party without the prior approval and guidance from FDLE

and BJA. Failure to comply with conditions related to Prohibited or Controlled Expenditures may result in prohibition from further Controlled Expenditure approval under this or other awards. https://www.bja.gov/Funding/JAGControlledPurchaseList.pdf

6.0 **Review prior to Procurement -**Subrecipients are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods/services. Subrecipients are also encouraged to use excess and surplus property in lieu of purchasing new equipment and property when this is feasible.

7.0 **Sole Source -** If the project requires a purchase of services or equipment from a sole source, the subrecipient must complete the Sole Source Justification for Services and Equipment Form. If the subrecipient is a state agency and the cost is at least $150,000, then the agency must submit a copy of the approval from the Department of Management Services (287.057(5) Fla. Stat.). Sole Source form must be signed by the subgrant recipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.

8.0 **Unmanned Aerial Vehicles** - The recipient agrees that awarded funds may not be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any funding approved for this purpose would be subject to additional reporting, which would be stipulated by FDLE post award.

9.0 **Personal Services –** Subrecipients may use grant funds for eligible personal services (salaries/benefits and overtime) and must maintain internal controls over salaries and wages. The following requirements apply to personal services paid with subgrant funds:

9.1 **Timesheets -** Timesheets must be kept for all project staff whose hours will be charged to the project. The timesheets must be signed by the supervisor and clearly indicate hours spent on project activities.

9.2 **Additional Documentation -** In accordance with Florida Statute § 215.971, the Florida Department of Financial Services may require documentation validation that personnel services were performed on project-related activities in accordance with the contract agreement.

9.3 **Protected personally identifiable information -** The subrecipient shall take reasonable measures to safeguard protected personally identifiable information and other information the pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

9.4 **Overtime for Law Enforcement Personnel -** Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

9.5 **Employees Working Solely on a Single Federal Award -** For any position that works 100% of its time on a single federal award, the employee must certify that 100% of his or her time was spent working on that federal award. This requirement applies to both full time and part time positions regardless of the percentage of the position's salary that is charged to the grant. The certification must be signed by both the employee and the employee's direct supervisor having firsthand knowledge of the work performed by the employee. The forms must be submitted semi-annually and may not be signed prior to the end of the reporting period. Certifications must be provided to cover the entire grant period

9.6 **Maximum Allowable Salary -** No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the subrecipient whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year. (The salary table for SES employees is available at http://www.opm.gov/oca/payrates/index.asp.) A subrecipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. This limitation on compensation rates allowable

under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

10.0 Contractual Services - The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts as described in §200.318 General procurement .

10.1 Requirements for Contractors of Subrecipients - The subrecipient assures the compliance of all contractors with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3711, et seq. at www.gpo.gov/fdsys/); the provisions of the current edition of the Office of Justice Programs Financial Guide (http://ojp.gov/financialguide/DOJ/index.htm); and all other applicable federal and state laws, orders, circulars, or regulations. The subrecipient must pass-through all requirements and conditions applicable to the federal grant award / subaward to any subcontract. The term "contractor" is used rather than the term "vendor" and means an entity that receives a contract as defined in 2 C.F.R. § 200.22, the nature of the contractual relationship determines the type of agreement.

10.2 Approval of Consultant Contracts - The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when the consultant's rate exceeds $650 (excluding travel and subsistence costs) per eight-hour day, or $81.25 per hour. A detailed justification must be submitted to and approved by FDLE prior to obligation or expenditures of such funds. Approval shall be based upon the contract's compliance with requirements found in the Financial Guide, the Common Rule, and in applicable state statutes. The Department's approval of the subrecipient agreement does not constitute approval of consultant contracts. If consultants are hired through a competitive bidding process (not sole source), the $650 threshold does not apply.

11.0 Travel and Training - The cost of all travel shall be reimbursed according to the subrecipient's written travel policy. If the subrecipient does not have a written travel policy, cost of all travel will be reimbursed according to State of Florida Travel Guidelines § 112.061, Fla. Stat. Any foreign travel must obtain prior written approval.

11.1 BJA or FDLE Sponsored Events - The subrecipient agrees to participate in BJA- or FDLE-sponsored training events, technical assistance events, or conference held by FDLE or BJA or their designees, upon FDLE's or BJA's request.

11.2 Expenses Related to Conferences, Meetings, Trainings, and Other Events - The subrecipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm

11.3 Training and Training Materials – Any training or training materials that has been developed or delivered with grant funding under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at www.ojp.gov/funding/ojptrainingguidingprinciples.htm

12.0 Publications, Media and Patents

12.1 Ownership of Data and Creative Material - Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the Office of Justice Programs Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, and 2 C.F.R. § 200.315 "Intangible Property," as applicable.

12.2 Copyright - The awarding agency reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for federal government purposes:

12.2.1 The copyright in any work developed under an award or subaward, and

12.2.2 Any rights of copyright to which a subaward recipient or subrecipient purchases ownership with support funded under this grant agreement.

12.3 Publication or Printing of Reports - The subrecipient shall submit for review and approval one copy of

any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) days prior to the targeted dissemination date. The subrecipient understands and agrees that any training materials developed or delivered with grant funding must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees available at www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm

All materials publicizing or resulting from award activities shall contain the following statements identifying the federal award:

"This project was supported by Award No._____ awarded by the Bureau of Justice Assistance, Office of Justice Programs. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the authors and do not necessarily reflect the views of the Department of Justice".

12.4 Patents - If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by the federal award or subaward funds, such facts must be promptly and fully reported to the awarding agency.

12.4.1 Unless there is a prior agreement between the subrecipient and the Department on disposition of such items, the Department may determine whether protection on the invention or discovery will be sought.

12.4.2 The Department will also determine how rights in the invention or discovery (including rights under any patents issued) will be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" ("President's Memorandum for Heads of Executive Departments and Agencies," dated August 23, 1971, and statement of Government patent policy, as printed in 36 Federal Register 16839).

12.4.3 Government regulations have been issued in 37 C.F.R. § 401 by the U.S. Department of Commerce.

13.0 Confidential Funds and Confidential Funds Certificate - A signed certification that the Project Director or Implementing Agency Chief Official has read, understands, and agrees to abide by all conditions for confidential funds as set forth in the effective edition of the Office of Justice Programs Financial Guide is required for all projects that involve confidential funds. The signed certification must be submitted at the time of grant application.

For all projects involved with confidential funds the subrecipient must submit a confidential funds certificate. This certificate certifies the Project Director has read, understands, and agrees to abide by the provision in Section 3.12 of the Office of Justice Programs Financial Guide. This form must be submitted upon application if applicable. Confidential Funds certifications must be signed by the subrecipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.

14.0 Task Force Training Requirement - The subrecipient agrees that within 120 days of award, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When FDLE award funds to support a task force, the subrecipient must compile and maintain a task force personnel roster along with course completion certificates. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

15.0 Information Technology Projects

15.1 Criminal Intelligence Systems - The subrecipient agrees that any information technology system funded or supported by the Office of Justice Programs funds will comply with 28 C.F.R. § 23, Criminal Intelligence Systems Operating Policies, if the Office of Justice Programs determines this regulation to

be applicable. Should the Office of Justice Programs determine 28 C.F.R. § 23 to be applicable, the Office of Justice Programs may, at its discretion, perform audits of the system, as per 28 C.F.R. § 23.20(g). Should any violation of 28 C.F.R. § 23 occur, the subrecipient may be fined as per 42 U.S.C. § 3789g(c)-(d). The subrecipient may not satisfy such a fine with federal funds.

The subrecipient understands and agrees that no awarded funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. In doing so the subrecipient agrees the these restrictions will not limit the use of awarded funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecutions, or adjudication activities.

15.2 State Information Technology Point of Contact - The subrecipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditures period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the subrecipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046

15.3 Interstate Connectivity - To avoid duplicating existing networks or IT systems in any initiatives funded by the Bureau of Justice Assistance for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the subrecipient can demonstrate to the satisfaction of the Bureau of Justice Assistance that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

15.4 ADP Justification - The subrecipient must complete an Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems Request for Approval form if the purchase of any ADP equipment is to be made. This form must be submitted upon application, if applicable. ADP justification must be signed by the subrecipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.

16.0 Interoperable Communications Guidance

16.1 Subrecipients that are using funds to support emergency communications activities must comply with the current SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order. SAFECOM guidance can be found at www.safecomprogram.gov/library/lists/library/DispForm.aspx?ID=334.

16.2 Subrecipients interested in developing a public safety broadband network in the 700 MHz band in their jurisdictions must adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band. The sub recipient shall also ensure projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC). If any future regulatory requirement (from the FCC or other governmental entity) results in a material technical or financial change in the project, the recipient should submit associated documentation, and other material, as applicable, for review by the SWIC to ensure coordination. Subrecipients must provide a listing of all communications equipment purchased with grant award funding (plus the quantity purchased of each item) to FDLE once items are procured during any periodic programmatic progress reports.

17.0 Drug Court Projects - A Drug Court Project must comply with § 397.334, Fla. Stat., "Treatment-Based Drug Court Programs."

SECTION VII: ADDITIONAL REQUIREMENTS

1.0 Ballistic Resistant and Stab Resistant Body Armor

1.1 Mandatory Wear Policy - Subrecipients that wish to purchase armor with JAG funds must certify that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. This policy must be in place for at least all uniformed officers before funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. FAQs related to the mandatory wear policy and certifications can be found at www.bja.gov/Funding/JAGFAQ.pdf.

1.2 BVP Program - JAG funds may be used to purchase armor for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.

1.3 NIJ Compliance - Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (http://nij.gov). In addition, body armor purchased must be American-made. The latest NIJ standard information can be found at: www.nij.gov/topics/technology/body-armor/safety-initiative.htm.

2.0 Environmental Protection Agency's (EPA) list of Violating Facilities - The subrecipient assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

3.0 National Environmental Policy Act (NEPA)

3.1 The subrecipient agrees to assist FDLE in complying with the NEPA, the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of subaward funds by the subrecipient. This applies to the following new activities whether or not they are being specifically funded with these subaward funds. That is, it applies as long as the activity is being conducted by the subrecipient or any third party and the activity needs to be undertaken in order to use these subaward funds, Accordingly, the subrecipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact FDLE OCJG.

3.1.1 New construction

3.1.2 Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain; a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

3.1.3 A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and

3.1.4 Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.

3.1.5 Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

3.2 The subrecipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by the Bureau of Justice Assistance. The subrecipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed by the Department of Justice at www.bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.

3.3 For any of a subrecipient's existing programs or activities that will be funded by these subaward, the subrecipient, upon specific request from the Department and the U.S. Department of Justice, agrees to

cooperate with the Department of Justice in any preparation by Department of Justice of a national or program environmental assessment of that funded program or activity.

4.0 Methamphetamine Plans: Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories - If an award is made to support methamphetamine laboratory operations the subrecipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

4.1 General Requirement: The subrecipient agrees to comply with federal, state, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories. The subrecipient also agrees to complete a Methamphetamine Mitigation Plan (MMP) that includes the nine protective measures or components required by BJA and submit the plan to FDLE's Office of Criminal Justice Grants.

4.2 Specific Requirements: The subrecipient understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest. Therefore, the subrecipient further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subaward. In so doing, the subrecipient understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

4.2.1 Provide medical screening of personnel assigned or to be assigned by the subrecipient to the seizure or closure if of clandestine methamphetamine laboratories;

4.2.2 Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subrecipient to either the seizure or closure of clandestine methamphetamine laboratories;

4.2.3 As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;

4.2.4 Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;

4.2.5 Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;

4.2.6 Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;

4.2.7 Monitor the transport, disposal, and recycling components of subparagraphs 5 and 6 immediately above in order to ensure proper compliance;

4.2.8 Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing federal and state requirements; and

4.2.9 Have in place and implement a written agreement with the responsible state or local service

agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity

5.0 National Historic Preservation Act - It will assist the Department (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6.0 Human Research Subjects - Subrecipient agrees to comply with the requirements of 28 C.F.R. § 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

7.0 Global Standards Package - In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

8.0 Disclosures

8.1 Conflict of Interest - The subrecipient and implementing agency will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Subrecipients must disclose in writing any potential conflict of interest to FDLE (the non-federal pass-through entity).

8.2 Violations of Criminal Law - The subrecipient and implementing agency must disclose all violations of state or federal criminal law involving fraud, bribery or gratuity violations potentially affecting the sub award.

9.0 Uniform Relocation Assistance and Real Property Acquisitions Act - The subgrant recipient will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs.

10.0 Limitations on Government Employees Financed by Federal Assistance - The subrecipient will comply with requirements of 5 U.S.C. §§ 1501-08 and 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

11.0 Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct - The subrecipient must promptly refer to DOJ Office of Inspector General (OIG) and the Florida Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a claim for grant funds that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

12.0 Restrictions and certifications regarding non-disclosure agreements and related matters
Subrecipients or contracts/subcontracts under this award may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits, restricts or purports to prohibit or restrict, the reporting of waste, fraud or abuse in accordance with law, to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information.

13.0 Funds to Association of Community Organizations for Reform Now (ACORN) Unallowable -
Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in

support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

14.0 Text Messaging While Driving - Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), and § 316.305, Fla. Stat.., the subrecipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this subaward and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

15.0 DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database - If JAG program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS), by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ FY 2012 DNA Backlog Reduction Program, available at https://www.ncjrs.gov/pdffiles1/nij/sl001062.pdf. In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS (the National DNA Database operated by the FBI).

16.0 Environmental Requirements and Energy - For subawards in excess of $100,000, the subrecipient must comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. §§ 1857(h)), section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 C.F.R. § 15). The subrecipient must comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871), if any.

17.0 Other Federal Funds - The subrecipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this award, and those awards have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this award, the subrecipient will promptly notify, in writing the grant manager for this award, and, if so requested by OCJG seek a budget modification or change of project scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 6: Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duty authorized officers on the date, month and year set out below.

Corrections on this page, including Strikeovers, whiteout, etc. are not acceptable.

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature: _____

Typed Name and Title: _____

Date: _____

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: City of Lake Wales

Signature: _____

Typed Name and Title: Eugene Fultz, Mayor

Date: _____

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: Lake Wales Police Department

Signature: _____

Typed Name and Title: Christopher Velasquez, Chief of Police

Date: _____

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A **or** *Section B* **or** *Section C, not all three.*

Recipient's Name: City of Lake Wales		DUNS Number: 0732122010000
Address: 201 W. Central Avenue, Lake Wales, FL 33853		
Grant Title: Lake Wales Criminal Investigations Equipment Program	Grant Number: 2016-JAGD-1842	Award Amount: $4,609.00
Name and Title of Contact Person: Judi Gladue, Executive Assistant		
Telephone Number: (863)678-4223 x 260	E-Mail Address: jgladue@cityoflakewales.com	

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- ☐ Recipient has less than fifty employees.
- ☐ Recipient is an Indian tribe.
- ☐ Recipient is a medical institution.
- ☐ Recipient is a nonprofit organization.
- ☐ Recipient is an educational institution.
- ■ Recipient is receiving an award less than $25,000.

I, Sandra Davis [*responsible official*], certify that City of Lake Wales [*recipient*] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.
I further certify that City of Lake Wales [*recipient*] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Sandra Davis, Human Resources Director

Print or Type Name and Title *Signature* *Date*

Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of $25,000 or more, but less than $500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [*responsible official*], certify that _____ [*recipient*], which has fifty or more employees and is receiving a single award or subaward for $25,000 or more, but less than $500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:
_____ [*organization*],
_____ [*address*].

Print or Type Name and Title *Signature* *Date*

Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of $500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, _____ [*responsible official*], certify that _____ [*recipient*], which has fifty or more employees and is receiving a single award of $500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [*date*] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title *Signature* *Date*

CERTIFICATION AS TO BULLETPROOF VEST PURCHASE REQUIREMENTS

Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program

Certification as to Bulletproof Vest Purchase Requirements

On behalf of the implementing agency, I certify the following:

I have personally read and reviewed the section of the JAG Instructions related to bulletproof vest purchases. I certify that our agency currently has a written "mandatory wear" policy in effect.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants passed through FDLE, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, the Department of Justice's Office of the Inspector General, and/or FDLE.

I have authority to make this certification on behalf of the implementing agency.

_____ _____
Signature of Implementing Agency Chief Official Date

Chris Velasquez
Typed Name of Implementing Agency Chief Official

Chief of Police
Title of Implementing Agency Chief Official

Lake Wales Police Department
Name Implementing Agency

MEMORANDUM

January 11, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Dorothy Ecklund, Finance Director

RE: Preliminary Financial Statements for December 31, 2015

SYNOPSIS: The preliminary financial statements report revenues received and expenditures made through the end of December 31, 2015.

The unaudited financial statements for the City of Lake Wales for the Period Ending December 31, 2015 are presented to the City Commission for review. At the end of December 31, 2015 the City was 25% into the fiscal year.

General Fund (001), page 2:
The General Fund appears to be materially on target with revenue and expenditure expectations.

Transportation Fund (102), page 7:
The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

CRA Fund (105), page 12:
The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 17:
The Library Fund appears to be materially on target with revenue and expenditure expectations.

Utility System Fund (403), page 27:
The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

Airport Authority (404), page 29:
The Airport Authority appears to be materially on target with revenue and expenditure expectations.

ATTACHMENTS
Preliminary Financial Statements for December 31, 2015, Fiscal Year to Date

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
GENERAL FUND - 001
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	GENERAL FUND - 001			
	Cash - Unrestricted	3,245,505	2,779,483	466,022
001-101-096-000-000	General Fund Emergency Fund 3706	100,468	100,217	251
001-102-001-000-000	Petty Cash (Finance Dept.)	500	400	100
001-102-002-000-000	Petty Cash-Depot Museum	200	0	200
	CASH	3,346,673	2,880,100	466,573
	ACCOUNTS RECEIVABLE	856,489	811,902	44,586
	DUE FROM OTHER FUNDS	755,491	234,991	520,500
	INVENTORY	72,113	49,128	22,985
	PREPAID	109,060	(19,061)	128,121
	TOTAL ASSETS	5,139,826	3,957,060	1,182,766
	ACCOUNTS PAYABLE	346,576	178,224	168,351
	DUE TO OTHER FUNDS	0	0	0
	DEPOSIT & TRUST ACCOUNTS	1,924	3,811	(1,887)
	ACCRUED PAYROLL & WITHHOLDING	270,050	296,764	(26,714)
	DEFERRED REVENUE	127,336	165,684	(38,348)
	TOTAL LIABILITIES	745,887	644,484	101,403
	EXCESS REV OVER/UNDER EXP	2,089,560	2,102,443	(12,883)
001-271-001-000-000	Fund Balance	2,304,379	1,210,133	1,094,246
	TOTAL FUND BALANCE	4,393,939	3,312,576	1,081,363
	TOTAL LIAB. AND FUND BALANCE	5,139,826	3,957,060	1,182,766

PRELIMINARY SCH. OF REV & EXP
GENERAL FUND - 001
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	TAXES					
001-311-100-000-000	Ad Valorem Taxes	3,513,400	2,697,068	3,800,800	2,716,339	3,812,795
001-314-100-000-000	Utility Service Tax - Electric	825,000	205,012	1,063,000	295,148	1,057,081
001-314-300-000-000	Utility Service Tax - Water	255,000	67,011	246,000	58,004	246,369
001-314-800-000-000	Utility Service Tax - Propane	40,000	6,437	40,000	8,156	37,087
001-315-000-000-000	Communications Svc Tax	312,400	117,825	328,800	80,088	317,311
001-316-000-000-000	Business Tax Receipts	75,000	64,394	75,000	66,613	72,034
	TOTAL: TAXES	5,020,800	3,157,748	5,553,600	3,224,349	5,542,677
	LICENSES & PERMITS					
001-322-000-000-000	Building Permits	350,000	64,654	370,000	70,161	371,063
001-323-100-000-000	Franchise Fees - Electric	785,000	240,632	1,115,000	298,552	1,115,026
001-323-700-000-000	Franchise Fees-Solid Waste-Flr	118,000	29,500	153,000	29,500	153,016
001-325-100-000-000	Tree Removal Permit Fees	500	0	500	0	0
001-325-400-000-000	Site Develmt Permit & Inspect Fees	5,000	10,350	8,000	1,323	8,496
	TOTAL: LICENSES & PERMITS	1,258,500	345,136	1,646,500	399,536	1,647,600
	INTERGOVERNMENTAL REVENUE					
001-330-000-000-000	Spcl Assessment - Fire	1,020,000	303,233	0	0	0
001-331-200-000-000	C.O.P.S. Fast Grant	81,484	0	0	0	0
001-331-304-000-000	Bullet Proof Vest Grant	0	2,021	0	0	0
001-331-600-000-000	HIDTA Award	8,000	9,401	13,500	12,523	22,949
001-333-100-000-000	PILOT-Lake Wales Housing Authority	2,500	0	2,500	0	0
001-333-200-000-000	PILOT - Water's Edge	28,000	0	28,000	0	28,346
001-335-121-000-000	State Rev. Sharing - from S/Tx	356,898	87,430	344,800	77,690	349,328
001-335-140-000-000	Mobile Home Licenses	30,000	19,206	36,000	19,353	36,137
001-335-150-000-000	Alcoholic Beverage Licenses	10,600	787	10,600	350	10,970
001-335-180-000-000	Local Government 1/2 Sales Tax	870,942	208,492	828,500	195,589	837,416
001-335-230-000-000	Firemen'S Supplemental Comp	8,000	2,043	8,160	1,710	8,133
001-337-220-000-000	Polk Sch Board - Sro	116,352	29,088	116,352	29,088	116,352
001-337-225-000-000	LW Charter Schools-Sro	58,176	14,544	58,176	14,544	58,176
001-337-700-000-000	Grant - Polk County - Rec Dept	75,000	0	0	0	0
001-337-750-000-000	Grant - US Soccer	25,000	0	0	0	0
001-338-200-000-000	County Business License	7,500	3,035	7,500	2,932	8,166
	TOTAL: INTERGOVERNMENTAL REV	2,698,452	679,280	1,454,088	353,779	1,475,972
	CHARGES FOR SERVICES					
001-341-100-000-000	Recording, Copy & Certifying	500	146	500	180	252
001-341-101-000-000	Sale of Maps and Publications	500	85	500	3	546
001-341-102-000-000	Police Verification-Investigations	10,000	5,606	24,000	4,061	24,235
001-341-106-000-000	Administrative Charge - Street Lght	350	350	340	350	350
001-341-123-000-000	Election Qualifying Fees	100	0	100	0	125
001-341-403-000-000	Management Fees - Water/Sewer	457,918	114,479	437,998	109,499	437,998
001-341-510-000-000	Planning & Zoning Board Fees	15,000	3,711	24,000	9,177	25,503

PRELIMINARY SCH. OF REV & EXP
GENERAL FUND - 001
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
001-341-520-000-000	Comprehensive Planning Fees	2,000	2,745	4,500	1,340	4,687
001-341-524-000-000	Reimbursement-Building Fees	3,000	1,422	4,700	1,455	4,730
001-341-540-000-000	Bldg Official Svcs. - Frostproof	10,000	3,730	11,600	2,492	11,680
001-341-900-000-000	Reimbursement-Grove House Taxes	7,500	7,891	8,500	7,569	7,569
001-341-901-000-000	Polk Cnty Impact Fee-Coll Chrg	2,000	792	2,000	624	4,166
001-341-902-000-000	Polk Pub Svc Tx - Coll Fee	600	172	600	160	641
001-341-905-000-000	BCA/DCA Coll Fee for Education	600	476	1,136	60	1,137
001-342-199-000-000	Miscellaneous Police Services	500	0	500	0	0
001-342-200-000-000	Fire Service - Highland Park	15,000	16,510	9,823	9,823	9,823
001-342-201-000-000	Fire Service - Polk County	0	0	257,547	65,062	257,577
001-343-400-000-000	Garbage Fees	1,055,000	281,143	1,077,000	268,182	1,073,672
001-343-802-000-000	Cemetery - Grave Locating Fees	10,000	1,635	12,300	3,023	12,370
001-343-803-000-000	Cemetery - Lot Marking	350	28	350	32	141
001-343-804-000-000	Cemetery - Burial Space Lot	5,000	1,552	35,000	5,178	16,555
001-343-805-000-000	Cemetery - Burial Sp Mausoleum	0	5,550	0	0	19,307
001-343-806-000-000	Cemetery - Vault/Casket Id	400	60	400	86	381
001-343-809-000-000	Cemetery - Misc Chgs For Svc	500	50	500	0	270
001-343-810-000-000	Cemetery Installment Adm Fee	600	57	600	0	0
001-343-811-000-000	Cemetery Trust Revenue	600	0	600	0	0
001-343-900-000-000	Tree Replacement Fees	2,000	0	2,000	0	0
001-347-290-000-000	Miscellaneous Recreation Fees	1,000	0	0	1,200	1,200
	TOTAL: CHARGES FOR SERVICES	1,601,018	448,191	1,917,094	489,557	1,914,913
	FINES & FORFEITURES					
001-351-100-000-000	Court Fines	20,000	8,276	30,000	5,027	31,984
001-351-300-000-000	Law Enforcement Education	1,500	838	2,900	571	2,962
001-351-600-000-000	Excess Alarm Fees	0	100	0	0	0
001-351-650-000-000	Damage Restitution	100	0	100	0	0
001-351-900-000-000	Miscellaneous Fines	150	0	150	0	24
001-354-100-000-000	Parking Fines	500	125	500	25	950
001-354-200-000-000	Code Enforcement Fines	20,000	383	34,300	2,830	34,380
	TOTAL: FINES & FORFEITURES	42,250	9,721	67,950	8,454	70,301
	MISCELLANEOUS REVENUES					
	Interest Income	5,300	1,365	7,600	1,399	6,261
001-362-010-000-000	Orange Grove - Land Lease	30,000	0	30,000	0	22,500
001-362-701-000-000	Community Center - Austin Kitchen R	1,000	67	4,000	0	469
001-362-704-000-000	Ridge League Dinner-Receipts	0	0	8,000	0	6,316
001-362-706-000-000	JP Austin Center Rental	2,000	412	2,000	132	2,154
001-362-709-000-000	Tourist Club Rental	2,000	674	2,000	529	5,499
001-362-710-000-000	Field Rentals	0	0	0	0	67
001-362-790-000-000	User Fees - Other Rental	2,000	280	2,000	294	1,950
001-362-800-000-000	Rental-Mike LaRosa	3,600	900	3,600	900	3,600
001-364-002-000-000	Loss Recoveries - Insured	0	0	15,176	9,404	15,176
001-364-100-000-000	Sale of Surplus Equipment	0	0	0	2,117	0
001-364-175-000-000	Gain on Sale of Capital Asset	0	58,139	1,737	0	1,737
001-366-025-000-000	Donations Lincoln Park-Basketball	0	0	42,000	42,000	42,000
001-366-060-000-000	Donations-Cemetary Brick	0	0	0	35	140
001-366-512-000-000	Donations-League of Cities Dinner	0	0	0	0	550
001-366-521-000-000	Donations-Police Dept.	0	0	0	14,000	16,000

PRELIMINARY SCH. OF REV & EXP
GENERAL FUND - 001
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
001-366-522-000-000	Donations-Fire Dept	1,000	150	1,000	500	650
001-366-539-000-000	Cemetery: Misc Donations	0	0	18,000	0	0
001-366-572-200-000	Donations - Special Events	0	0	0	0	581
001-366-702-000-000	Recycling Proceeds	0	0	0	0	462
001-366-900-000-000	Donations/Miscellaneous	1,000	0	1,000	0	1,920
001-369-000-000-000	Other Miscellaneous Revenues	5,000	1,744	5,000	64	124
001-369-006-000-000	Public Notice Reimbrsmts (Ads)	0	150	0	200	636
001-369-010-000-000	Vendor Fees	0	0	0	0	430
001-369-012-000-000	Reimbursement-Police Special Detail	200	0	200	0	0
001-369-014-000-000	Reimb-Special Events In-Kind	6,075	1,520	5,233	212	7,403
001-369-015-000-000	Reimbursement-Staffing Comm Center	100	655	2,500	67	2,477
001-369-016-000-000	Reimbursement - Ball Field Lights	100	0	100	0	0
001-369-017-000-000	Reimb. - Ball Field Lining/Prep.	100	0	100	0	0
001-369-200-000-000	Workers' Compensation Reimb	0	2,083	0	0	369
001-369-900-000-000	Other Miscellaneous Revenue	0	361	0	293	7,143
001-369-999-000-000	Other	500	234	500	6,998	8,895
001-369-999-999-999	Suspense - Cash Receipts	0	(1,450)	0	3,140	0
	TOTAL: MISCELLANEOUS REVENUES	59,975	67,284	151,746	82,284	155,509
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
001-381-330-000-000	Transfer from Capital Projects	17,500	0	0	0	0
	TOTAL: INTERFUND TRANSFER	17,500	0	0	0	0
	CONTRIBUTIONS FROM ENTERPRISE					
001-382-403-000-000	Contribution from Water/Sewer	1,140,000	285,000	1,020,000	255,000	1,020,000
	TOTAL: CONT FROM ENTERPRISE OP	1,140,000	285,000	1,020,000	255,000	1,020,000
	OTHER SOURCES					
001-385-000-000-000	Lease/Loan Proceeds	612,941	0	790,560	0	290,560
001-385-100-000-000	Loan Proceeds - Series 2015	0	0	0	0	500,000
	TOTAL: OTHER FINANCING SOURCES	612,941	0	790,560	0	790,560
	TOTAL REVENUES/OTHER FIN SRCS	12,451,436	4,992,362	12,601,538	4,812,959	12,617,532

PRELIMINARY SCH. OF REV & EXP
GENERAL FUND - 001
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	CITY COMMISSION	96,576	15,068	96,190	22,087	93,506
	CITY MANAGER	205,434	52,608	213,306	77,204	210,456
	CITY CLERK	113,288	28,005	107,855	24,923	104,875
	FINANCE	294,235	81,141	302,281	70,753	299,182
	PERSONNEL	143,740	38,966	147,018	38,752	145,499
	CITY ATTORNEY	66,375	21,132	67,037	9,012	66,400
	PLANNING & ZONING	209,569	52,740	230,074	59,966	226,684
	FLEET MAINTENANCE	0	0	0	192	0
	FACILITIES MAINTENANCE	104,420	19,129	55,400	9,119	38,341
	INFORMATION SERVICES	203,279	42,096	171,138	46,068	159,443
	INSURANCE/RISK MANAGEMENT	0	0	0	0	0
	SUPPORT SERVICES	85,896	24,319	85,650	30,291	85,288
	MUNICIPAL ADM BLDG	30,017	9,802	64,872	7,901	60,957
	NON-DEPARTMENTAL	183,200	10,575	158,200	10,028	32,326
	POLICE DEPARTMENT	4,660,166	1,106,766	4,484,644	1,122,207	4,394,432
	FIRE CONTROL	2,704,569	666,913	2,479,806	618,245	2,453,792
	BUILDING PERMITS & INSPEC	217,414	60,236	224,906	56,400	221,266
	CODE ENFORCEMENT	54,612	5,396	47,680	12,911	42,683
	WASTE DISPOSAL	872,405	216,843	918,296	152,122	909,293
	LAKES CONSERVATION	8,000	0	2,000	0	500
	CEMETERY OP	147,348	27,052	164,341	41,252	160,184
	FIELD OPERATIONS	6,736	0	0	0	0
	PUBLIC SVC ADMIN	467	0	0	64	0
	OTHER TRANSPORTATION	5,433	0	5,433	0	5,433
	ECONOMIC DEVELOPEMENT	130,800	31,250	125,700	31,250	125,210
	OTHER HUMAN SERVICES	13,500	12,500	1,000	0	0
	LIBRARY	0	0	0	0	0
	PARKS DIVISION	652,550	157,236	554,161	146,471	537,985
	RECREATION FACILITIES	734,115	135,523	573,020	102,540	558,612
	SPECIAL EVENTS	45,175	14,766	43,103	9,200	42,596
	DEPOT	136,242	34,546	32,978	3,870	29,600
	INTERFUND TRANSFERS	263,235	38,192	518,888	7,688	518,740
	TOTAL EXPENDITURES	12,388,796	2,902,802	11,874,977	2,710,516	11,523,285
	REVENUE EXCESS OVER(UNDER) EXP	62,640	2,089,560	726,561	2,102,443	1,094,246

PRELIMINARY - BALANCE SHEET
TRANSPORTATION FUND - 102
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	TRANSPORTATION FUND - 102			
	Cash - Unrestricted	183,699	73,965	109,734
	CASH	183,699	73,965	109,734
	ACCOUNTS RECEIVABLE	119,016	128,994	(9,978)
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	302,715	202,959	99,756
	ACCOUNTS PAYABLE	1,606	0	1,606
	DUE TO OTHER FUNDS	0	0	0
	DEFERRED REVENUE	0	0	0
	TOTAL LIABILITIES	1,606	0	1,606
	EXCESS REV OVER/UNDER EXP	47,857	4,394	43,464
102-271-001-000-000	Fund Balance	253,252	198,565	54,686
	TOTAL FUND BALANCE	301,109	202,959	98,150
	TOTAL LIAB. AND FUND BALANCE	302,715	202,959	99,756

PRELIMINARY SCH. OF REV & EXP
TRANSPORTATION FUND - 102
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	TAXES					
102-312-300-000-000	Polk Ninth Cent Voted Gas Tax	57,000	12,604	77,000	18,039	74,771
102-312-400-000-000	Local Option Gas Tax	410,141	107,339	404,600	101,823	408,216
102-312-405-000-000	New Local Option Gas Tax - 5C	255,740	64,674	252,650	61,555	256,157
	TOTAL: TAXES	722,881	184,617	734,250	181,417	739,144
	INTERGOVERNMENTAL REVENUE					
102-335-120-000-000	8Th Cent Motor Fuel (26.62%)	118,142	27,172	113,300	25,717	113,750
102-335-490-000-000	Motor Fuel Tax Rebate	12,500	0	12,500	3,734	14,177
	TOTAL: INTERGOVERNMENTAL REV	130,642	27,172	125,800	29,452	127,926
	CHARGES FOR SERVICES					
102-344-901-000-000	F.D.O.T. Right of Way Contract	23,606	0	23,606	0	23,606
102-344-902-000-000	FDOT Signal Maint Contract	34,048	0	17,903	0	17,903
102-344-903-000-000	FDOT LIght Maint Contract	75,018	0	72,833	0	72,833
	TOTAL: CHARGES FOR SERVICES	132,672	0	114,342	0	114,342
	MISCELLANEOUS REVENUES					
	Interest Income	300	0	300	0	0
102-369-000-000-000	Other Miscellaneous Revenues	500	0	500	0	0
	TOTAL: MISCELLANEOUS REVENUES	800	0	800	0	0
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
102-381-001-000-000	Transfer from General Fund	82,501	0	0	0	0
102-381-330-000-000	Transfer from Cap. Proj Fund	0	0	5,075	0	5,075
	TOTAL: INTERFUND TRANSFER	82,501	0	5,075	0	5,075
	TOTAL: OTHER FINANCING SOURCES	0	0	0	0	0
	TOTAL REVENUES/OTHER FIN SRCS	1,069,496	211,789	980,267	210,869	986,487
	STREET OPERATION	791,904	148,319	807,218	120,195	790,155

PRELIMINARY SCH. OF REV & EXP
TRANSPORTATION FUND - 102
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	STORMWATER DIVISION	34,600	1,317	24,600	607	14,442
	STREET ADMIN.	57,185	14,296	85,673	85,673	85,673
	DISASTER RECOVERY	0	0	0	0	0
	TRANSPORTATION PROJECTS	187,307	0	75,000	0	41,530
	TOTAL EXPENDITURES	1,070,996	163,932	992,491	206,475	931,800
	REVENUE EXCESS OVER(UNDER) EXP	(1,500)	47,857	(12,224)	4,394	54,686

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
STREET LIGHTING FUND - 103
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	STREET LIGHTING FUND - 103			
	CASH	18,098	17,564	534
	TOTAL ASSETS	18,098	17,564	534
	ACCOUNTS PAYABLE	0	0	0
	TOTAL LIABILITIES	0	0	0
	EXCESS REV OVER/UNDER EXP	2,317	2,984	(667)
103-271-001-000-000	Fund Balance	15,781	14,580	1,201
	TOTAL FUND BALANCE	18,098	17,564	534
	TOTAL LIAB. AND FUND BALANCE	18,098	17,564	534

PRELIMINARY SCH. OF REV & EXP
STREET LIGHTING FUND - 103
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	SPECIAL ASSESSMENT					
103-325-200-000-000	Brookshire Street Lighting	14,500	4,854	14,500	5,523	14,830
	TOTAL REVENUES/OTHER FIN SRCS	14,500	4,854	14,500	5,523	14,830
	EXPENSES					
	STREET LIGHTING	14,602	2,537	14,602	2,540	13,629
	TOTAL EXPENDITURES	14,602	2,537	14,602	2,540	13,629
	REVENUE EXCESS OVER(UNDER) EXP	(102)	2,317	(102)	2,984	1,201

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
CRA FUND -105
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	CRA FUND - 105			
	Cash - Unrestricted	411,241	262,737	148,504
105-102-010-000-000	Restricted - Escrow Business Park	100,000	100,000	0
	CASH	511,241	362,737	148,504
	ACCOUNTS RECEIVABLE	5,372	4,972	400
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	516,613	367,709	148,904
	ACCOUNTS PAYABLE	716	0	716
	DEPOSIT & TRUST ACCOUNTS	100,000	100,000	0
	ACCRUED PAYROLL & WITHHOLDING	0	0	0
	DUE TO OTHER FUNDS	0	0	0
	TOTAL LIABILITIES	100,716	100,000	716
	EXCESS REV OVER/UNDER EXP	266,311	98,368	167,943
105-271-001-000-000	Fund Balance	149,586	169,341	(19,755)
	TOTAL FUND BALANCE	415,897	267,709	148,188
	TOTAL LIAB. AND FUND BALANCE	516,613	367,709	148,904

PRELIMINARY SCH. OF REV & EXP
CRA FUND - 105
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	TAXES					
105-311-200-000-000	City Tax Increment Area 1	55,142	55,142	70,792	70,792	63,093
105-311-400-000-000	City Tax Increment Area 3	15,718	15,718	19,908	19,908	16,029
105-311-600-000-000	City Tax Increment Area 2	508,064	508,064	443,846	458,846	442,651
	TOTAL: TAXES	578,924	578,924	534,546	549,546	521,773
	INTERGOVERNMENTAL REVENUE					
105-337-220-000-000	LWHA Officer Contribution	29,131	6,969	29,131	7,140	29,131
105-338-300-000-000	County Tax Increment Area 1	51,418	50,971	55,362	55,096	54,049
105-338-500-000-000	County Tax Increment Area 3	14,656	14,594	13,641	13,838	13,731
105-338-700-000-000	County Tax InCRement CRA Exp	473,753	461,889	380,300	379,504	378,445
	TOTAL: INTERGOVERNMENTAL REV	568,958	534,423	478,434	455,578	475,356
	MISCELLANEOUS REVENUES					
	Interest Income	1,000	0	1,000	0	0
105-364-200-000-000	Sale of Land	0	0	0	0	24,322
105-364-210-000-000	Gov. Wide - Gain/Loss	0	0	0	0	(17,778)
105-364-220-000-000	Gov. Wide (Contra) - Gain/(Loss)	0	0	0	0	17,778
105-369-999-000-000	Other	0	0	23,000	0	0
	TOTAL: MISCELLANEOUS REVENUES	1,000	0	24,000	0	24,322
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
	TOTAL: INTERFUND TRANSFER	0	0	0	0	0
	OTHER SOURCES					
	TOTAL: OTHER FINANCING SOURCES	0	0	0	0	0
	TOTAL REVENUES/OTHER FIN SRCS	1,148,882	1,113,347	1,036,980	1,005,124	1,021,451
	EXPENDITURES					
	CRA - ECONOMIC DEVELOPMENT	50,320	13,362	71,630	18,157	70,535
	CRA - COMMUNITY REDEVELOPMENT	150,742	37,830	111,562	28,661	110,733
	CRA - COMMUNITY POLICING	0	0	0	0	0
	CRA - CODE ENFORCEMENT	0	0	0	0	0
	CAPITAL OUTLAY	120,000	0	0	0	0

PRELIMINARY SCH. OF REV & EXP
CRA FUND - 105
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	TRANSFERS	795,843	795,843	859,938	859,938	859,938
	TOTAL EXPENDITURES	1,116,905	847,036	1,043,130	906,756	1,041,206
	REVENUE EXCESS OVER(UNDER) EXP	31,977	266,311	(6,150)	98,368	(19,755)

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
POLICE FORFEITURES FUND - 106
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	POLICE FORFEITURE FUND - 106			
	CASH	41,651	32,117	9,534
	ACCOUNTS RECEIVABLE	0	0	0
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	41,651	32,117	9,534
	ACCOUNTS PAYABLE	778	0	778
	ACCRUED PAYROLL & WITHHOLDING	0	0	0
	DUE TO OTHER FUNDS	0	123	(123)
	TOTAL LIABILITIES	778	123	655
	EXCESS REV OVER/UNDER EXP	11,697	(3,141)	14,838
106-271-001-000-000	Fund Balance	29,176	35,135	(5,959)
	TOTAL FUND BALANCE	40,873	31,994	8,879
	TOTAL LIAB. AND FUND BALANCE	41,651	32,117	9,534

PRELIMINARY SCH. OF REV & EXP
POLICE FORFEITURE FUND - 106
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	FINES & FORFEITS					
106-351-900-000-000	Forfeitures - Police Dept	20,000	15,879	26,280	3,364	26,282
	TOTAL: FINES & FORFEITURES	20,000	15,879	26,280	3,364	26,282
	MISCELLANEOUS REVENUES					
	Interest Income	0	23	100	24	92
	TOTAL: MISCELLANEOUS REVENUES	0	23	100	24	92
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
	TOTAL: INTERFUND TRANSFER	0	0	0	0	0
	OTHER SOURCES					
	TOTAL: OTHER FINANCING SOURCES	0	0	0	0	0
	TOTAL REVENUES/OTHER FIN SRCS	20,000	15,903	26,380	3,388	26,374
	EXPENDITURES					
	OPERATING	25,359	4,206	38,400	6,529	32,333
	CAPITAL OUTLAY	0	0	0	0	0
	TRANSFERS	0	0	0	0	0
	TOTAL EXPENDITURES	25,359	4,206	38,400	6,529	32,333
	REVENUE EXCESS OVER(UNDER) EXP	(5,359)	11,697	(12,020)	(3,141)	(5,959)

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
LIBRARY FUND - 110
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	LIBRARY FUND - 110			
	Cash - Unrestricted	61,344	67,732	(6,388)
110-102-001-000-000	Petty Cash - Books By Mail	50	50	0
110-102-002-000-000	PETTY CASH - BOOK MOBILE	100	0	100
110-101-062-000-000	Library Impact Fees 3771	114,791	(5,681)	120,472
110-101-075-000-000	Cert of Deposit -Library Impact Fee	0	151,314	(151,314)
	CASH	176,285	213,415	(37,130)
	ACCOUNTS RECEIVABLE	0	0	0
	DUE FROM OTHER FUNDS	0	0	0
	PREPAID	4,841	3,891	950
	TOTAL ASSETS	181,126	217,307	(36,180)
	ACCOUNTS PAYABLE	1,974	0	1,974
	ACCRUED PAYROLL & WITHHOLDING	23,244	24,092	(848)
	TOTAL LIABILITIES	25,217	24,092	1,126
	EXCESS REV OVER/UNDER EXP	31,508	69,668	(38,160)
110-271-001-000-000	Fund Balance	124,401	123,547	854
	TOTAL FUND BALANCE	155,909	193,215	(37,306)
	TOTAL LIAB. AND FUND BALANCE	181,126	217,307	(36,180)

PRELIMINARY SCH. OF REV & EXP
LIBRARY FUND - 110
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	TAXES					
110-311-100-000-000	Ad Valorem Taxes	398,844	267,720	377,500	269,633	378,471
	TOTAL: TAXES	398,844	267,720	377,500	269,633	378,471
	INTERGOVERNMENTAL REVENUE					
110-338-001-000-000	Polk County - Intergov. Rev.	230,000	0	225,000	0	225,869
110-338-005-000-000	Polk County Books By Mail	230,000	0	225,000	0	225,000
110-338-006-000-000	Polk County Bookmobile Rev.	75,000	0	75,000	0	75,000
	TOTAL: INTERGOVERNMENTAL REV	535,000	0	525,000	0	525,869
	CHARGES FOR SERVICES					
110-341-000-000-000	Reimbursement of Expense	144	6	0	13	47
110-347-250-000-000	Special Interest Classes	8,000	1,988	8,000	2,560	7,334
	TOTAL: CHARGES FOR SERVICES	8,144	1,994	8,000	2,573	7,380
	IMPACT FEES					
110-363-221-000-000	Impact Fees - Library	25,000	3,214	29,500	6,975	29,573
	TOTAL IMPACT FEES	(25,000)	(3,214)	(29,500)	(6,975)	(29,573)
	MISCELLANEOUS REVENUES					
	Interest Income	4,500	71	4,500	73	348
110-362-790-000-000	User Fees -Library	50	0	100	0	0
110-366-001-000-000	Contribution - LW Library Assn	12,000	1,772	11,000	5,040	11,172
110-366-025-000-000	Donations-Books By Mail	50	3	25	4	261
110-369-000-000-000	Other Miscellaneous Revenues	0	478	0	0	711
110-369-999-000-000	Other	0	0	710	0	0
	TOTAL: MISCELLANEOUS REVENUES	16,600	2,323	16,335	5,116	12,492
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
	TOTAL: INTERFUND TRANSFER	0	0	0	0	0
	TOTAL REVENUES/OTHER FIN SRCS	983,588	275,251	956,335	284,298	953,785

PRELIMINARY SCH. OF REV & EXP
LIBRARY FUND - 110
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	LIBRARY FUND	951,753	228,890	922,371	212,216	889,066
	CAPITAL OUTLAY	79,500	14,853	66,535	2,414	63,865
	TOTAL EXPENDITURES	1,031,253	243,744	988,906	214,630	952,931
	REVENUE EXCESS OVER(UNDER) EXP	(47,665)	31,508	(32,571)	69,668	854

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
LAW ENF BLOCK GRT FUND - 116
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	LAW ENFORCEMENT BLOCK GRANT			
	CASH	0	0	0
	ACCOUNTS RECEIVABLE	0	0	0
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	0	0	0
	ACCOUNTS PAYABLE	0	0	0
	ACCRUED PAYROLL & WITHHOLDING	0	0	0
	DUE TO OTHER FUNDS	0	0	0
	TOTAL LIABILITIES	0	0	0
	EXCESS REV OVER/UNDER EXP	0	0	0
	TOTAL FUND BALANCE	0	0	0
	TOTAL LIAB. AND FUND BALANCE	0	0	0

PRELIMINARY SCH. OF REV & EXP
LAW ENF BLOCK GRT FUND - 116
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	INTERGOVERNMENTAL					
116-331-300-000-000	Byrne Grant - JAG D (Direct)	4,000	0	4,353	0	4,346
116-331-305-000-000	Byrne Grant - JAG - C (Countywide)	10,000	0	10,000	0	10,007
	TOTAL: INTERGOVERNMENTAL	14,000	0	14,353	0	14,353
	MISCELLANEOUS REVENUES					
	Interest Income	0	0	0	0	0
	TOTAL: MISCELLANEOUS REVENUES	0	0	0	0	0
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
	TOTAL: INTERFUND TRANSFER	0	0	0	0	0
	OTHER SOURCES					
	TOTAL: OTHER FINANCING SOURCES	0	0	0	0	0
	TOTAL REVENUES/OTHER FIN SRCS	14,000	0	14,353	0	14,353
	EXPENDITURES					
116-521-000-352-050	Operating Supplies - Equipment	0	0	0	0	6,801
116-521-000-664-990	Other Equipment	14,000	0	14,353	0	7,552
	TOTAL EXPENDITURES	14,000	0	14,353	0	14,353
	REVENUE EXCESS OVER(UNDER) EXP	0	0	0	0	0

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
DEBT SERVICE FUND - 201
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	DEBT SERVICE FUND - 201			
	CASH	947,011	1,011,985	(64,974)
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	947,011	1,011,985	(64,974)
	DUE TO OTHER FUNDS	0	0	0
	TOTAL LIABILITIES	0	0	0
	EXCESS REV OVER/UNDER EXP	(305,665)	(936,439)	630,774
201-271-001-000-000	Fund Balance	1,252,676	1,948,424	(695,748)
	TOTAL FUND BALANCE	947,011	1,011,985	(64,974)
	TOTAL LIAB. AND FUND BALANCE	947,011	1,011,985	(64,974)

PRELIMINARY SCH. OF REV & EXP
DEBT SERVICE FUND - 201
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	TAXES					
201-314-100-000-000	Utl Taxes-Elect(Series 2003/Leases)	600,000	150,000	263,000	65,750	263,000
201-315-000-000-000	Communication Svc Tax(Series 2013)	156,400	0	150,000	37,500	150,000
	TOTAL: TAXES	756,400	150,000	413,000	103,250	413,000
	LICENSES & PERMITS					
201-313-100-000-000	Franch Fees - Elect (Series 2015)	255,000	63,750	0	0	0
	TOTAL: LICENSES & PERMITS	255,000	63,750	0	0	0
	IMPACT FEES					
201-363-222-000-000	Impact Fees - Fire South	10,000	1,002	94,041	5,168	94,039
	TOTAL: IMPACT FEES	10,000	1,002	94,041	5,168	94,039
	MISCELLANEOUS REVENUES					
	Interest Income	0	48	0	10	85
	TOTAL: MISCELLANEOUS REVENUES	0	48	0	10	85
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
201-381-001-000-000	Transfer from General Fund	0	0	71,100	0	71,017
201-381-102-000-000	Transfer from Transp.(Series 2003)	57,185	14,296	85,673	85,673	85,673
201-381-105-000-000	Transfer from CRA(Series 2003/2007)	795,843	795,843	859,938	859,938	859,938
	TOTAL: INTERFUND TRANSFER	853,028	810,139	1,016,711	945,611	1,016,628
	TOTAL REVENUES/OTHER FIN SRCS	1,874,428	1,024,940	1,523,752	1,054,038	1,523,752
	DEBT SERVICE - PRINCIPAL	1,544,984	1,160,249	1,843,640	1,779,986	1,842,290
	DEBT SERVICE - INTEREST & FEES	325,720	170,356	392,538	210,491	377,209
	TOTAL EXPENDITURES	1,870,704	1,330,605	2,236,178	1,990,478	2,219,499
	REVENUE EXCESS OVER(UNDER) EXP	3,724	(305,665)	(712,426)	(936,439)	(695,748)

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
CAPITAL PROJECT FUND - 330
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	CAPITAL PROJECT FUND - 330			
	Cash - Unrestricted	0	(2,988)	2,988
330-101-062-000-000	Fire North Rescue Impact Fee 3755	5,619	4,992	627
330-101-063-000-000	Police Services Impact Fee 1438	223,655	188,106	35,549
330-101-064-000-000	Parks & Recreation Impact Fee 1420	280,164	245,128	35,037
330-101-200-000-000	Series 2013- Cemetery	0	383,961	(383,961)
	CASH	509,439	819,199	(309,760)
	ACCOUNTS RECEIVABLE	0	43,541	(43,541)
	DUE FROM OTHER FUNDS	0	0	0
	TOTAL ASSETS	509,439	862,740	(353,301)
	ACCOUNTS PAYABLE	8,000	8,616	(616)
	DEFERRED REVENUE	0	5,075	(5,075)
	DUE TO OTHER FUNDS	101,182	141,040	(39,858)
	TOTAL LIABILITIES	109,182	154,730	(45,548)
	EXCESS REV OVER/UNDER EXP	(23,718)	11,534	(35,252)
330-271-001-000-000	Fund Balance	423,975	696,476	(272,501)
	TOTAL FUND BALANCE	400,257	708,010	(307,753)
	TOTAL LIAB. AND FUND BALANCE	509,439	862,740	(353,301)

PRELIMINARY SCH. OF REV & EXP
CAPITAL PROJECT FUND - 330
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	INTERGOVERNMENTAL REVENUE					
330-334-721-000-000	RTP Grant-Lake Wales Trail	0	0	99,300	0	99,305
330-334-727-000-000	FRDAP Grant - Skate Park	0	0	50,000	0	50,000
330-334-729-000-000	Grant-Premier Streets LW Project	0	0	5,075	0	5,075
	TOTAL: INTERGOVERNMENTAL REV	0	0	154,375	0	154,380
	IMPACT FEES					
330-363-220-000-000	Impact Fees- Police	10,000	3,405	39,000	7,382	39,010
330-363-222-000-000	Impact Fees - Fire North	8,400	3,115	23,900	3,039	23,933
330-363-270-000-000	Impact Fees- Culture/Rec	6,000	6,972	56,000	6,802	55,824
	TOTAL IMPACT FEES	(24,400)	(13,492)	(118,900)	(17,223)	(118,768)
	MISCELLANEOUS REVENUES					
	Interest Income	2,500	317	2,678	548	1,614
	TOTAL: MISCELLANEOUS REVENUES	2,500	317	2,678	548	1,614
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
330-381-001-000-000	Transfer from General Fund	0	0	275,000	0	274,936
	TOTAL: INTERFUND TRANSFER	0	0	275,000	0	274,936
	TOTAL REVENUES/OTHER FIN SRCS	26,900	13,809	550,953	17,771	549,697
	EXPENDITURES					
330-522-622-003-000	Cemetery - New Addition	0	0	600,000	5,194	579,503
330-572-000-663-003	Skate Park - Equipment	0	16,433	70,000	0	53,185
330-572-000-663-020	Lake Wales Trails Extension	0	0	190,000	1,044	184,435
330-572-663-022-000	C/O - Park Signage	13,000	0	0	0	0
330-572-663-023-000	C/O - ADA Parking - Soccer Complex	30,000	0	0	0	0
330-572-663-024-000	C/O - Electric Upgrades - LW Park	20,000	21,095	0	0	0
330-572-663-210-000	C/O-Lake Wales Park - Excercise Equ	10,000	0	0	0	0
330-581-000-991-001	Transfer to General Fund	17,500	0	0	0	0
330-581-000-991-102	Transfer to Transportation Fund	0	0	5,075	0	5,075
	TOTAL EXPENDITURES	90,500	37,528	865,075	6,238	822,198
	REVENUE EXCESS OVER(UNDER) EXP	(63,600)	(23,718)	(314,122)	11,534	(272,501)

PRELIMINARY - BALANCE SHEET
UTILITY SYSTEM FUND - 403
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	UTILITY SYSTEM - FUND 403			
	CASH & INV. - UNRESTRICTED	1,340	(277,603)	278,944
	CASH & INV. - SEWER IMPACT FEE	1,257,927	1,243,374	14,552
	CASH & INV. - WATER IMPACT FEE	237,088	112,615	124,473
	CASH & INV. - DEBT SERVICE SIN	880,296	338,512	541,784
403-103-100-000-000	Loan Proceeds Series 2015	700,087	0	700,087
403-103-010-000-000	Utilities Emergency Sinking Fund 80	142,802	142,446	357
403-104-801-001-160	Utilty Cash-Customer Deposits	775,795	706,807	68,988
403-104-801-001-165	C Street Sewer Project - Escrow	2,846	2,846	0
403-104-801-001-167	C Street Sewer - Postage Escrow	34	34	0
	CASH & INV. - RESERVE ACCOUNTS	1,621,564	852,133	769,432
	TOTAL CASH & INVESTMENTS	3,998,215	2,269,031	1,729,184
	ACCOUNTS RECEIVABLE	1,027,503	1,085,438	(57,936)
	DUE FROM OTHER FUNDS	0	0	0
	INVENTORY	155,626	147,842	7,784
	PREPAID	6,572	3,572	3,000
	NET FIXED ASSETS	35,513,200	35,176,515	336,685
	UNAMORTIZED BOND ISSUE COSTS	0	(1,956)	1,956
	TOTAL ASSETS	40,701,115	38,680,442	2,020,673
	ACCOUNTS PAYABLE	28,127	143,442	(115,315)
	ACCRUED LIABILITIES	231,919	138,182	93,737
	ACCRUED INTEREST	56,827	57,969	(1,142)
	CUSTOMER DEPOSITS	777,701	723,420	54,281
	ACCRUED PAYROLL & WITHHOLDING	114,973	107,724	7,249
	DEFERRED REVENUE	235,337	239,434	(4,097)
	DEBT	10,075,601	9,842,908	232,692
	TOTAL LIABILITIES	11,520,485	11,253,080	267,405
	EXCESS REV OVER/UNDER EXP	656,928	231,340	425,588
403-272-000-000-000	Retained Earnings	28,523,702	27,196,022	1,327,680
	TOTAL FUND BALANCE	29,180,630	27,427,362	1,753,268

PRELIMINARY - BALANCE SHEET
UTILITY SYSTEM FUND - 403
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	TOTAL LIAB. AND FUND BALANCE	40,701,115	38,680,442	2,020,673

PRELIMINARY SCH. OF REV & EXP
UTILITY SYSTEM FUND - 403
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	CHARGES FOR SERVICES	7,673,000	1,893,107	6,996,000	1,677,658	6,999,866
	INTEREST INCOME	6,480	2,734	6,480	1,225	6,783
	GRANTS	650,000	0	0	0	0
	DEBT PROCEEDS	9,400,000	0	0	0	0
	OTHER REVENUE & SOURCES:					
403-362-200-000-000	Lease - Telecommunication Site	185,000	44,260	200,000	54,009	200,744
403-363-230-000-000	Water Impact Fees	75,000	15,978	127,000	19,485	127,528
403-363-235-000-000	Sewer Impact Fees	100,000	22,924	180,000	22,364	180,273
403-364-175-000-000	Gain on Sale of Capital Asset	0	0	(6,625)	0	5,330
403-364-661-000-000	Gain On Sale of Land	0	0	0	0	(11,954)
403-369-902-000-000	Bad Debt Recovery - Water	1,000	0	1,000	0	12
403-369-999-000-000	Other	0	521	10,000	0	2,419
	TOTAL: OTHER REV. & SOURCES	361,000	83,682	511,375	95,859	504,352
	TOTAL REVENUES/OTHER FIN SRCS	18,090,480	1,979,523	7,513,855	1,774,742	7,511,000
	WATER PLANT OPERATION	845,071	161,270	868,149	153,427	711,330
	SEWER PLANT OPERATION	934,139	118,385	924,845	118,066	664,037
	REUSE WATER OPERATION	148,654	14,709	85,373	8,458	38,899
	UTILITY ADMINISTRATION	940,802	195,268	952,768	222,444	881,192
	UTILITY OPERATION PERSONNEL	1,200,392	313,879	1,233,149	311,017	1,226,111
	UTILITY BILLING	288,445	65,205	208,904	64,608	207,046
	UTILITY DEPRECIATION	70,000	0	70,000	12,846	1,212,176
	WATER CAPITAL	434,877	33,373	1,040,000	246,159	0
	SEWER CAPITAL	7,625,000	78,254	2,910,000	91,616	0
	CDBG CAPITAL OUTLAY	650,000	748	0	187	0
	REUSE CAPITAL	50,000	0	50,000	0	0
	INTERFUND TRANSFERS	1,140,000	285,000	1,020,000	255,000	1,020,000
	OTHER NONOPERATION	0	54	0	53	0
	DEBT SERVICE	2,327,327	56,451	1,669,544	59,522	222,530
	TOTAL EXPENDITURES	16,654,707	1,322,595	11,032,732	1,543,402	6,183,320
	REVENUE EXCESS OVER(UNDER) EXP	1,435,773	656,928	(3,518,877)	231,340	1,327,680

CITY OF LAKE WALES
PRELIMINARY - BALANCE SHEET
AIRPORT AUTHORITY FUND - 404
12/31/2015

ACCOUNT #	DESCRIPTION	CURRENT FY	PRIOR FY	INCREASE (DECREASE)
	AIRPORT AUTHROITY - FUND 404			
	CASH	0	175	(175)
	ACCOUNTS RECEIVABLE	428,277	50	428,227
	DUE FROM OTHER FUNDS	0	0	0
	PREPAID	0	0	0
	NET FIXED ASSETS	10,518,850	7,781,986	2,736,864
	TOTAL ASSETS	10,947,127	7,782,211	3,164,916
	ACCOUNTS PAYABLE	532	0	532
	DUE TO OTHER FUNDS	557,215	93,828	463,387
	DEFERRED REVENUE	324	573	(249)
	PRIOR PERIOD ADJUSTMENT	0	0	0
	DEBT	123,961	135,795	(11,834)
	TOTAL LIABILITIES	682,033	230,196	451,836
	EXCESS REV OVER/UNDER EXP	(1,822)	(7,372)	5,550
404-272-000-000-000	Retained Earnings	10,266,916	7,559,387	2,707,530
	TOTAL FUND BALANCE	10,265,094	7,552,014	2,713,080
	TOTAL LIAB. AND FUND BALANCE	10,947,127	7,782,211	3,164,916

PRELIMINARY SCH. OF REV & EXP
AIRPORT AUTHORITY FUND - 404
12/31/2015

ACCOUNT NO.	DESCRIPTION	CURRENT FY BUDGET	YEAR TO DATE ACTUAL	PRIOR FY BUDGET	PRIOR FY ACTUAL	PRIOR - FY 09/30/2011
	REVENUES					
	INTERGOVERNMENTAL REVENUE					
404-331-419-000-000	FAA - Airfield Improvements	0	0	2,587,810	0	2,587,832
404-331-420-000-000	FAA - Rehab Resurface/Envir Assess	1,087,232	0	0	0	0
404-334-419-000-000	FDOT - Airfield Improvements	0	0	290,812	0	290,784
404-334-420-000-000	FDOT - Rehab Resurface/Enir Assess	80,402	0	0	0	0
	TOTAL: INTERGOVERNMENTAL REV	1,167,634	0	2,878,622	0	2,878,616
	CHARGES FOR SERVICES					
404-341-900-000-000	Reimbursement-Airport Ad Val Taxes	3,000	80	2,300	0	2,211
404-341-900-000-100	Reimbursement - Electric-T Hangers	960	160	2,500	0	1,159
404-344-101-000-000	T-Hangar Rentals	47,720	11,928	43,550	10,210	43,882
404-344-102-000-000	Tie-Down Fees	1,000	0	300	128	1,092
404-344-103-000-000	Fuel Flow Charges	7,000	2,472	5,000	1,984	4,906
404-344-104-000-000	Campground Rentals	7,350	1,837	7,169	1,706	7,368
	TOTAL: CHARGES FOR SERVICES	67,030	16,477	60,819	14,029	60,617
	OTHER REVENUES & SOURCES					
	Interest Income	0	0	0	0	0
404-362-541-000-000	FBO Lease-Rental Mowing Credit	6,000	1,500	6,000	0	6,000
404-364-000-000-000	FBO Lease- Rental Imprv. Credit	11,834	2,958	11,834	0	23,668
	TOTAL: OTHER REV. & SOURCES	17,834	4,458	17,834	0	29,668
	OTHER FINANCING SOURCES					
	INTER FUND TRANSFER					
404-381-001-000-000	Transfer from The General Fund	91,806	6,019	172,788	7,688	172,788
	TOTAL: INTERFUND TRANSFER	91,806	6,019	172,788	7,688	172,788
	TOTAL REVENUES/OTHER FIN SRCS	1,344,304	26,954	3,130,063	21,717	3,141,689
	OPERATIONS	99,434	21,818	96,495	20,409	96,489
	CAPITAL OUTLAY	1,233,036	4,000	3,113,122	8,680	0
	DEPRECIATION	0	0	0	0	325,837
	DEBT SERVICE	11,834	2,958	28,558	0	11,834
	TOTAL EXPENDITURES	1,344,304	28,776	3,238,175	29,089	434,160
	REVENUE EXCESS OVER(UNDER) EXP	0	(1,822)	(108,112)	(7,372)	2,707,530

MEMORANDUM

January 7, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance 2016-01 – 2nd Reading and Public Hearing
Amendments to *Zoning, Land Use and Development Regulations*

SYNOPSIS
This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

RECOMMENDATION
Staff recommends the adoption of Ordinance 2016-01 after second reading and public hearing. Notice requirements have been met.

BACKGROUND
Most of the amendments are housekeeping in nature. They correct misspellings and insert words that were inadvertently left out.

Section 1 of the ordinance proposes an amendment increasing the number of Planning Board members that can reside outside the city, but must own property within the city limits, from one (1) to three (3) members. The Board is made up of seven (7) members therefore the majority of the membership would still require residency. The Planning Board discussed this amendment at length and on a three (3) to one (1) vote recommended approval.

Section 2 proposes an increase in the number of principal buildings on a lot that can be approved as a major site plan from two (2) to four (4). This will streamline some of the approval process and may encourage development. The Planning Board unanimously supported this amendment.

Sections 3, 4, 5, 6, and 8 deal with scrivener's errors such as misspelling and omitted words.

Section 7 proposes to allow an administrative approval of an increase in fence height from four (4) feet up to six (6) feet in a functional side yard. This would be applicable for corner lots that by design have two front yards by regulatory definition, but one functions as a side yard.

FISCAL IMPACT
The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

ATTACHMENTS

Ordinance 2016-01

ORDINANCE 2016-01

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO PLANNING BOARD MEMBERSHIP; LOTS AND STRUCUTRES; CERTIFICATE OF APPROPRIATENESS; EXEMPTION FROM PAYMENT OF REVIEW FEES; APPEALS AND VARIANCES; TOWER AND TELECOMMUNICATIONS FACILITIES; FENCES AND HEDGES; AND CONCURRENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1: ***Sec. 23-205.2 Composition of planning board and terms of members.***
Sec. 23-205.2.a is amended as follows:

a. The planning board shall consist of seven (7) regular members who shall be appointed by the governing body. At least ~~six (6)~~ <u>four (4)</u> must be residents of the city, and ~~one (1)~~ <u>three (3)</u> member<u>s</u> must either reside in or own property in the city.

SECTION 2: ***Sec. 23-301.2 General regulations for structures.***
Sec. 23-301.2.a.3 is amended as follows:

3. Up to ~~two (2)~~ <u>four (4)</u> principal buildings on a lot are permitted in non-residential and mixed use developments through the site plan approval process for major projects (section 23-222).

Sec. 23-301.2.a.4 is amended as follows:

4. Non residential and mixed use projects with **more** than ~~two (2)~~ <u>four (4)</u> principal buildings on a lot may be permitted through the planned development project process (section 23-224).

SECTION 3: ***Sec. 23-227.3. Review of application for certificate of appropriateness.***
Section 23-227.3 a Administrative review is amended as follows:

2. Upon a finding that an application is complete, the administrative official, in consultation with other department as necessary, shall review the application for compliance with the purpose and intent of these regulations including the provisions of article IV, Resource Protection Standards, division 5, Historic Preservation (section 23-651 et seq.). The administrative official may request modifications or additional <u>information</u> if necessary.

Sec. 23-227.3.b *Historic board review and action* is amended as follows:

1. Except for application for demolitions, the board shall approve with stated conditions or stipulations, or deny an application with specific reference to the requirements for this chapter and standards adopted by the historic regulatory board. The board may continue the hearing until the next regularly scheduled meeting if further information or modifications to plans for proposed work are requested. However, the board shall make a decision at the continued hearing unless the applicant ~~assents~~ agrees to further delay.

SECTION 4: ***Sec. 23-243. Exemption from payment of review fees.***
Sec. 23.243.d is amended as follows:
d. Exemption from payment of board fees shall not apply to advertising costs or other costs which may ~~he~~ be necessary to provide public notice if such notice is required.

SECTION 5: ***Sec. 23-244. Appeals and variances.***
Sec. 23-244.c is amended as follows:

c. The concurring vote of at least ~~four (4)~~ three (3) members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or planning board or to decide in favor of the applicant on any matter upon which the board of appeals is required to pass under this chapter.

SECTION 6: *Sec. 23-354. Tower and telecommunication facilities.*
Sec. 23-354.1 Definitions is amended as follows:

Permitted uses means specific permitted uses as listed in section ~~23-356.4~~ 23-354.4 of this article.

SECTION 7: ***Sec. 23-524 Fences and hedges***
*Sec. 23-524.*b. *Dimensional requirements is amended as follows:*

a. The planning board may waive the height requirements for a valid purpose related to compatibility with the character of the neighborhood, addressing problems with slope or architecture, or screening ~~and~~ an adjacent land use. Fences required for compliance with a permit granted by an agency for structures such as retention ponds are exempt from height restrictions. The administrative official may grant a waiver for fence height in a “functional” side-yard from 4 feet up to 6 feet in height.

SECTION 8: ***Sec. 23-701. Purpose and intent; definitions***
Sec. 23-701(d) is amended as follows:

Concurrency facilities: Public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline as mandated in the City of Lake Wales Comprehensive Plan pursuant to F.S. Ch. 163 ~~and 9J-5.005, FAC~~, shall include: Sanitary Sewer, Potable Water, solid Waste, Roads, Public Schools, Recreation & open Space, and Drainage.

SECTION 9: **Severability:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 10: **Effective date: T**his ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016.

By: _____
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk

MEMORANDUM

January 7, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance 2016-02 – 2nd Reading and Public Hearing
Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum Property Maintenance Standards

SYNOPSIS
This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

RECOMMENDATION
Staff recommends the adoption of Ordinance 2016-02 after second reading and public hearing. Notice requirements have been met.

BACKGROUND
In 2012 when the last amendment to Chapter 12 was initiated the numbering was not integrated as well as it could have been. This is being corrected with this amendment. The Code Enforcement Division has been made part of the Department of Planning and Development so this is reflected in the amendment.

An effort has been made to remove redundancies from the chapter and to clarify responsibilities of all parties including staff and citizenry.

Staff is recommending additional detail for dead trees as well as conditions that may pose a danger to children.

FISCAL IMPACT
The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS
City Commission may modify the proposed amendments as determined appropriate.

ATTACHMENTS
Ordinance 2016-02

ORDINANCE 2016-02

(Amendments to Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHPATER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; RENUMBERING SECTIONS TO FIT OVERALL CODE NUMBERING SYSTEM, CLARIFYING RESPONSIBILITIES; REMOVING REDUNDANCIES; UPDATING CROSS REFERENCES WITH OTHER SECTIONS OF CODE; ADDING DEAD TREES AND PROHIBITING CONDITIONS DANGEROUS FOR CHILDREN;
PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1 ARTICLE IV. MINIMUM PROPERTY MAINTENANCE STANDARDS is amended as follows:

~~ARTICLE IV~~. DIVISION 4. MINIMUM PROPERTY MAINTENANCE STANDARDS

~~Sec. 12-226. - International property maintenance code adopted.~~

~~The International Property Maintenance Code, 2009 Edition, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference as the minimum property maintenance standards of the city subject to and including by reference such additions and amendments that may be adopted by the city by ordinance.~~

~~Sec. 12-227. - Conflicts.~~

~~In the event of a conflict between the provisions of the International Property Maintenance Code, adopted by the provisions of this article, and the provisions of this Code of Ordinances, the Code of Ordinances shall prevail.~~

~~Sec. 12-228. - Modifications, amendments, deletions.~~

~~The International Property Maintenance Code, 2009 edition, incorporated by reference in section 12-226 is modified as specified hereunder:~~

§ 12-226. INTENT

~~PART 1. SCOPE AND APPLICATION~~

~~(a) Section 101.1 is amended to read:~~

~~*101.1 Title.* These regulations shall be known as the Minimum Property Maintenance Standards of the City of Lake Wales, hereinafter referred to as "this code."~~

~~*101.2 Scope.*~~ (a) The provisions of this ~~code~~ Division shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from

fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

~~*101.3 Intent.*~~ (b) This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

~~*101.4*~~ *(c) Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, or otherwise unenforceable such decision shall not affect the validity of the remaining portions of this code.

~~SECTION 102.~~ § 12-227. APPLICABILITY

~~(b) Section 102.1 is amended to read:~~

~~*102.1 General.*~~ Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern. Chapter 553, Florida Statutes, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to new building construction, repair and remodeling. The Florida Fire Prevention Code / Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

~~*102.2*~~ 12-227.1 *Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

~~(c) Section 102.3 is amended to read:~~

~~*102.3*~~ 12-227.2 *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 553, Florida Statutes, and any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel, modify or set aside any of the provisions of Chapter 553, Florida Statutes, or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

~~*102.4*~~ 12-227.3 *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

~~*102.5*~~ 12-227.4 *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

~~(d) Section 102.6 is amended to read:~~

~~*102.6*~~ 12-227.5 *Historic Buildings.* The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

~~(e) Section 102.7 is amended to read:~~

~~*102.*~~*7* 12-227.6 *Referenced codes and standards.* The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

~~(f) Section 102.8 is amended to read:~~

~~*102.8*~~ 12-227.7 *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

a. Reference to the International Property Maintenance Code, 2009 edition;

~~(1)~~ b. Reference to the manufacturer's suggested guidelines or instructions for installation and use;

~~(2)~~ c. Reference to the Florida Building Code or any other applicable building code;

~~(3)~~ d. Reference to primary law (including federal, state, and local sources);

~~(4)~~ e. Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or which the public health, safety, and welfare requires; or

~~(5)~~ f. Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

The Code Official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

~~*102.9 Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

~~*102.10 Other Laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.~~

~~(g) Section 103 is renamed "Code Enforcement Unit"~~

~~(h) Section 103.1 is amended to read:~~

~~PART 2. ADMINISTRATION AND ENFORCEMENT~~

~~*103.1*~~ 12-227.8 *Code Officials.* Each Code Enforcement Officer and Building Official of the City is deemed a "Code Official" for purposes of this code. A code official may only exercise authority in enforcing this code for which the said code official is duly licensed. ~~The Lake Wales Building Official is the official in charge of the Code Enforcement Unit.~~ Code Enforcement is a division of the Department of Planning and Development. Any notices required to be delivered to the Code Official under this code shall be delivered to the responsible Code Official for the case.

~~(i) Sections 103.2 and 103.3 are deleted.~~

~~(j) Section 103.4 is amended to read:~~

~~*103.4*~~ 12-227.9 *Liability.* In accordance with § 768.28(9)(a), Florida Statutes, a City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

~~(k) Section 103.5 is deleted.~~

§ 12-228. SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Division is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these regulations shall continue in full force and effect, it being the intent of the city commission to have adopted these regulations without such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

~~SECTION 104.~~ § 12-229. DUTIES AND POWERS OF THE CODE OFFICIAL

~~(l) Section 104.1 is amended to read:~~

~~*104.1 General.* The Code Official shall enforce the provisions of this code.~~

~~(m) Section 105.1 is amended to read:~~

~~*104.2*~~ 12-229.1 *Inspections.* The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such

expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

~~*104.3*~~ 12-229.2 *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

~~*104.4*~~ 12-229.3 *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~*104.5*~~ 12-229.4 *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.

~~*104.6*~~ 12-229.5 *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

~~SECTION 105. APPROVAL~~

~~*105.1*~~ 12-229.6 *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications to structures for individual cases as may be deemed necessary in his or her discretion. Should a modification be denied, the requester may appeal the Building Official's decision to the Board of Adjustment and Appeals. No modification from the terms of this code shall be issued unless the Board of Adjustment and Appeals finds, based on competent substantial written evidence submitted to the Planning & Development Department at least seven (7) business days before the day of the scheduled meeting of the Board of Adjustment and Appeals, that all of the following conditions are met:

~~(1)~~ a. The requested modification is in compliance with the intent and purpose of this code;

~~(2)~~ b. The requested modification does not lessen health, life, safety and fire requirements;

~~(3)~~ c. The circumstances giving rise to the requested modification are peculiar to the structure and do not arise from the actions of a structure owner or occupant;

~~(4)~~ d. The requested modification, if approved, will not confer any special privilege that is denied by the provisions of this code to other similarly situated structures;

~~(5)~~ e. Literal interpretation of the provisions of this code would deprive the structure owner or occupant of rights commonly enjoyed by other similarly situated structures; and

~~(6)~~ f. The requested modification, if approved, is the minimum modification that will allow reasonable use of the structure.

All requests for modifications must be submitted to the City in writing. It is the requester's responsibility to include a proper mailing address with the written request for modification.

While it is preferred that the requester provide evidence supporting the modification to the Board of Adjustment and Appeals at the time of making the written request, to ensure that the requester is given adequate opportunity to provide the Board of Adjustment and Appeals with all relevant evidence, the Planning & Development Director shall, upon receipt of a request for modification, forward a notice, along with a copy of this Section, to the address supplied by the requester that identifies the Board meeting date and the deadline for document submittal.

Should a modification to this code be approved, the Board of Adjustment and Appeals shall draft a modification order and shall forward a copy of the modification order to the Code Official for placement in the Code Official's files and a copy of the modification order to the Building Official for placement in the Building Official's files.

Modifications to this code granted by the Board of Adjustment and Appeals are not variances and do not run with the land, and upon the application for a building permit from the City for the subject building, structure or premises by the owner or occupant thereof, such modifications shall cease to be in existence and the subject building, structure or premises must be brought into compliance with this code as a condition of issuance of the permit.

Any aggrieved person adversely affected by a decision of the Board of Adjustment and Appeals made pursuant to this Section shall, within thirty (30) days of rendition of the decision, make appeal to an applicable Court of law in accordance with the Florida Rules of Appellate Procedure by filing with such Court a petition for writ of certiorari. Such an appeal shall be in the nature of that from a final administrative decision.

~~*105.2*~~ 12-229.7 *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

~~(n) Section 105.3 is amended to read:~~

~~*105.3*~~ 12-229.8 *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

~~(o) Sections 105.3.1, 105.3.2 and 105.6 are deleted.~~

~~*105.4*~~ 12-229.9 *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

~~*105.5*~~ 12-229.10 *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

~~SECTION 106. VIOLATIONS~~

~~*106.1 Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.~~

~~(p) Section 106.2 is amended to read:~~

~~*106.2 Enforcement Protocol.* The Code Official shall enforce the provisions of this Code in any manner or protocol available including, but not limited to, issuance of a citation pursuant to § 162.21, Florida Statutes and § 12-211 et seq., Lake Wales Code of Ordinances, a "Notice of Hearing" pursuant to § 162.12, Florida Statutes and § 12-216 et seq., Lake Wales Code of Ordinances, a "Notice to Appear" pursuant to § 162.23, Florida Statutes, a "Demand for Correction" pursuant to § 106.3 of this code, or referral to the City Attorney for filing a civil enforcement action. The enumeration of remedies and protocols herein does not constrain the Code Official who, as an officer of a Florida municipality endowed with home rule authority, may use any lawful means necessary to bring a code violation into compliance, to restrain, correct, or to prevent illegal occupancy of any building, structure or premises, or to stop an illegal act, conduct, business or utilization of any building, structure or premises.~~

~~(q) Section 106.3 is amended to read:~~

~~*106.3 Declaration of nuisance; demand for correction.* A violation of any provision of this code is deemed to be a nuisance affecting the public health, safety and welfare, and accordingly, the Code Official is hereby authorized and empowered to notify, in writing, the owner or agent of such owner, of any building, structure or premises within the City, to make such repairs as may be required to abate the nuisance condition and bring such building, structure or premises into compliance. Notice shall be provided to the owner or agent of such owner either (a) in the manner described in § 162.12, Florida Statutes, or (b) in the manner described in § 12-216, Lake Wales Code of Ordinances.~~

~~The notice required to be given herein shall set forth the legal description of the property underlying the building, structure or premises as is set forth in the latest tax roll prepared by the county, and shall specify a reasonable time in which the owner or agent of the owner shall abate the condition and bring such building, structure or premises into compliance. Such notice shall have attached thereto a true copy of this section. Included in the notice shall be a statement informing the owner that all costs incurred by the City in abating the nuisance condition and repairing the condition and bring such building, structure or premises into compliance shall be billed to the property owner.~~

~~Upon the failure, neglect or refusal of any owner or the agent of such owner so notified to abate the nuisance condition and make repairs within the reasonable time specified after posting the building, structure or premises, the Code Official is hereby authorized to order the repair of the building, structure or premises and bill the owner for the work.~~

~~Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to abate the nuisance. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 201 W. Central Avenue, Lake Wales, Florida. In the event the time for~~

~~owner to abate the nuisance expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Board meeting or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance of the action appealed from until after the hearing is held. Any appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. If not, the City shall proceed with the abatement.~~

~~After abatement and billing by the City, where the full amount due the City is not paid by the owner of the building, structure or premises within thirty (30) days after the billing date, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.~~

~~This provision is supplemental in nature and is not intended to be the exclusive remedy by which this code may be enforced.~~

~~(r) Section 106.4 is amended to read:~~

~~*106.4 Violation penalties; remedies additional and supplemental.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by general or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Each remedy provided for in this code is an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this code singularly or in tandem. Nothing contained herein shall prohibit the city from enforcing its codes and ordinances by any other means.~~

~~(s) Section 106.5 is amended to read:~~

~~*106.5 Abatement of violation.* The imposition of the penalties herein shall not preclude the Code Official from referring a particular case to the City Attorney to institute an appropriate action to restrain, correct, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

~~SECTION 107. NOTICES~~

~~(u) Sections 107.2, 107.3 and 107.5 are deleted.~~

~~(t) Section 107.1 is amended to read:~~

~~*107.1 Notices.* Notice of a violation of this code shall be delivered in accordance with the substantive law governing the Code Official's chosen enforcement protocol or protocols.~~

~~*107.4 Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.~~

~~(v) Section 107.6 is amended to read:~~

~~*107.6 Transfer of ownership.* It shall be unlawful for the owner of any building, structure or premises who has received a citation, a notice of violation, a demand for removal or a demand for correction to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, or premises until the provisions of the citation, notice of violation, demand for removal or demand for correction have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the citation, notice of violation, demand for removal or demand for correction and then provide to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such citation, notice of violation, demand for removal or demand for correction and fully accepting the responsibility without condition for making the corrections or repairs required thereby.~~

~~A true and correct copy of this section shall be attached to all citations, notices of violation, demands for removal and demands for correction issued pursuant to this code, although the failure to attach a copy thereto will not affect the validity of the instrument, nor shall it affect the validity of this section.~~

~~Any person violating this section shall be subject to the penalty found in § 12-225, of the Lake Wales Code of Ordinances.~~

~~SECTION 108.~~ §12-230 UNSAFE STRUCTURES AND EQUIPMENT

~~*108.1 General.*~~ When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

~~*108.1.1*~~ 12-230.1 *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

~~*108.1.2*~~ 12-230.2 *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

~~*108.1.3*~~ 12-230.3 *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

~~*108.1.4*~~ 12-230.4 *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

~~(w) Section 108.1.5 is amended to read:~~

~~*108.1.5*~~ 12-230.5 *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

~~1.~~ a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in Chapter 553, Florida Statutes, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.

~~2.~~ b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

~~3.~~ c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

~~4.~~ d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

~~5.~~ e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

~~6.~~ f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

~~7.~~ g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

~~8.~~ h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

~~9.~~ i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.

~~10.~~ j. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

~~11.~~ k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

~~(x) Section 108.2 is amended to read:~~

~~108.2~~ 12-230.6 Closing of vacant structures. If a structure is vacant and unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the Code Official is authorized to issue a demand for correction in accordance with ~~§ 106.3~~ Sec. 12-211of this code.

Alternatively, should the vacant structure

(1) pose an imminent danger to the health, safety, and welfare of the general public;

(2) be occupied periodically by transients or itinerants; or

(3) be utilized for illegal conduct in violation of any federal, state or local law,

the Code Official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building entitled "Notice of Section ~~108.2~~ 12-230.6 Closing" and by sealing each accessible entrance. A "Notice of Section ~~108.2~~ 12-230.6 Closing" shall be in substantially the following form:

"NOTICE OF SECTION ~~108.2~~ 12-230.6 CLOSING

This vacant structure is uninhabitable and has been closed by Order of the City of Lake Wales Code Enforcement Unit pursuant to Section ~~108.2~~ 12-230.6 (1), (2), and/or (3) of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 678-4182 X714".

When the Code Official elects to post a "notice of closing" on a vacant structure at each accessible entrance, in accordance with subsection (1), (2) or (3) above, the Code Official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal

and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 201 West Central Avenue, Lake Wales, Florida. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Board Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. The appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. If it is determined by the Code Enforcement Board, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason.

~~*108.2.1*~~ 12-230.6.1 *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section ~~102.7~~ 12-227.6 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to the disconnection the owner or occupant of the building, structure, or service system shall be notified in writing as soon as practical thereafter.

~~(y) Section 108.3 is amended to read:~~

~~*108.3*~~ 12-230.7 *Notice.* Whenever the Building Official has reason to condemn a structure or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

~~*108.4*~~ 12-230.8 *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

~~*108.4.1*~~ 12-230.8.1 *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

~~(z) Section 108.5 is amended to read:~~

~~*108.5*~~ 12-230.9 *Prohibited occupancy.* Any occupied structure condemned by the Building Official and placarded by a Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the penalty in § 12-225, Lake Wales Code of Ordinances.

~~*108.6*~~ 12-230.10 *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

~~*108.7*~~ 12-230.11 *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

~~(aa) Section 108.8 is added to read as follows:~~

~~*108.8*~~ 12-230.12 *Boarded up structures.* No vacant structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless:

(1) the owner is granted a written waiver signed by the Building Official and the Code Official; or

(2) the structure has been closed in accordance with ~~§ 108.2~~ Sec. 12-230.6 of this code.

All vacant structures shall be maintained in accordance with ~~§ 304.6~~ Sec. 12.235.6 of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with ~~§ 108.2~~ Sec.12-230.6 of this code does not relieve the owner from complying with this provision.

~~SECTION 109.~~ §12-231 EMERGENCY MEASURES

~~(bb) Section 109.1 is amended to read:~~

~~*109.1*~~ Sec. 12-231.1*Emergency closing.* When,

~~(1)~~ a. in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or

~~(2)~~ b. any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or

~~(3)~~ c. in the opinion of either the Code Official or Building Official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes,

gases or materials or operation of defective or dangerous equipment; both the Code Official and the Building Official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!
NOTICE OF EMERGENCY CLOSING
IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Lake Wales pursuant to ~~Section 109.1~~ Sec. 12-231.1of the ~~Minimum Property Maintenance Standards of the city.~~ Lake Wales Code of Ordinances.

For information, please call the Code Enforcement ~~Unit~~ Division at (863) 678-4182 X714 or the Building Official at (863) 678-4182 X714".

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in ~~§~~ Sec. 12-225, Lake Wales Code of Ordinances and may be immediately removed from the structure by City personnel.

~~(cc) Section 109.2 is amended to read:~~

~~*109.2*~~ Sec. 12-231.2 *Safeguards.* Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to ~~§ 109.1~~ Sec. 12-231.7 (1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

~~*109.3*~~ Sec. 12-231.3 *Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

~~(dd) Section 109.4 is amended to read:~~

~~*109.4*~~ Sec. 12-231.4 *Notification of Emergency Closing to City Commission.* The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

~~(ee) Section 109.5 is amended to read:~~

~~*109.5*~~ 12-231.5 *Costs of safeguard work.* Costs incurred in the performance of safeguard work shall be paid by the City of Lake Wales, but shall be assessed against the owner of

the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in § 109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

~~(ff) Section 109.6 is amended to read:~~

~~*109.6*~~ Sec. 12-231.6 *Mandatory Hearing; appeal.* Immediately after closing a structure pursuant to Section ~~109.1~~ 12-231.1 of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Board for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes, and any decision rendered by the Code Enforcement Board as to the propriety of the closure must be based on competent substantial evidence. Any appeal from the decision of the Code Enforcement Board under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.

~~(gg) Sections 110, 111 and 112 are deleted in their entirety.~~

~~SECTION 201. DEFINITIONS~~

~~*201.1 Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.~~

~~*201.2 Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.~~

~~(hh) Section 201.3 is deleted.~~

~~*201.4 Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.~~

~~*201.5 Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~SECTION 202. GENERAL DEFINITIONS~~

~~(ii) Term Definitions. Certain term definitions in Section 202 are revised to read as follows:~~

~~(1) Easement. Deleted.~~

~~(2) Equipment Support. Deleted.~~

~~(3) Strict Liability Offense. Deleted.~~

~~(4) Ultimate Deformation. Deleted.~~

~~All term definitions in Section 202 not modified by this subsection shall remain as published in the International Property Maintenance Code, 2009 edition. Terms not defined in Section 202 shall, for purposes of this code, have the corresponding meanings assigned to them by the City's Code of Ordinances.~~

Sec. 12-232. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.

LABELED. Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

~~SECTION 301. GENERAL REQUIREMENTS~~

~~*301.1 Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.~~

~~*301.2 Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.~~

~~*301.3 Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.~~

~~SECTION 302.~~ Sec. 12-233 EXTERIOR PROPERTY AREAS

~~(jj) Section 302.1 is amended to read:~~

~~*302.1*~~ 12-233.1 *Sanitation and storage of materials.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris, weeds, or other noxious growth from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ~~five (5)~~ ten (10) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items.

~~*302.2*~~ 12-233.2 *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

~~*302.3*~~ 12-233.3 *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

~~(kk) Section 302.4 is amended to read:~~

~~*302.4*~~ 12-233.4 *Weeds, grass and overgrowth.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the Code Official; provided further however that all noxious weeds shall be prohibited.

12-233.5 *Dead trees, limbs, branches and accumulated landscaping materials.* It shall be the responsibility of the owner and or occupant to remove and/or properly dispose of dead trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

~~*302.5*~~ 12-233.6 *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

~~*302.6*~~ 12-233.7 *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

~~*302.7*~~ 12-233.8 *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

~~*302.8*~~ 12-233.9 *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

~~*302.9*~~ 12-233.10 *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

12-233.11 *Conditions Dangerous to Children.* No person shall abandon or store any refrigeration unit, derelict vehicle or other condition that could trap a child in such a place as to be easily accessible to children without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

~~SECTION 303.~~ Sec. 12-234 SWIMMING POOLS, SPAS AND HOT TUBS

~~*303.1*~~ 12-234.1 *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

~~*303.2*~~ 12-234.2 *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXCEPTION: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

~~SECTION 304.~~ Sec. 12-235 EXTERIOR STRUCTURE

~~*304.1 General.*~~ *The exterior of a structure shall be maintained in good* ~~pair~~ repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

~~(ll) Section 304.1.1 is deleted.~~

~~*304.2*~~ 12-235.1 *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

~~(mm) Section 304.3 is amended to read:~~

~~*304.3*~~ 12-235.2 *Premises Identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

~~*304.4*~~ 12-235.3 *Structural members.* All structural members shall be maintained free form deterioration, and shall be capable of safely supporting the imposed dead and live loads.

~~*304.5*~~ 12-235.4 *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

~~*304.6*~~ 12-235.5 *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

~~*304.7*~~ 12-235.6 *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

~~*304.8*~~ 12-235.7 *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

~~*304.9*~~ 12-235.8 *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

~~*304.10*~~ 12-235.9 *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

~~*304.11*~~ 12-235.10 *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

~~*304.12*~~ 12-235.11 *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

~~*304.13*~~ 12-235.12 *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

~~*304.13.1*~~ 12-235.12.1 *Glazing.* All glazing materials shall be maintained free from cracks and holes.

~~*304.13.2*~~ 12-235.12.2 *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

~~(nn) Section 304.14 is amended to read as follows:~~

~~*304.14*~~ 12-235.13 *Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

~~(oo) Section 304.15 is amended to read:~~

~~*304.15*~~ 12-235.14 *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

~~*304.16*~~ 12-235.15 *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

~~*304.17*~~ 12-235.16 *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

~~*304.18*~~ 12-235.17 *Building security.* Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

~~*304.18.1*~~ 12-235.17.1 *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

~~*304.18.2*~~ 12-235.17.2 *Windows.* Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

~~*304.18.3*~~ 12-235.17.3 *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

~~(pp) Section 304.19 is created to read:~~

~~*304.19*~~ 12-235.18 *Skirting around foundations.* Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross members.

~~SECTION 305.~~ 12-236 INTERIOR STRUCTURE

~~(qq) Section 305.1 is amended to read:~~

~~*305.1 General.*~~ The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

~~(rr) Section 305.1.1 is deleted.~~

~~*305.2*~~ 12-236.1 *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

~~*305.3*~~ 12-236.2 *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

~~*305.4*~~ 12-236.3 *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

~~*305.5*~~ 12-236.4 *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

~~*305.6*~~ 12-236.5 *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

~~SECTION 306. RESERVED~~

~~(ss) Section 306 is deleted in its entirety.~~

~~SECTION 307. HANDRAILS AND GUARDRAILS~~

~~(tt) Section 307.1 is amended to read as follows:~~

~~*307.1 General* Every exterior and interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.~~

~~SECTION 308.~~ Sec. 12-237 RUBBISH AND GARBAGE

~~(uu) Sections 308.2.1 and 308.3.1 are deleted.~~

~~*308.1*~~ 12-237.1 *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

~~*308.2*~~ 12-237.2 *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

~~*308.2.2*~~ 12-237.2.1 *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first securing or removing the doors. (See also Sec. 12-233.11.)

~~*308.3*~~ 12-237.3 *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

~~*308.3.2*~~ 12-237.3.1 *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

~~SECTION 309.~~ Sec. 12-238 PEST EXTERMINATION

~~*309.1*~~ 12-238.1 *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

~~*309.2*~~ *12-238.2 Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

~~*309.3*~~ 12-238.3 *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

~~*309.4*~~ 12-238.4 *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

~~*309.5*~~ 12-238.5 *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

~~LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS~~

~~SECTION 401. GENERAL~~

~~*401.1 Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.~~

~~*401.2 Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.~~

~~(vv) Section 401.3 is amended to read:~~

~~*401.3 Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.~~

~~SECTION 402. LIGHT~~

~~*402.1 Habitable spaces.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.~~

~~Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.~~

~~*402.2 Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.~~

~~*402.3 Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.~~

~~SECTION 403. VENTILATION~~

~~*403.1 Habitable spaces.* Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.~~

~~Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.~~

~~*403.2 Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.~~

~~*403.3 Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.~~

~~Exceptions:~~

1. ~~Where specifically approved in writing by the code official.~~
2. ~~Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.~~

~~*403.4 Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.~~

~~*403.5 Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.~~

~~Exceptions: Listed and labeled condensing (ductless) clothes dryers.~~

~~SECTION 404. OCCUPANCY LIMITATIONS~~

~~(ww) Section 404.1 is amended to read:~~

~~*404.1 Privacy.* Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.~~

~~*404.2 Minimum room widths.* A habitable room, other than a kitchen, shall not be less than 7 feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.~~

~~*404.3 Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2,134 mm).~~

~~Exceptions:~~

1. ~~In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1,219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.~~
2. ~~Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2,033 mm) with not less than 6 feet 4 inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.~~
3. ~~Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7~~

~~feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1,524 mm) or more shall be included.~~

~~*404.4 Bedroom and living room requirements.* Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.~~

~~*404.4.1 Room area.* Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain at least 70 square feet (6.5 m^2).~~

~~*404.4.2 Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.~~

~~Exception: Units that contain fewer than two bedrooms.~~

~~*404.4.3 Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.~~

~~*404.4.4 Prohibited occupancy.* Kitchens and non-habitable spaces shall not be used for sleeping purposes.~~

~~*404.4.5 Other requirements.* Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.~~

~~*404.5 Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.~~

~~*404.6 Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:~~

~~1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area or not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by items 2 and 3.~~

~~2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~

~~3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.~~

~~4. The maximum number of occupants shall be three.~~

~~*404.7 Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary~~

~~manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.~~

~~PLUMBING FACILITIES AND FIXTURE REQUIREMENTS~~

~~*501.1 Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.~~

~~*501.2 Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.~~

~~SECTION 502 REQUIRED FACILITIES~~

~~*502.1 Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.~~

~~*502.2 Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.~~

~~(xx) Section 502.3 is deleted.~~

~~*Sec. 502.3. Reserved.*~~

~~*502.4 Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.~~

~~*502.4.1 Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.~~

~~(yy) Section 502.5 is amended to read:~~

~~*502.5 Public toilet facilities.* Public toilet facilities shall be maintained in a safe, sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.~~

~~SECTION 503. TOILET ROOMS~~

~~*503.1 Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.~~

~~(zz) Section 503.2 is amended to read:~~

~~*503.2 Location.* Toilet rooms and bathrooms serving rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.~~

~~*503.3 Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.~~

~~(aaa) Section 503.4 is amended to read:~~

~~*503.4 Floor surface.* Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.~~

~~SECTION 504. PLUMBING SYSTEMS AND FIXTURES~~

~~*504.1 General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.~~

~~*504.2 Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.~~

~~*504.3 Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the effects to be corrected to eliminate the hazard.~~

~~SECTION 505. WATER SYSTEM~~

~~(bbb) Section 505.1 is amended to read:~~

~~*505.1 General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In dwelling units, housekeeping units, rooming units and dormitory units all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with both hot or tempered running water and cold running water.~~

~~*505.2 Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.~~

~~*505.3 Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.~~

~~*505.4 Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is~~

~~provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.~~

~~SECTION 506.~~ Sec. 12-239 SANITARY DRAINAGE SYSTEM

~~*506.1 General.*~~ All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

~~*506.2*~~ 12-239.1 *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

~~(ccc) Section 506.3 is deleted.~~

~~SECTION 507.~~ Sec. 12-240 STORM DRAINAGE

~~*507.1 General.*~~ Drainage of roofs and paved areas, yards and courts, and other open areas of the premises shall not be discharged in a manner that creates a public nuisance.

~~MECHANICAL AND ELECTRICAL REQUIREMENTS~~

~~SECTION 601. GENERAL~~

~~*601.1 Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.~~

~~*601.2 Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.~~

~~SECTION 602. HEATING FACILITIES~~

~~*602.1 Facilities required.* Heating facilities shall be provided in structures as required by this section.~~

~~(ddd) Section 602.2 is amended to read:~~

~~*602.2 Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

~~(eee) Section 602.3 is amended to read:~~

~~*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.~~

~~(fff) Section 602.4 is amended to read:~~

~~*602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.~~

~~Exceptions:~~

~~(1) Processing, storage and operation areas that require cooling or special temperature conditions.~~

~~(2) Areas in which persons are primarily engaged in vigorous physical activities.~~

~~*602.5 Room temperature measurement.* The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.~~

~~SECTION 603. MECHANICAL EQUIPMENT~~

~~*603.1 Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.~~

~~*603.2 Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.~~

~~Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.~~

~~*603.3 Clearances.* All required clearances to combustible materials shall be maintained.~~

~~*603.4 Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.~~

~~*603.5 Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.~~

~~*603.6 Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.~~

~~SECTION 604. ELECTRICAL FACILITIES~~

~~*604.1 Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.~~

~~(ggg) Section 604.2 is deleted.~~

~~*604.3 Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.~~

~~(hhh) Sections 604.3.1, 604.3.1.1, 604.3.2, and 604.3.2.1 are deleted.~~

~~SECTION 605.~~ 12-241 ELECTRICAL EQUIPMENT

~~*605.1*~~ 12-241.1 *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

~~*605.2*~~ 12-241.2 *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

~~*605.3 Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.~~

~~(iii) Section 606 is deleted in its entirety.~~

~~SECTION 607. DUCT SYSTEMS~~

~~*607.1 General.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.~~

Sec. 12-242 FIRE SAFETY REQUIREMENTS

~~(jjj) Section 701 is deleted.~~

~~(kkk) Section 702.1 is amended to read:~~

~~*702.1 General.*~~ a. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.

~~(lll) Section 702.2 is deleted.~~

~~(mmm) Section 702.3 is amended to read:~~

~~*702.3 Locked doors.*~~ b. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

~~(nnn) Section 702.4 is deleted.~~

~~(ooo) Section 703 is deleted.~~

~~SECTION 704.~~ Sec. 12-243 FIRE PROTECTION SYSTEMS

~~(ppp) Section 704.1 is amended to read:~~

~~*704.1 General.*~~ a. A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

~~(qqq) Section 704.1.1 is deleted.~~

~~(rrr) Section 704.2 is amended to read:~~

~~*704.2 Smoke Alarms.*~~ b. Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

~~(sss) Section 704.3 and 704.4 are deleted.~~

SECTION 2: Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3: Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016.

By:_____

Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____

City Clerk

CITY OF LAKE WALES PROJECT TRACKING LIST 2015-2016

PROJECT NAME	BUDGET	COMMISSION APPROVAL	SCHEDULED COMPLETION	CURRENT STATUS	STATUS UPDATED
AIRPORT					
Runway Extension	$5,300,000 - $4,300,000	Yes		Plans at 98%. Project is being market priced. Mitigation bank property acquired. Review to follow. Funding from various sources under investigation, i.e. FAA and FDOT. All white papers complete. See Airport Master Plan. Both FAA and FDOT have indicated support for funding.	1/11/2016
Airfield Improvements (Task Order #15)	$161,000	yes - 7/2/13	9/30/2015	Project was completed Nov 12. Closeout in progress. Closeout documents submitted to FAA & FDOT at the end of November. Project has closed out with FDOT. Awaiting final reimbursement from FAA.	1/11/2016
RECREATION					
New park signage in all City parks	$13,000			New Park signs have been ordered. They will be installed by March 1.	1/11/2016
ADA access and handicap parking installation at the soccer complex.	$30,000		1/31/2016	Work began 1/4/16. Completion date is Jan 13.	1/11/2016
SEWER SYSTEM					
C Street Project	$6,695,751	yes -11/3/2015 phase 2		Close out Documents have been submitted for Phase I. Bid opening was 10/7/2015. Grant application ranked too low for funding. Will submit again in March. Award of Bid to commission on 11/3/2015. Contracts sent to Contractor for signature. First Public Hearing has been held. The Second public hearing is slated for Feb 16.	1/11/2016

Relocation of Water/Sewer Lines on HWY 27 near Vanguard	$300,000	10/20/2015		Preconstruction meeting held on 11/12/2015.	1/11/2016
Other items approved or discussed at Commission Meetings					
Cemetery			4/30/2015	Project complete - need closeout	1/11/2016
Spook HIll Sign		12/18/12 - Sign		Delivered the bas relief to the Walesbilt. The draftsman is meeting with builder any day now, then engineer approves drawings for stamps-permits.	1/11/2016
Preservation of Spook Hill				Sunrise Apartments have planted oaks along the retention pond and roadway. In Phase 2, they will build the emergency entrance and fence, and put in additional landscaping with the rest of the buffer.	1/11/2016
Library Statistics (Nov)				Total Circulation Books-by-Mail: 7,421 Total Circulation BookMobile: 1406 Total In-house circulation: 41,980 Total new borrowers: 256 Total attendance at programs: 2,177 Computer users: 8,195 People Counter: 29,128	1/11/2016
COMPLETED PROJECTS					
Skate Park Improvements	$50,000	7/15/2014	9/30/2015	This project is complete.	1/11/2016

Road Improvements (N Market ST & W. Central Ave.)	$91,253	7/7/2015	8/17/2015	Project is completed.	1/11/2016
Resurfacing of the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd.			10/31/2015	This Project is complete.	1/11/2016
Gym Floor Replacement	$68,212	6/2/2015	9/30/2015	Project is Complete. Gym is reopened.	1/11/2016
Electrical system upgrades to event area of Lake Wailes park	$20,000			Project Complete	1/11/2016
Additional exercise stations in Lake Wailes park.	$10,000			Project Complete	1/11/2016

CITY COMMISSION ITEMS - STATUS REPORT

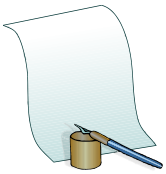
TASK	MEETING DATE	RESPONSIBLE PERSON	REQUEST MADE BY	COMMENTS	DATE OF STATUS

Building Official assessing city's recreation/community buildings	10/30/2012	Cliff Smith, Don Porter & James Slaton	Commission	Due to recent organizational restructuring, the scope of the remaining facility assessments will be re-evaluated. A new schedule of assessments will be presented later in the year.	1/11/2016
Renaming of Washington Avenue to Obama Avenue	12/2/2014	James Slaton	Howell	Commission voted to approve a street to be named after Obama but voted down the resolution to change Washington Avenue. Suggestions for alternative streets for renaming are being solicited.	1/11/2016
Depot Museum	3/2/2015	Kenneth Fields	Thornhill	Open House was held, 10/23/15, approximately 50 people in attendance.	1/11/2016
COMPLETED ITEMS					
STRATEGIC PLAN ITEMS - STATUS REPORT					

TASK	MEETING DATE	RESPONSIBLE PERSON	REQUEST MADE BY	COMMENTS	DATE OF STATUS
Green Initiatives	1/12/2013	Slaton		1. Police department arrest packets are now digitally transmitted. 2. Traffic crash reports are now digitally transmitted. 3. Traffic citations are in the testing phase of being digitally transmitted. (These will save paper & eliminate the need to drive to Bartow to deliver them) 4. Human Resources/Finance is has transitioned to electronic time sheets.	1/11/2016
Capital Replacement Policy	1/12/2013	Ecklund		Deferred by City Manager so as to include capital financing approaches. Will be revisited during the budget process.	1/11/2016

Approximate Seating Capacity:

- Commission Chamber **110**
- Employee Break Room **30**
- CM Conference Room **10**



CITY COMMISSION MEETING CALENDAR

[Regular City Commission meetings are held at 6:00 p.m. on the first and third Tuesday of each month in the Commission Chambers. Workshops & Special meetings to be scheduled accordingly. Meeting dates & times are subject to Change.]

City Commission Meetings – January 2016

Tues, January 5, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, January 19, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – February 2016

Tues, February 2, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, February 16, 2016	Regular	6:00 p.m.	Commission Chambers
Fri, February 19, 2016	Special	4:00 p.m.	Commission Chambers

Commission Election Qualifying Period: 12:00 p.m., noon, Monday, February 15 through 12:00 p.m., noon, Friday, February 19. Candidate packets are available from the City Clerk beginning Friday, February 5. The City Commission will have a special meeting on Friday, February 19 at 4:00 p.m. after the closing of qualifying period to approve the ballot for forwarding to the Supervisor of Elections. A quorum must be present.

City Commission Meetings – March 2016

Tues, March 1, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, March 15, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – April 2016

*Tues, April 5, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, April 19, 2016	Regular	6:00 p.m.	Commission Chambers

(*Tuesday, April 5, 2016 regular meeting date will be changed due to the City election)

City Commission Meetings – May 2016

Tues, May 3, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, May 17, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – June 2016

Tues, June 7, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, June 21, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Agenda Packets for workshop and regular meetings are generally posted on the City's website by 12:00 p.m., the Wednesday before the scheduled meeting.

Minutes of City Commission meetings can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:
Persons who wish to appeal any decision made by the City Commission with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

OTHER MEETINGS & EVENTS

DATE	TIME	TITLE	DESCRIPTION	LOCATION	Event/Location Map; Agendas
Regular BOCC Meetings & Hearings	9am reg. meetings & 1:30pm public hearings	Polk County Board of County Commissioners Meetings	Regular BOCC meetings & public hearings are usually held Monthly; 1st & 3rd Tuesdays	Neil Combee Administration Bldg., 330 West Church Street, Bartow	Public Hearing / Work Session List (Note: Check Website Daily for Updates) Information: 863-534-6090) http://www.polk-county.net
January 14-18, 2016	Varies Parade 3pm	MLK Jr Day Celebration	Includes celebration & parade	Austin Community Center / Lincoln Ave	
January 22, 2016	6:30pm	Movie night	Showing Minions	Austin Community Center	
February 5-6, 2016	Friday 6pm - 12am; Saturday 6am - 11pm Parade sat - 3pm	Mardi Gras Celebration & Parade	Downtown Celebration w/ Parade	Downtown Lake Wales - Park/Stuart	
February 13, 2016	10am – 8pm	Heritage Fest	Green & Gold Foundation & Black Leaders & Entrepreneurs Coalition	Downtown Lake Wales	
February 27th & 28th	8am – 8pm	Lake Wales Arts Festival	45th Anniversary	Lake Wailes Park	
April 9th - 10th	Sat 1pm - 9pm Sun 10-5:30pm	Jewel of the Ridge Jazz Festival	Music concert	Lake Wailes Park	

RESIDENT REQUIREMENTS, CURRENT MEMBERS & VACANCIES
CITY BOARDS, COMMISSIONS, COMMITTEES

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of the City (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy

Current Members:	Charles Keniston, resident	03/06/12 - 07/01/18, 2
	Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
	Charles Loomis, resident	11/03/10 - 07/01/16, 2
	Robert Kelly, resident	07/03/07 - 07/01/16, 3-Final
	Dale Marks, resident	06/17/08 - 07/01/17, 3
	Vacant, resident	- 07/01/17,
	Erick Farewell, resident	08/18/15 - 07/01/18,1
	Commissioner Perez, non-voting member	05/19/15 - 05/02/17, 1

Airport Manager (City Code Sec. 2-41(f)(5)) - City Manager

Meetings (City Code Sec. 2-41(r)) - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Current Meeting Schedule: - 1st Monday @ 5:30 PM; Commission Chamber

Duties/Powers (City Code Sec. 2-41(f)) - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority, subject to approval by the Lake Wales City Commission, is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.
8. To issue refunding bonds of the authority as hereinafter provided.
9. To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any airport facilities or tenant.

10. To acquire in the name of the authority by gift, purchase, or the exercise of the right of eminent domain, in accordance with the laws of the state which may be applicable to the exercise of such powers by municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities, and to hold and dispose of all real and personal property under its control.
11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Ordinance, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Ordinance.
12. To accept grants or money or materials or property of any kind for any airport or other facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
13. To issue revenue certificates of the authority as hereinafter provided.
14. To do all acts and things necessary or convenient to carry out the powers granted by this Ordinance.
15. To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefore.

Bicycle/Pedestrian Advisory Commission (City Code Sec. 2-199) – The commission consists of seven (7) regular members and three (3) alternate members. The city manager, planning and development director, and police chief or their respective designees shall serve as ex officio members. At least five (5) regular members and two (2) alternate members must reside within the City limits. Members who are not City residents must reside within the City's utilities service area in a residence served by the City's utilities system, receiving either water or sewer service. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 regular vacancies; 2 alternate vacancies; 1 expired term

Current Members: Jacqueline Williams, resident 09/16/08 – 07/01/15, P+2
Evelyn Pabon, resident 08/21/12 – 07/01/16, P+1
Lorraine McIntosh, resident 06/15/10 – 07/01/16, 2
Roberto Maldonado, resident 07/17/12 – 07/01/17, 2
Jaime Rivera, resident 03/05/13 – 07/01/16, 1
Jose Fco Joglar-Gaya, resident (alt) 06/18/13 – 07/01/15, 1
Vacant, resident – 07/01/15
Vacant, Regular – 07/01/17
Vacant, Alternate – 07/01/17
Vacant, Alternate – 07/01/17

Meetings (City Code Sec. 2-199.2) - The commission shall meet at regular intervals, but in any event at least once each quarter. Meetings shall be called by the chairperson. The mayor and the city manager shall have the authority to call special meetings of the commission.

Current Meeting Schedule: 1st Thursday @ 5:30 PM; Commission Chamber
[The Bicycle/Pedestrian Advisory Commission is not currently meeting]

Duties (City Code Sec. 2-199.3) – The Commission shall:

1. Make recommendations regarding implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;

2. Promote safe and convenient enjoyment of the city's bicycle/pedestrian facilities through safety/educational programs and activities, community events and clinics, and other activities as necessary;
3. Promote communication and exchange of ideas and concerns among users of the city's bicycle/pedestrian facilities, city staff and the city commission;
4. Make reports and recommendations to the city commission and city staff with respect to the development and management of bicycle/pedestrian facilities;
5. Receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
6. Make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
7. Assist the planning & development department and the planning board in the preparation and adoption of an up-to-date bicycle/pedestrian facilities master plan;
8. Assist in the design of the Lake Wales Trailway and provide a public forum for citizens to participate in the planning effort for the trail;
9. Help ensure that the Lake Wales Trail (around Lake Wailes) continues to serve the needs of the many citizens who use it;
10. Suggest changes in the land development regulations that ensure that we become a city that welcomes walking and bicycling;
11. Have such other duties and responsibilities granted by the mayor and city commission consistent with the bicycle and pedestrian needs of the city.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) – The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies

Current Members:	James Boterf, resident	10/04/11 – 07/01/16, 2
	Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
	Vacant, resident	– 07/01/16,
	Vacant, resident	- 07/01/16
	Vacant, resident	- 07/01/16

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber
[The meeting time can be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

Citizens & Police Community Relations Advisory Committee (Resolution 2012-03) – The committee consists of three (3) members with a quorum requirement of two (2) members. One (1) member shall be an

active Lake Wales police officer appointed by the Police Chief and two (2) members must be residents serving no more than two consecutive terms. (2-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy

Current Members:	Nathan Minton, resident	05/03/11 – 07/01/16, P+2
	Vacant, resident	– 07/01/18
	Joseph VanBlarcom, police officer	05/03/11 – 07/01/17, 3

Meetings – Regular meetings shall be held monthly in the Municipal Administration Building or other locations as deemed appropriate by the committee.

Current Meeting Schedule: 3rd Thursday @ 6:00 PM; City Hall Lunch Room

Duties - The Committee shall:

1. Provide a forum for citizens to express their opinions about police procedures, and to receive informal information from the police department regarding police procedures;
2. Provide a forum for citizens and the police department to openly and respectfully discuss issues of concern with the hope that concerns can be positively resolved;
3. Provide a forum for citizens and the police department to engage in a dialogue that will be positive and productive and that will continue to foster a climate of trust and mutual respect.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies

Current Members:	Melissa Konkol, resident	01/19/10 – 07/01/18, 3
	Wilena Vreeland, resident	10/04/11 – 07/01/18, P+2
	Murray Zacharia, resident	06/18/13 – 07/01/16, 1
	William Follett, resident	07/03/07 – 07/01/16, 3-Final
	Jean Kincaid Scott, resident	06/17/08 – 07/01/17, 3
	Vacant, resident	– 07/01/18
	Vacant, resident	– 07/01/18

Current Meeting Schedule: 2nd Monday @ 5:00 PM; Commission Chamber

Powers (City Code Sec. 2-57) - The Code Enforcement Board imposes administrative fines and other noncriminal penalties to enforce city health and sanitation, local business tax receipt, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.

In accordance with F.S. 162.08, The Code Enforcement Board has the power to:

1. Adopt rules for the conduct of its hearings.
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Community Redevelopment Agency (CRA) Board – The city commission serves as the CRA board. However, the CRA and City Commission are entirely two separate entities. The CRA Board is created in accordance with F.S. ch. 163, part III for the purpose of implementing the community redevelopment plan for the expanded community redevelopment area approved by Resolution 99-6 of the city commission.

Governing body as CRA Board of Commissioners (City Code Sec. 2-72):

1. The city commission serves as the CRA Board and exercises all rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by Chapter 163, Part III, Florida Statutes, as it may be amended from time to time;
2. In its capacity as CRA board, the commission constitutes the head of a legal entity that is separate, distinct and independent from the city commission as governing body of the City of Lake Wales.
3. The CRA board meets annually to designate a chairperson and vice-chairperson from among its members.
4. The CRA board meets as necessary to conduct the business and exercise the powers of the agency.
5. A majority of the members of the CRA Board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the CRA Board upon the vote of a majority of the members present.

Current Members: City Commission

CRA Citizen Advisory Committee (City Code Sec. 2-73) – The committee consists of five (5) members. One member is nominated by each city commissioner. Members must reside, own property or operate a business within the voting district represented by the commissioner provided that the property, residence or business of the nominee is within the boundaries of the CRA. (2 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies (Seat 1; A-Large & Seat 4, District 27)

Current Members:	Mark Bennett, chair (Seat 2 – District 19)	04/21/15 – 07/01/16, 1
	Narvell Peterson, vice-chair (Seat 3–District 122)	12/07/10 – 07/01/17, P+3
	Robin Gibson, (Seat 5 – District 28)	04/08/15 - 07/01/18, P+1
	Vacant (Seat 1 – At Large)	– 07/01/16
	Vacant, (Seat 4 – District 27)	– 07/01/17

Meetings (City Code Sec. 2-73) - The CRA citizen advisory committee shall meet at the call of the chairman of the CRA board or upon the request of city staff but shall meet no less than once each year.

Current Meeting Schedule: 2nd Thursday @ 3:30 PM; Commission Chamber

Duties (City Code Sec. 2-73) – The Committee assist the CRA board in implementing redevelopment activities within the redevelopment area and to provide advice and recommendations to the CRA board on redevelopment matters as necessary.

Drug & Prostitution-Related Nuisance Abatement Board (City Code Sec. 15-10) – The board consists of seven (7) members. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 7 residents

Current Members: None / Inactive Board

Vacant, resident	– 12/01/15
Vacant, resident	– 12/01/15

Vacant, resident – 12/01/15
Vacant, resident – 12/01/15
Vacant, resident – 12/01/15
Vacant, resident – 12/01/16
Vacant, resident – 12/01/16

Meetings (City Code Sec. 15-10(g)) – The members of the drug and prostitution-related nuisance abatement board shall meet annually and elect a chair, who shall be a voting member, from among the members of the board. The presence of four (4) shall constitute a quorum.

Current Meeting Schedule: Inactive Board

Powers (City Code Sec. 15-10) - Adopt rules for the conduct of its hearings and establish procedures; issue orders having the force of law consistent with authority contained herein; and take testimony under oath.

Enterprise Zone Development Agency (City Code Sec. 2-194; Sec. 2-191, F.S 290.001 – 290.016 (2001))

The Agency consists of eight (8) commissioners with a quorum requirement of five (5) members, and at minimum; six (6) commissioners must be residents of the City of Lake Wales. The commissioner seats shall be designated as seat #1 through #8 respectively. Each agency commissioner shall be appointed to a specific designated seat by majority vote of the city commission. A certificate of appointment or reappointment of any commissioner shall be filed immediately with the city clerk (3 year term)

The city commission shall appoint one (1) representative from each of the following groups: (One (1) individual may represent more than one (1) of the groups.) (3-year term)

a. The local Chamber of Commerce;
b. A local financial or insurance entity;
c. The businesses operating within the area;
d. The residents residing within the area;
e. A non-profit community-based organization operating within the area;
f. The local private industry council;
g. The local police department;
h. The local code enforcement agency.

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 8 vacancies (Seats 1–8)

Current Members: None / Inactive Board

Vacant, (Seat 1) – 12/01/15
Vacant, (Seat 2) – 12/01/15
Vacant, (Seat 3) – 12/01/18
Vacant, (Seat 4) – 12/01/18
Vacant, (Seat 5) – 12/01/17
Vacant, (Seat 6) – 12/01/16
Vacant, (Seat 7) – 12/01/16
Vacant, (Seat 8) – 12/01/16

(City Code Sec. 2-194(3,4),

(3). The city commission may, by majority vote, remove a commissioner for inefficiency, neglect of duty, or misconduct in office, providing the commissioner has been given a copy of written charges at least ten

(10) days prior to a hearing in which the commissioner is given an opportunity to be heard on said charges in person or by counsel.

(4) A seat on the agency shall be deemed vacant when a member has more than three (3) consecutive absences or five (5) absences within a calendar year, or because of death, resignation, removal, or completion of the term by any commissioner. A seat vacated prior to the expiration of its term shall be filled for its unexpired term by majority vote of the city commission.

Meetings (City Code Sec. 2-195(c):

a. A majority of the appointed commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action taken by the agency shall be upon a vote of a majority of the commissioners present.
b. The city commission, by majority vote, shall designate a chairperson and vice chairperson of the agency, and the chair and vice chair shall serve in such capacity for one (1) year. The chair and vice chair may succeed themselves.
c. In addition to the foregoing, the agency shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the article. Meetings shall be held at the call of the chairperson and at such other times as a majority of the commissioners may determine. All meetings shall be open to the public. The agency shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed with the city clerk for the agency.

Current Meeting Schedule: Inactive Board

Powers & Responsibilities (City Code Sec. 2-196):
The agency may only exercise those powers and responsibilities expressly granted to it by the city commission and/or state law. Absent from such an express grant, the city commission hereby reserves all other powers and duties including, but not limited to those powers delegated to the city commission under the Act. The agency shall have the following powers and responsibilities:

1. To assist in the development and implementation of the strategic plan for the area (*A Strategic plan shall mean the enterprise zone development plan adopted by the city commission in accordance with the Act*);
2. To oversee and monitor the implementation of the strategic plan. The agency shall make quarterly reports to the city commission evaluating the progress in implementing the strategic plan;
3. To identify and recommend to the city commission ways to remove regulatory barriers; and
4. To identify to the city commission the financial needs of, and local resources or assistance available to, eligible businesses in the area.

Expenditure of Funds (City Code Sec. 2-197):
The expenditure of funds by the agency shall comply with the following requirements:

1. The agency shall have no authority to obligate or expend any funds, including grant funds, without the authorization of the city commission.
2. The agency shall perform its functions and responsibilities within the resources made available by the city, and shall not exceed its budget approved by the city.
3. The agency shall not incur any expense, debt, or obligation to be paid by the city, unless such expense, debt, or obligation is previously authorized by the city commission.
4. The agency commissioners shall not receive any compensation for service, but are entitled to payment of necessary and reasonable expenses incurred in the discharge of their duties if said expenses comply with the agency's approved budget.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural

history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 vacancy, resident or own property in City

Current Members:	Lawrence (Larry) Bossarte, business owner	11/01/11 – 07/01/17, 2
	Diane Armington, owns property in the City	03/15/11 – 07/01/16, 2
	Leah Bartholomay, resident	05/06/14 – 07/01/18, P+1
	Erika B. Schindler, business owner	10/06/15 - 07/01/18, 1
	Vacant	– 07/01/18

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

Historic Preservation Board (City Code Sec. 2-182) – (inactive) The board consists of nine regular members. At least four (4) members must be residents of the City. Up to four (4) members may be non-residents but must own property within the City limits or hold an occupational license issued by the City as required by sec 2-26). One member shall be a member of the City Commission. Up to four ex-officio members who are not residents and do not meet the other requirements of section 2-26 may also serve on the Board provided they meet the professional qualifications requirement of paragraph (c) of sec. 2-182. Appointments shall be for three years or until their successors are qualified and appointed. The Commissioner member shall be appointed for the duration of his or her term on the City Commission. Ex-officio members shall be appointed for three years. (3 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 9 vacancies

Current Members: None

Meetings (City Code Sec. 2-185(a)) – The board shall hold regular meetings, but no less than four (4) times per year.

Current Meeting Schedule: Inactive Board

Powers & duties (City Code Sec. 2-185) - Make recommendations on applications for nomination to National Register of Historic Places; conduct ongoing survey and inventory of historic buildings, areas and sites in the city; make recommendations to city commission on potential landmark sites in the city.

Reporting (City Code Sec. 2-185(b)) – The board shall, on a bi-annual basis, make a written report to the city commission on its activities.

Housing Authority (F.S. 421.04) – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Primary Duties: Manage and control the city's low-rent housing units.

Current Meeting Schedule: 3rd Wednesday @ 6:00 PM; Housing Authority

Current Members:	Janice Snell, resident	04/17/12 – 07/01/18, 2
	Eddye Rivers, resident	07/01/08 – 07/01/16, 2
	Wanda Lawson, resident	06/18/13 – 07/01/17, 1
	Mellissa Montgomery, resident of housing project	06/21/11 – 07/01/17, 2
	Helen Walters, resident	11/04/14 – 07/01/18, 1
	Albert Kirkland, Jr., Ex-officio	n/a
	Commissioner Jonathan Thornhill, City Liaison	06/04/13 – 05/02/17

Lakes Advisory Commission (City Code Sec. 2-171; 2-172) - The commission consists of seven (7) members. City Manager or his designee serves as an ex officio member. At least six (6) members must reside in the City. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 6 residents; 1 non-resident with city utilities

Meetings (City Code Sec. 2-173) - The Board shall meet at regular intervals, but in any event at least once each quarter. Meetings are called by the chairman. Special meetings are called by the Mayor.

Current Meeting Schedule: Inactive Board

Duties (Sec. 2-174) - Advise the City Commission on matters involving the restoration, preservation or maintenance of lakes and waterways found within the city; To seek and solicit and make applications for any grants or funds offered by any entity, public or private, if such funds could be used by the city in the preservation, restoration and maintenance of the lakes and waterways found in the city. Any decision to accept offered funds or grants shall remain within the city commission.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are **not** required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: None

Current Meeting Schedule: 2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members:	Glenda Morgan, outside	08/06/96 – 07/01/16, 4-Final
	Donna Geils, resident	12/02/14 – 07/01/17, 1
	Michalkiewicz, Brystal, resident	08/04/15 - 07/01/16, P
	Cheryl Garnett, resident	03/05/13 – 07/01/18, 1
	Beverly Lamar, resident	07/01/04 – 07/01/19, 3-Final

Parks and Community Appearance Advisory Board (City Code Sec. 2-131) - The board consists of seven (7) members. A majority of the members shall reside or own property within the City limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 5 vacancies

Meetings (2-133) – The Board shall meet at regular meetings at least six (6) times per year.

Current Meeting Schedule: - 4th Monday @ 5:00 PM; Commission Chamber
[INACTIVE BOARD – The Parks Board is not currently meeting]

Current Members:	Heidi Gravel, outside, business owner	05/15/07 – 07/01/16, 3-Final
	Jean Kincaid Scott, resident	09/16/08 – 07/01/17, 3-Final
	Vacant	– 07/01/16
	Vacant	– 07/01/16
	Vacant	– 07/01/17
	Vacant	– 07/01/18
	Vacant	– 07/01/18

Duties (Sec. 2-134) - The parks and community appearance advisory board shall, in coordination with the planning board and other boards, committees and civic groups of the city, prepare plans and make recommendations to the city manager and city commission regarding the following matters:

1. *Lake Wailes Park System.* Maintaining and upgrading the park around Lake Wailes and nearby parks including adjacent athletic facilities, Crystal Lake Park, North Lake Wailes Park, and Lake Alta.

2. *Neighborhood park system.* Maintaining and expanding the neighborhood park system to provide neighborhood and mini parks to all existing neighborhoods within the city in compliance with the policies of the comprehensive plan; establishing guidelines for developers regarding neighborhood and mini parks required in new developments.

3. *Community parks.* Maintaining and upgrading existing community parks and facilities; developing new community parks and facilities to serve the expanding population of the city in compliance with the policies of the comprehensive plan; budgeting recreation impact fees in compliance with city ordinances and policies; securing grants and other funding to provide such facilities.

4. *Streets and city entrances.* Upgrading the appearance of city streets through landscaping, signage control and other measures; creating attractive entrances to the city through

landscaping and signage; providing consistent and attractive signage to guide visitors to landmarks, parks, civic buildings, and other features throughout the city.

5. *Maintenance programs.* Systems for regular maintenance of parks, streetscapes, and entrances, including facilities, landscaping, and signage to ensure high quality appearance; regulations for use of parks.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least six (6) members must reside in the City and one (1) member must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy

Current Members:	Joanne Fuller, resident	09/19/06 – 07/01/18, 4-Final
	Mark Bennett, resident	05/07/13 – 07/01/18, 2
	Charlene Bennett, resident	02/16/10 – 07/01/16, 2
	Sharon Allen, resident	07/01/04 – 07/01/17, P+4-Final
	Warren Turner, resident	07/21/15 – 07/01/17, 1
	John Gravel, property owner	05/06/14 – 07/01/16, 1
	Vacant, resident	- 07/01/16, P

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):
The planning board shall elect from its **membership** one (1) member to serve as chairman and one (1) to serve as vice-chairman.

a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.
b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.
c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

Recreation Commission (City Code Sec. 2-161) – The recreation commission consist of thirteen (13) members from community organizations providing a recreation program for the community and three (3) citizen members representing the citizens at large. A quorum shall consist of six (6) members. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 citizen vacancies; 11 organizational vacancies

Organizational members have not been reappointed by the board since Seats expired in 2014.

Current Meeting Schedule: - 3rd Monday; 12:00 p.m., City Manager's Conference Room
A quorum shall consist of six (7) members.

Current Members:	Keri Hunt, citizen	11/01/11 - 07/01/17, 2
	Vacant	– 07/01/18
	Vacant	– 07/01/18
	Eileen Farchmin, Webber Internt'l University	09/19/11 - 07/01/14, 2
	Robbie Shields, Lake Wales Soccer Club	09/19/11 - 07/01/14, 2
	Patty McKeeman, Lake Wales Pram Fleet	09/19/11 - 07/01/14, 2
	Deborah Rheiner/Linda Kimbrough, PAL	09/19/11 - 07/01/14, 2
	Helen Petersen, Green & Gold Foundation	09/19/11 - 07/01/14, 2
	Norm Rainey, Tennis Program	09/19/11 - 07/01/14, 2
	John Abel, YMCA/Softball	09/19/11 - 07/01/14, 2
	Clark Heter, YMCA	10/17/11 - 07/01/14, 2
	Mimi Hardman, Historic Lake Wales Society	09/19/11 - 07/01/14, 2
	Curt, Boys & Girls Club	09/19/11 - 07/01/14, 2

Membership (City Code Sec. 2-161):

Each community organization named in this paragraph shall be entitled to a seat on the recreation commission and shall appoint one (1) delegate who shall serve for a term of three (3) years. A citizen member shall serve no more than three (3) consecutive terms.

(1) Green and Gold Foundation
(2) Historic Lake Wales Society
(3) Lake Wales Boys and Girls Club
(4) Lake Wales Charter Schools
(5) Lake Wales Little League
(6) Lake Wales PAL
(7) Lake Wales Pram Fleet
(8) Lake Wales Public Library
(9) Lake Wales Soccer Club
(10) Lake Wales YMCA
(11) Polk County School Board
(12) Steelers Football and Cheerleading
(13) Webber International University

A Community organization that is formed for the purpose of providing a recreation program for the youth of the community shall be entitled to one (1) delegate on the recreation commission provided that a majority of the existing members vote to expand the commission to include a delegate from said organization. (3-year term)

Powers (City Code Sec. 2-161) - The recreation commission shall have the power to adopt by-laws, set meeting times and dates, and decide other matters of procedure.

Duties (City Code Sec. 2-162):

(a) During budget cycles when the city funds a municipal recreation program that includes a recreation director, the recreation commission shall:

(1) In coordination with public school officials, all local church organizations, all local service organizations and all local civic clubs, assist in any manner possible the recreation director in matters of public relations between all organizations and the general public.
(2) Aid and assist the recreational director in the carrying out of all of the director's powers and duties.

(b) During budget cycles when the city is unable to fund a municipal recreation program that includes a recreation director, the recreation commission shall:
(1) Serve as a steering committee to:
a. Coordinate publication of and participation in recreation programs currently run by various parent, church, or other community organizations;
b. Identify recreation needs that are not currently being met; and
c. Facilitate development of programs by various parent, church, or other community organizations to meet those unmet needs.
(2) Serve as liaison between the various parent, church, and other community organizations that provide recreation programs and city staff for the maintenance and improvement of the city's recreation facilities.
(3) Make recommendations to city staff for recreation improvements to be included in the city's capital improvement plan.
(4) Make recommendations to city staff for program funding assistance to be included in the city's operating budget.

(c) The recreation commission shall also have the duty to review rules and regulations for use of recreation facilities and make recommendations to the city commission for approval or disapproval of said rules.

PENSION BOARDS

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, 5th Seat

Current Members:	***Vacant***, 5th Seat	- 09/30/19,
	Glen Gest, resident	01/04/07 - 09/30/18, 3
	James (Jerry) Brown, resident	03/18/14 - 09/30/18, 1
	Joe Jenkins, Fire Chief	10/01/98 - 09/30/18, 4
	Christopher Whidden, Firefighter	09/15/14 - 09/30/18, 1

Meetings (City Code Sec. 16-163,(O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers and duties (City Code Sec. 16-163 (I)) – The powers, duties and responsibilities of the board shall include the power and duty to:
(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;

(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
(10) Enforce the terms of the plan and the rules and regulations it adopts;
(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;
(14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document; and
(17) Appoint an administrator of the system if deemed appropriate by the board.

General Employees' Retirement Board (City Code Sec. 16-43) – The board consists of five (5) trustees. Two (2) members must be employees of the plan elected by a majority of the actively employed members of the retirement system, two (2) members must be a resident of the City, own property in the City or have a business tax issued from the City of Lake Wales, and one member is a voting Mayor and/or City Commissioner. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Members:	Linda Kimbrough, resident	06/17/08 - 04/01/19, 3
	Violeta Salud, resident	04/01/04 - 04/01/16, 4
	Sarah Kirkland, general employee	01//05/10 - 04/01/19, 3
	James Slaton, general employee	04/26/12 - 04/01/16, 1
	Commissioner Jonathan Thornhill, voting member	03/18/14 - 05/07/17, 1

Meetings (City Code Sec. 16-43(O)) – The board of trustees may hold meetings, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 8:30 a.m.; City Manager's conference room

Powers & Duties (City Code Sec. 16-43 (I)): The powers, duties and responsibilities of the board of trustees shall include the power and duty to:

(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;
(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;

(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city.
(10) Enforce the terms of the plan and the rules and regulations it adopts;
(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;
(14) Engage the services of an investment manager or managers (as defined in act section 3(38)), each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document.

Police Officers' Retirement Board (City Code Sec. 16-233) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth trustee member is chosen by a majority of the previous four members and as a ministerial duty, such person is appointed by the City Commission. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 expired term

Current Members:	Joe Elrod, 5th Trustee	02/03/15 - 09/30/15, partial term
	Robert Plummer, resident	11/17/15 - 09/30/18
	Anthony Elrod, resident	04/01/14 - 09/30/18
	Joseph VanBlarcom, police officer	09/16/14 - 09/30/18
	William Raebig, police officer	05/05/14 - 09/30/18

Meetings (City Code Sec. 16-233 (O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers & Duties (City Code Sec. 16-233 (I)) - The powers, duties and responsibilities of the board shall include the power and duty to:

(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;
(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
(10) Enforce the terms of the plan and the rules and regulations it adopts;

(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;
(14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document; and
(17) Appoint an administrator of the system if deemed appropriate by the board.

FINANCE BOARDS

Finance Committee – The committee consists of the City Manager, Finance Director and Finance staff, and two City Commissioners. City Commissioners serve for the duration of their term as a Commission or until no longer desire to serve, whichever comes first.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 city commissioners

Current Members: Kenneth Fields, City Manager
Dorothy Ecklund, Finance Director
Finance Staff
*****Vacant***, city commissioner – 07/01/17**
*****Vacant***, city commissioner – 07/01/17**
*****Vacant***** Commissioner Jonathan Thornhill (commission term ended 5/5/2015, will need to be reappointed)
*****Vacant***** (Betty Wojcik served until 5/5/2015, duration of term as city commissioner)

Establishment & Duties - In 2002, the Finance Committee was established to review the City's financial position on a monthly basis to closely monitor the progress in resolving the City's current financial problems. Close monitoring was to facilitate a more timely identification of new problems should they occur. The establishment of the Finance Committee was endorsed by the City's auditors.

Meetings - Right now, the Finance Committee has only been meeting annually to review the annual City Auditor's Report.

Investment Committee - The committee consists of the City manager, a City Commissioner, the Finance Director, and two (2) members of the public who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales. (Public members serve 4-yr terms)

- There is no interview process requirement for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 residents, or property owners, or has business tax receipt ; 1 city commissioner

Current Members: **Inactive Board**

*****Vacant***, resident – 07/01/19**
*****Vacant***, resident – 07/01/17**
*****Vacant***, city commissioner – 07/01/17**

Commissioner Jonathan Thornhill served for duration of his term as city commissioner. Term ended 5/5/2015. New appointment is necessary

Meetings – The board meets when necessary if there is a quorum. **[INACTIVE BOARD]**

Establishment & Duties – In 2009, the Investment Committee was established in accordance with City Code Section 2-502 for the purpose of formulating alternative investment strategies and short-range directions and for monitoring the performance and structure of the portfolio within established policies. The committee will formulate and recommend change, if necessary, to the investment policies.