CITY COMMISSION
REGULAR MEETING
OFFICIAL AGENDA
June 7, 2016
6:00 p.m.

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

CRA Meeting; 5:30 P.M.

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. ROLL CALL

5. MAYOR

5.I. PROCLAMATION: Code Enforcement Officers' Appreciation Week

Documents: CODE ENFORCEMENT PROCLAMATION.PDF

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: May 16, 2016 Budget Workshop Meeting; May 17, 2016 Workshop Meeting; May 17, 2016 Regular Meeting

Documents: 2016-05-16BWK-2.PDF, 2016-05-17WK - 2.PDF, 2016-05-17REG.PDF

8.II. City Catalyst Grant Application

The City would like to partner with the Lake Wales Family YMCA to apply for a City Catalyst Grant from the Florida League of Mayors for $1000 to offer free Tai-Chi classes to the public at Lake Wailes Park. The grant deadline is June 17.

Documents: AGENDA ITEM CITY CATALYST GRANT.PDF, CITYCATALYSTGRANTAPP.PDF, FISCAL IMPACT STATEMENT.PDF

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Ordinance 2016-08, Amendments To Chapter 12 – Health Sanitation, Nuisances, And

Minimum Property Maintenance Standards - 1st Reading

This ordinance addresses a reconfiguration of Chapter 12. It returns items to code that were removed in 2012 that are essential to the health safety and welfare of our community.

Documents: MEMO 1ST R ORD 2016-08 CHAPTER 12 AMENDMENTS.PDF, ORD2016-08, CODE ENFORCEMENT.PDF

10.II. Resolution 2016-14 – Unmanned Donation Boxes

This resolution will ban unmanned donation boxes within the city limits and provide for the removal of existing boxes.

Documents: MEMO - RES2016-14, UNMANNED DONATION BINS.PDF, RES2016-14, UNMANNED DONATION BINS.PDF

10.III. Resolution 2016-13, Amended And Restated Initial Assessment Resolution

The adoption of Resolution 2016-13 will establish the methodology used to calculate the fire assessment rate. Adoption of Resolution 2016-13 will set the initial assessment rate. A final assessment resolution will have to be adopted before the Fire Protection Assessment is implemented for the fiscal year beginning October 1, 2016.

Documents: MEMO - FIRE ASSESSMENT RESOLUTION 2016-13.PDF, RES2016-13, AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION.PDF, AMENDED LAKE WALES REPORT.PDF

10.IV. Resolution 2016-15, FDOT Joint Participation Agreement

The adoption of Resolution 2016-15 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) to rehabilitate and extend Runway 06/24 at the Lake Wales Municipal Airport.

Documents: MEMO-RES2016-15 JPA TO REHABILITATE AND EXTEND RUNWAY 06-24 05-27-2016.PDF, RES2016-15 JPA TO REHABILITATE AND EXTEND RUNWAY 06-24 05-27-2016.PDF, FDOT JPA AGREEMENT.PDF

10.V. Voting Delegate To The Florida League Of Cities Meeting

11. CITY MANAGER

11.I. TRACKING REPORT

Documents: TRACKING.PDF

11.II. City Commission Meeting Calendar

Documents: COMMISSION MEETING CALENDAR, 06-07-16.PDF

11.III. Other Meetings & Event Calendar

Documents: OTHER MEETING AND EVENT CALENDAR.PDF

11.IV. City Boards Meeting Calendar

Documents: CITY BOARDS MEETING SCHEDULE.PDF

11.V. Information: Boards, Commissions, Committees

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.

PROCLAMATION

WHEREAS, Code Enforcement Officers provide for the safety, health and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; and

WHEREAS, Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and

WHEREAS, every day, assisted by support and program staff, they attempt to provide quality customer service to the public for the betterment of the community; and

WHEREAS, too many times their efforts go unnoticed, even after code compliance has been accomplished due to their efforts and expertise; and

WHEREAS, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; and

WHEREAS, the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers;

NOW THEREFORE, I, Eugene Fultz, as Mayor of the City of Lake Wales, Florida do hereby proclaim the week of June 6-10, 2016 as

CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

And in accordance with the statewide observance of the same and encourage citizens of the City of Lake Wales to join in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this 7th day of June 2016.

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Mayor/Deputy Mayor

A budget workshop meeting of the Lake Wales City Commission was held on May 16, 2016 in the Commission Chambers at the Municipal Administration Building at approximately 6:00 p.m. The meeting was called to order by Mayor Eugene Fultz.

COMMISSIONERS PRESENT: Terrye Y. Howell; Pete Perez; Robin Gibson; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Jonathan Thornhill, Deputy Mayor

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

1. ROLL CALL

2. DISCUSSION ITEMS

Agenda Item 2.I. Commission Budgetary Priority Setting

[Begin Agenda Memo]

BACKGROUND

Timeline for Budget Process:

- May 16 Workshop – City Commission Budgetary Priority Setting.
    - June 1st – Estimate of Taxable Value provided by Polk County Property Appraiser.
- May 17 – Regular City Commission Meeting
- June 7 – Regular City Commission Meeting
- June 14 Workshop – City Commission Five-Year Capital Outlay Discussion.
    - July 1st – Certification of Taxable Value provided by Polk County Property Appraiser.
- June 21 – Regular City Commission Meeting
- July 5 – Regular City Commission Meeting
    - July 5th – Preliminary Fire Assessment Ordinance is presented as an agenda item to the Commission so that it may be included on the TRIM notice and not require a separate mailing.
    - July 7th Commission to receive a draft budget document.
- July 13 - First Commission Budget workshop.
    - July 15 – Preliminary Estimates of State Shared Revenue <u>may</u> be available.
- July 19 – Regular City Commission Meeting
    - City Commission to set the "Interim Millage Rate". In order for the Property Appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2016 millage rate and the FY16'17 budget.
- August 2 – Regular City Commission Meeting
- August 9 –Second Commission budget workshop.
- August 16 – Regular City Commission Meeting
- Tentative August 17 – Additional budget workshop if necessary should there be the need for continued budgetary discussions.
- September 7 – Regular City Commission Meeting and First Budget Hearing
    - In order to comply with Florida Statute (200.065(2)(e)(2), tentative and final hearing dates cannot be used by any other taxing authority for public hearings. During the July 19th meeting, the City will be able to setting the dates to be used for the September millage and budgetary acceptance dates. The City will schedule around the dates selected by the Polk County School Board and also Board of County Commission.

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  - Annual Fire Assessment Ordinance is presented to the Commission as an agenda item at the budget hearings.
- September 20 – Regular City Commission Meeting and Second Budget Hearing (unless conflicts with a scheduled budget hearing of the Polk County Commission or Polk County School Board.)

Material Provided by Staff for Commission Priority Setting and Capital Outlay Discussion Workshops:

- FY 2015-16, Budget Summary
- City Debt Schedule
- 5-Year Capital Improvement Plan, Utility System
- 5- Year Capital Improvement Plan, All Funds Excluding the Utility System

[End Agenda Memo]

City Manager Kenneth Fields said the purpose of the budget workshop is to kick off the 2017 budget process for the City of Lake Wales by getting input from each Commissioner on what its budget priorities are in terms of the operating budget as to what the levels of service are needed, what needs to be increased or decreased, etc. The capital budget items such as capital projects like parks, roads, buildings and other things of that nature will not be discussed at this meeting but instead at an upcoming scheduled budget workshop meeting. Input from the Commission at this meeting will be helpful to the department heads as they begin to develop their budget for next year. The input will be incorporated into these budgets and brought back to the Commission to show where we stand. We will try to work the input in the budget the best we can.

Mr. Fields said there are a number of key dates that are mandated by State law that involve setting our millage rate for next year and a number of other financial items that we have to set by ordinance as part of the budget process. We do not have any preliminary budget numbers for next year. The preliminary estimates of our property tax base will be available on June 1st from the property appraiser and the final numbers will become available on July 1st. There is usually some small change between those two dates. If we are fortunate we might get some preliminary numbers from the State as early as late June in terms of State revenue sharing numbers and our expectations from the various tax sources that come to us from the State but more than likely that will come to us in late June and July. We will set a tentative millage rate at the end of July and then our budget hearing dates for the first and third week in September to finalize the budget for next year.

Finance Director Dorothy Ecklund reviewed the timeline dates for the budget process. She said this is the first workshop where the Commission sets high levels of priorities for the directors so they know what to incorporate in their budget so that when a draft budget is brought to the Commission around the middle of July there are not any expectations or disappointments that were not met. The preliminary numbers are provided by the property appraiser by the first of June. They are usually good numbers changed slightly on July 1st. The first budget workshop will be held on July 13 and the numbers from the property appraisers will be incorporated in the document for that meeting. Then at the July 19 Commission meeting she will be asking the Commission to set an interim millage rate. By State Statute, this rate has to be set if the Commission wants it to go out on the property appraiser's TRIM notices, which is a significant savings for the City and it also ensures collection. There will also be a budget workshop on June 14, August 9, and a tentative workshop on August 17. The Commission will to be looking at true numbers at these three meetings. Right now, priorities are being set and along the way in the workshops the Commission can give staff direction on its priorities in its budget.

Ms. Ecklund reviewed the budget summary that was provided in the Commission's agenda packet. She said this document is also referred to as the TRIM notice, which was provided to the newspaper for the public last year. It is last year's numbers which are similar from year to year. The ad valorem taxes listed in

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the General Fund is $3.5 million which is only 29% of the revenue that comes into the General Fund so there are other sources. The budget summary kind of identifies where they come from such as from sales tax or intergovernmental revenue charges for services, etc. Ms. Ecklund said she can provide a copy of a complete budget from last year or it can be downloaded from the City's website. But, there will be brand new numbers in about two months.

Ms. Ecklund reviewed the debt schedule that was provided in the Commission's agenda packet and said there are two sources of debt: one is general government and the debt service payment is $1.7 million and the other is the utility system and their debt service for next year is projected to be $3.2 million. The debt issuance that has been issued over various years is not a surprise. She said that we realized at the time when passing it that the debt service requirement that will be needed the revenue is sufficient to cover the debt service so she doesn't want anybody to give a knee-jerk reaction and think this is going to cause some kind of issue. It was already built into the budget, the revenue sources coming at the current level of service. The budget priorities sort of goes into the mix but we should have a document that shows all the outstanding debt issues.

Ms. Ecklund said the other document the Commission received in its agenda packet deals more with capital, which is not for this budget workshop.

Mr. Fields said although our focus is on the millage rate it is only 29% of the General Fund revenues. Governmental budgeting is a little different and we budget by funds. As shown on the budget summary, various City operations are not all lumped into one overall budget, they are individual funds where all the revenues and expenditures have to match up. The General Fund covers most of our general operations like police, fire, and public works. The Utility Fund operates on water, wastewater, reclaimed water, and storm water operations, The Airport Fund is separate and its revenues and expenditures are accounted for separately. In the past the cemetery was part of the General Fund but we are in the process of transitioning that to a self-sustaining operation so that will be shown separately now and in the future. Special Revenue Funds are primarily transportation and CRA. That will be broken down individually in the new budget document.

Mr. Fields said last year we had a half-day session on strategic thinking and the priority derived from that was City appearance and to address some of the blight in the City. As a result of that we hired one additional code enforcement officer and budgeted for demolitions on condemned properties. This year as a result of that we will probably demolish approximately 10 buildings which is more than we have ever done in the past few years and addition to that budgeted money we got money from the County to do additional demolitions so we will probably end up demolishing about 12 blighted properties in the City this year for the first time. We have also stepped up our code enforcement efforts and as a result of that we are getting more properties coming into compliance. This priority was set by the Commission last year and was implemented in the budget.

Commissioner Perez asked for clarification on Page 7 of the Comprehensive Annual Financial Report for Fiscal Year Ending 9/30/2015 that said, "An additional portion of the City's net position, $5,824.648 (13%), represents resources that are subject to external restrictions on how they may be used." Ms. Ecklund responded that those are the special revenue funds and there is an external entity that requires that the money be spent in a particular way. For example, the gas tax that comes in must be spent on transportation and road service, police forfeitures can only be spent on specific purposes, CRA money can only be spent for specific purposes, money that comes over from the County for the Library can only be spent on specific purposes so if there is an outside entity that has a requirement that is exactly what special revenue means and that is why it goes into the Special Revenue Fund.

Commissioner Perez said there is another section that talks about how those funds could be at the discretion of the government. Ms. Ecklund said that used to be called net assets or fund balance and there is a category called designated, which means it is designated by the City Commission and they do have the

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ability to change their mind on a designation for a different purpose if ever desires to do so. That is completely different from external requirements, which we cannot require. Commissioner Perez asked if the Commission budgets money for the recreation department it can decide to give that money to HR instead. Ms. Ecklund said that would be budget appropriations and you could do that as long as there is not an external requirement involved such as recreation impact fees, which could not be redirected but general fund revenues going toward recreation could be redirected. Mr. Fields said if we designated a certain portion of fund balance to be held as reserve for a rainy day fund that would be considered designated funds, which would take a change in policy by the City Commission to move that money into something else. When we are talking about designated fund balance it is unrestricted fund balance that can be used for any purpose and there is restricted fund balance or designated fund balance being held for a specific purpose. This is typically reserved for emergencies. To move money from one department to another can be done by a budget amendment during the course of the year after the original budget has been adopted.

Commissioner Gibson said the budget is almost $40 million, which sounds like a huge amount of money but in reality a huge portion of it is committed and there is nothing we can do about it. Consequently, the only part we can do something about is discretionary funds. Mr. Fields said we don't have numbers for next year so we don't know what discretionary funds might be available. The department heads are putting together their budget right now and they were told to budget what it takes to maintain their current level of service. They will have their priorities for either enhancements or areas they can reduce. The Commission is asked to provide guidance into that process in what it sees needing increased or decreased. Once we start seeing how much discretionary money we have we can start addressing those additions requested by the Commission like last year when addressing the priorities set by the Commission: code enforcement and blighted properties. Staff will put their baseline budget together to include the Commission's priorities and then in July when we know what discretionary funding will be available the Commission can reprioritize at that time.

COMMISSIONER HOWELL

Commissioner Howell said she would like to see the following in the budget:

- Recreation director
- A program that allows people to watch City meetings at any time from their electronic devices
- An emergency generator for the Municipal Administration Building so files do not get lost and people can pay their bill when the power goes out
- A public records tracking program for all departments to use so reports can be generated to let people know what type of records have been requested and how often. She does not want people to think the City is dropping the ball on public records requests. The Mayor said that would be a uniform method.
- More lighting on the soccer field. She said although we did not get the grant for the lights, we can budget a little money each year until we get all the lighting we need.
- Mobley Park needs to be fenced off to keep the alligators out and children away from the alligators.
- Secure Ridge Fertilizer Site.
- The City has an agreement with Harmsco and the City was supposed to install irrigation and plant crape myrtle trees on the corner of Dr. MLK Jr. Blvd. and Dr. Wiltshire Avenue and that has not been done yet so she would like that to be done.
- Need a better sign for Spook Hill

MAYOR FULTZ

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The Mayor said that as previously discussed we also need business district signage at the corner of Lincoln Avenue and Scenic Highway to let people know the location of the Lincoln Avenue business district and what businesses are located down there.

COMMISSIONER GIBSON

Economic Development: Commissioner Gibson talked about a community survey he did before deciding to run for office to determine strengths, weaknesses, and priorities and said he has copies available for anyone that would like a copy. He said he believes in the collective judgment of the Commission and this community and a survey like this one is what led to the Charter schools and the success thereof. This was due to the collective judgment of the very committed folks in this town. The recent survey showed that the number one strength of this community is our sense of community with the idea that people work together and care for each other. People were concerned about the appearance of the town and that some of it is shabby although not a consensus priority. The consensus priority was economic development and he is satisfied that is the priority as far as this community is concerned. He is very happy with the economic development council and the complements received about those that are leadership of that program: Kevin Kieft, the city manager, and the mayor. So, what he would like to do first is to take a look at how we can strengthen economic development and maybe we are already doing all we can do. He said that program started out with $100,000 from the City and that number has sense increased. We have a community board that is headed up by a non-profit corporation and it is not limited to City boundaries, not involved in City politics, and is effective. We should look at doing what we can afford more than what the City is already doing, which would be considered economic development.

Downtown Redevelopment/Main Street Funding: Commissioner Gibson said his second priority is the downtown because people are very concerned about it. He said in 1969 he was the chairman of the downtown development commission and they did some wonderful improvements in the day and was recognized for that. Those downtown improvements did not cost the City a dime. They followed that with the creation of the Community Redevelopment Agency and then followed that with qualifying for the main street program under the National Trust for Historic Preservation. They were very successful, had a full-time main street manager and the downtown was in good shape. All that changed when the City went on hard times and took away the funding for the main street manager and the pledged increment for them that was built up with the CRA. Over the years, he has chaffed over what has happened and the decline that has occurred. He has chaffed over the CRA money that is generated by Area 1 and shipped out elsewhere to do things other than redevelopment. He chaffed for decades when listening to people running for Commission that said they wanted to do something about the downtown but when elected they forgot what was said and it didn't happen. So, a priority of this community and a personal priority of his is the downtown, which is the easiest priority to take care of because we've done it and we know how to do it. Our City is in an economic barrier that cannot afford to fund everything for this larger community so we have to be careful with the limited funds that we have. The City has not funded the whole EDC program along with a number of other things and cannot afford to do so. But it does provide an incentive or some seed money. Then, it looks to others to finish it. The EDC seed money was provided to a non-profit and the EDC was formed and there are private memberships that support that to supplement the City funds. There are grants that can be obtained and in the meantime the City's investment brings about a great result and it doesn't have to fund the whole thing. Commissioner Gibson said the funding for something like that in his view is keystone funding and if you pull the keystone out of it, it will collapse. When the big debate occurred as to whether the EDC would even come about the business community had to come here and beg for three votes that it barely did get to create the economic development council that nobody would want to take away today. The main argument against it was that the City would lose control. If the funding for that was pulled out he is not sure if we would have an economic development effort. So the City does have control because of keystone funding. The same thing can be applied to downtown. The non-profit that is in place is Main Street, which is currently not a qualified main street program. A qualified main street in accordance with the National Trust of Historic Preservation has to have full-time management. They like the idea of being a main street

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organization but in reality they are really a merchant association. They can become a main street organization with keystone funding and he proposes that we find $100,000 for redevelopment of the built environment just as we found a $100,000 for development and they are two very different animals. Development and the EDC really go after outside money and to bring people in for a positive balance of payouts. The fertile ground for redevelopment is local folks, people who have a belief and passion for the historic downtown. If we have a competent main street manager we can probably talk to the best main street manager in Florida into doing this. We can do the same thing that we did before, we know how to do it and it will work. Then, we will not fall into the trap of people being elected here saying that they want to do something about downtown and get distracted and it doesn't happen. Commissioner Gibson said he believes in the collective judgment of this community so that is a priority. The Commission has been asked to talk about priorities and he will be relentless and obnoxious for this cause because it is long, long overdue. The CRA funding has been abused and it is time to stop it.

Revisit the Fire Fee: Commissioner Gibson said we need to revisit the fire fee, which was a big item and he and Commissioner Howell got into the middle of it running for office. Revisiting the fire fee is the very least we can do for our electorates. We should respect the people out there and the electorates because they are the ones paying the bills. The legal position was such that the fire fee instead of being a question as to whether it will be rejected became a referendum. On the referendum the fire fee lost so for us as responsive public servants we should address that, which is the only fair thing to do. He got victimized by the fire fee in the debates and public forums because he favored the fire fee. The only real complaint about the fire fee is that it wasn't graduated and fire fees elsewhere are graduated so we know it can be done and if necessary we can even raise the same amount of money. We need to look at making the fire fee more equitable and certainly keep an eye out for what it raises totally, and we need to have a public hearing and give people a chance to vent. We are to listen closely but make a decision that could be unpopular about the fire fee.

Working with the whole community and taking advantage of their talent and expertise/Paint the water tower to say "Go Highlanders!": Commissioner Gibson said he comes here as someone who has worked with and respects the entire community. The reality is that at least half, if not more than half of our talent and expertise in this community, the community that considers it to be all of Lake Wales surrounds this community. There are third and fourth generation people living here, people from country oaks, highland park, etc. There are organizations in this community that has functioned very well and they found a way to do it despite of the political boundaries that exist with the City. His observation is that as a fresh guy coming in is that the City has a myopic view and it has enough problems within the City limits. It has not done a good job at looking outside the City limits capturing all that talent and expertise that is out there along with the investment capital that is out there. He believes that the City is the only organized government in this community, the government by default. The only organized government in this community to perform a very valuable service as the leaders of this entire community so that we can mobilize all of our assets. Most of the things we can accomplish will be in the City limits just like the events that we have down at the lake and just like the Care Center, a wonderful organization that is based in the City limits. Most of the accomplishments will occur within the City limits but it will benefit the whole community so the whole community should play a part in that and share the cost, expense, and leadership of that. The City should be looking at some of these wonderful organizations that are not City government and work together. A simple idea is that the City's water tower out there looks a little shabby and it has to be painted. He saw that the water tower in the City of Bushnell had "Go Bushnell Parrots!" painted on it and that our water tower should say "Go Highlanders!" because this is a one high school town. That is a focal point and an opportunity for the City government to work together with the school system. All of these organizations should be working together. The City's water tower has to be painted so why not do it right.

Recreation: Commissioner Gibson said he is not prepared to talk about recreation but he will share his ideas. He said recreation is a huge opportunity and he thinks that we have a very small vision about what this should and could be. The City had a recreation department at one time but the reality is that the City cannot afford a recreation department because it ends up servicing the whole community, which we don't

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have the money for. The Lake Wales Little League has been a great recreation program and it is made up of people in the community in and out of the City limits. The City forms a very vital purpose with its facilities, which are located within the City limits but it brings people in from all over which is the way things work. We have an opportunity with a recreation program that is of a large scope and that is recreation, education, enrichment, and youth. One of the biggest concerns he has is that the kids can get into trouble after school because there is no one home at that time. One of the biggest concerns that the schools have is the 2-1/2 month vacation during the summer and people are on loose ends because the kids are on the streets. It takes about two months to bring the kids back up to where they were when they left school because of that gap. So, it is critical for us to explore a recreation program that is done in conjunction with the schools, YMCA, Boys and Girls Clubs, and the City with all its facilities and the schools with all its facilities that are vacant and not used during the summer time. The pieces are here for a great program for our kids and surely it's a benefit to law enforcement to have those kids constructively occupied and a benefit to those kids personal enrichment, education, and vocational work skills when they get out of school. The City had a good recreation director years ago but could not pull it off on its own any more than it could on its own with its economic development program and the downtown program after the main street director had to leave because the funding ran out. The City just has a limited capacity in the center which is the weakest of the economic clusters that are in this community as a whole but we have a terrific opportunity in terms of what some call recreation but he would call it something much bigger than that. It would be something wonderful for our youth, senior citizens, and everything else but it will take leadership of the City and the YMCA could probably play a huge role in that and they may even be the non-profit corporation to head up the whole thing with some kind of initial funding from the City which will probably be less than trying to tackle its own recreation program which will not work. But, that is going to take a lot of work and he is willing to play his role in putting that together.

Commissioner Gibson said he has been stewing for 34 years. The school system was done over an 8-month period. We had a sterling committee of seven folks, ten subcommittees in the areas of different schools. There were about 130 folks in this community that designed that school system. There is a way that we can create a combined program for recreation, education, and enrichment for the benefit of our kids here.

MAYOR FULTZ

The Mayor said that a number of things mentioned by Commissioner Gibson are absolutely correct. There has already been some discussion taken place just between himself and the city manager because they too saw the need for the necessity for the things talked about and they have been reaching beyond borders which is his job as mayor to do, reach outside the borders of Lake Wales. Getting a strategy together is the main objective and from there seeing the funding that can be placed, where it's going to be placed, and who is going to run things out there. The Mayor said he is glad Commissioner Gibson is willing to do his part to see it done and although discussions have to take place in an open forum he would really like to have more discussions with him on that because Commissioner Gibson does have his way of doing things and has connections out there that probably would be very beneficial to building some of his ideas he shared so he is looking forward to some of it being initiated and going forward. The Mayor said another thing talked about is getting more citizen buy-in on the things that will be taking place in the community and with that buy-in they hope it is also something they will help support because if we don't have the support from the community doing it we will not have what we need to sustain it. He said he is looking forward to working with Commissioner Gibson on that and seeing some great things happening.

The City Manager thanked the Commission for its input and said all the department directors listened and as they start putting their budgets together they will address the issues as best possible.

3. COMMUNICATIONS AND PETITIONS

The meeting was adjourned at 6:59 p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk Clara VanBlargan, MMC

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A workshop meeting of the Lake Wales City Commission was held on May 17, 2016 in the Commission Chambers at the Municipal Administration Building at approximately 5:30 p.m. Mayor Eugene Fultz called the meeting to order.

COMMISSIONERS PRESENT: Pete Perez; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Terrye Y. Howell

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

1. ROLL CALL

2. DISCUSSION ITEMS

Agenda Item 2.I. Workshop – May 17, 2016

[Begin Agenda Memo]

Planning staff would like the opportunity to discuss with and get direction from City Commission the following items:

- Unmanned recycling collection containers
- Food Trucks
- Parking on the grass in residential zoning districts

[End Agenda Memo Provided at the Meeting]

Planning & Development Director Kathy Bagley said she needed direction from the Commission on each of the discussion items.

UNMANNED RECYCLING COLLECTION CONTAINERS

Ms. Bangley said in October 2015, staff was asked to look into donation bins within the City limits. At that time there were thirty-one bins counted through a windshield survey. Since that time that number has increased. It is unclear whether all of the owners are non-profit organizations. It is also currently undetermined whether they all have permission from the property owner of the property on which they are situated. She said that staff's first recommendation is that donations bins be prohibited within the City limits. The City is blessed with a very strong non-profit presence through the Care Center and supporting local businesses seem appropriate to staff. If the Commission chooses to ban the bins, staff will notify in writing the entity indicated on each bin giving them sixty days to remove them. After the sixty days, the City will then have them removed at the owner's expense.

Ms. Bangley said if the Commission is not in favor of an out-right ban staff makes the following recommendations:

1. Amend Sec. 23-542 Accessory Structures to include donation bins
2. Limit bins to a maximum of one per site/parcel
3. Annual registration/permit

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4. Restrict to non-profit organizations only – Require proof of 501(c)(3)
5. Require ownership to be prominently displayed on the bin
6. Require proof of property owner permission
7. Prohibit in required parking spaces, rights-of-way, drive aisles, required landscape buffers, pedestrian areas and sight triangles

Ms. Bangley said the banning of the bins could be achieved through the passage of a resolution since they do not currently appear in our Code of Ordinances. An ordinance incorporating them into the land development regulations would be required if the Commission prefers option two.

Mayor Fultz said it looks like we are a welfare town because of all the boxes sitting around and they must be limited. It looks like we are collecting stuff to give to our citizens and we don't know where it is going. The Care Center is a great organization and they do a great work but if there are other organizations out there that are a 501(c)(3) that can benefit from those boxes we should give them the opportunity to do that. The regulations that Ms. Bangley read is the proper way to go with it.

Ms. Bangley said for clarity, the accessory structure rules that are already on the books prohibit them from being on a vacant lot and at a business that is non-operational. She said one of Commissioner Howell's concerns when talking to her yesterday is them being on unattended property and she had assured Commissioner Howell that in case we did permit them that what's already on the books accessory structure wise applies along with the additional criteria that she just read. The Mayor said many of the donation bins around town are on unattended property and that is something that should be corrected immediately to get them out of there. If we go with regulating them we will begin to see legal boxes out there.

Deputy Mayor Thornhill said some of the boxes are just dumping grounds for old clothes, shoes, and furniture and some people think anything can be dumped in them. Some of the bins do not show ownership. Ms. Bangley said that is why we want the property owner's agreement and participation so we have somebody who is accountable for how the site looks not just the bin operator but the property owner as well. We want to be able to have a clear registration so that when we have a situation where it is a buildup we would know whom to call, not only the property owner but also the bin owner to make them aware. Deputy Mayor Thornhill said bin owners should want people to know who they are.

Mr. Fields said staff's recommendation is to ban them all because they become dumping grounds and if there is no alternative then he would see the need for a way for people to dispose of clothing, shoes and other things of that nature. The reality is that we do have the Care Center and he has never heard of them saying they had too many donations and turned anything away. So we do have an alternative here in the City not that we should favor the Care Center over any other but they provide that service already to our citizens. They are accountable, responsible, and are in a position to do it. If we do require a license and permit, they will be accountable and we will then have to follow up with the owners and stay on top of it with Code Enforcement etc. Mr. Fields said he could understand that we want to keep a level playing field for all non-profits but the rationale behind the original recommendation was to get rid of the nuisance that we have. It is not as if we are going to take away the way for people to can get rid of things. An organization is willing to take it.

The Mayor said we do not want to be spending extra money trying to regulate those things when we really do not need them. Ms. Bangley said it would take quite a bit of staff time to get a registration program up and running, and to monitor and follow up on that. It is not extraordinary but it will take staff time and it is not programmed in that way right now. Ms. Bangley said since October 2015 the estimated number of recycling bins has increased to about 40 or 50.

Commissioner Gibson said the item we are talking about serves to either increase or decrease property values. When the property values are going up people have a higher regard to that as a place to live

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because property reflect that and it also increases our tax base. He heard on NPR about two weeks ago that all of this stuff surprisingly has value just as a rag or an old t-shirt because they can be recycled and sold so that is the incentive for putting the bins all over the place. The Care Center's stuff is in the store, they take anything you bring in there, and they are successful in converting it to value so he would be for the outright ban because it is the best thing in enhancing property values, the tax base, and getting recyclables into responsible hands.

Commissioner Perez said he is in favor of banning all the bins in the City.

Mr. Fields said under the circumstances, given Commissioner Howell's absence we will come forward with two resolutions, one for an outright ban. Ms. Bangley said the resolution can be for the outright ban but an ordinance would put them in. She could draft both and present them for Commission action.

Deputy Mayor Thornhill said he is in favor of getting rid of them because it looks like dumping grounds.

Mr. Fields said the consensus seems to be an out-right ban so we will come back with a resolution for that.

FOOD TRUCKS

Ms. Bangley said that currently the demand to allow Food Trucks in the City is minimal. Staff has spoken to two vendors over the last six months and they were made aware of our vendor list for special events, which seemed to satisfy their inquiries. The Land Development Regulations allow for outdoor sales at business locations through the special exception use permit process. An individual food truck could partner with a bricks and mortar business location to be in the City limits. Rural King, Lowe's and Home Depot already have vendor areas designated. She said at this time staff is not in favor of expanding our regulations.

Ms. Bangley said a few years ago the Sunoco at the end of Central Avenue had an area approved for a certain amount of time so we do have a way currently for them to come in and go through a process and be here. We do not have a high demand outside our special event programs that go on so at this time staff is not in favor of expanding our regulations in any way. If we get more phone calls or something changes within the City Commissioner Howell mentioned to her yesterday that robust recreation programs going on where we will have recreational activities going on a regular basis providing some areas for food trucks to participate in that type of situation we could certainly look at it at that time. However, staff's recommendation right now is to leave it as it is.

Deputy Mayor said one of the big things now is that battle of food trucks. Ms. Bangley said that will be similar to the barbeque event we had down at the lake so if somebody approached us about that sort of thing that would be allowed as part of a special event that we would certainly support.

Mr. Fields said we would start looking at that. There are companies that will organize that which is much like the barbeque event. We can see if we can get one of those going down at the lake, which is a great setting and ideal spot for potentially having something like that. If we do get more organized, recreational things going on we could invite a food truck occasionally.

Commissioner Gibson suggested keeping it like it is and the Mayor said that seems to be the consensus.

Jennifer Weeks, person in the audience, introduced her husband Domitric Weeks and said she had come to speak on the food truck discussion because they have a food truck. She said she had contacted the City many times but no one has been able to tell her what the rules and regulations are for the City of Lake Wales other than them needing permission from the owner of the business on where they plan to set up or in the area of where they plan to set up. Ms. Weeks said they do many activities around the City and attend more activities doing business outside of Lake Wales than they do here. Most people have their rules, no

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issues, no problems, and when asked are able to give an answer. She has not seen many food trucks in the City other than them parked every day in the same place. In other cities in Polk County, they are able to go around the City during lunchtime and not just in a designated area. She asked what the rules and regulations are for Lake Wales.

Ms. Bangley explained that the rules and regulations currently stipulate that you have to be associated with a bricks and mortar business and that is where the location comes in. That is not to say you could not be associated with two or three bricks and mortar businesses and that you are in one place on Monday, Tuesday and Thursday and in another place on Wednesday and Friday with owner permission. Ms. Weeks asked if there is a certain period for them to do business because they have issues with that because they are licensed and they have everything told to have. Ms. Bangley explained that when going through the special exception process to establish a location that is when the times are set up. It would not be any more restricted if you were a bricks and mortar business so depending on the location it is permissible to stay open until 10:00 p.m. or so at night. Ms. Bangley said she cannot speak for the Board that does the approving but staff would recommend within reason similar hours as a bricks and mortar facility. Ms. Weeks asked if she could stay open as long as the bricks and mortar business and Ms. Bangley said yes. Ms. Weeks said she asked that because of problems, they encountered with police officers telling her to close down her business after a certain time and Ms. Bangley said they could not do that. Ms. Weeks asked why it would it also depended on the area because a business is a business and to be a part of the barbeque event that took place here you had to be a part of the association and pay a fee. So, why would she want to pay a fee to participate in a onetime event? The City Manager said that was the sponsoring organization and Ms. Bangley said that is not the case when we do events like the Arts Show or our other special events where vendors come and participate.

The City Manager asked Ms. Weeks to get with Ms. Bangley so she can walk her through the process of getting a special exception use permit. He said that under the current ordinance she would be allowed to set up with multiple businesses if so desired and with permission from all those businesses, the details can be worked out. Ms. Bangley explained that once somebody goes through the process she makes sure that all City departments that might have a question are aware of the approvals that need granting. Ms. Bangley provided her contact information to Ms. Weeks and said we would work through all the different opportunities and that it is possible to tweak some places in our Code. She said she would bring that back to the Commission with a recommendation. Ms. Weeks asked about setting up on a vacant lot if she got permission from the property owner or on a lot that she owns. Ms. Bangley said the current Code does not allow setting up on a vacant lot within the City limits.

PARKING ON THE GRASS IN RESIDENTIAL ZONING DISTRICTS

Ms. Bangley distributed a visual diagram to the Commission showing various residential parking configurations. She said that staff is recommending that an amendment to the Land Development Regulations be considered pertaining to residential parking. The current regulation states that all vehicles shall be parked in approved parking areas and shall not be parked in unpaved areas except in the rear yards of single-family houses or duplexes. Historically, families had one or two cars and most driveway configurations could accommodate parking on a paved surface. Today, many families have several drivers and vehicles. Providing acceptable grass parking scenarios in residential areas seem to be a need to keep up with the times. She said the diagram shows possible scenarios for discussion. There are four presentable options for what would be okay if we decided to say that somebody could park two vehicles in their driveway and a couple other scenarios off the driveway. The others show what would be considered violations in accordance with current Code.

The Mayor asked Ms. Bangley if this would be for permanent parking for visitors at a residence. Ms. Bangley said this is usually a permanent parking scenario. Many families have more than two drivers and in

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a lot of our older neighborhoods the driveways are one car width wide. So with one, two, or four drivers in a family you run out of paved surface very quickly. People are trying to park in their yards and in most cases in a very organized fashion but the Code states that anything not on the pavement can be violated. We have HOAs that are quite militant about this although it will not solve a problem in a HOA but it is not an issue for her to deal with. We found that in the older neighborhoods with single car driveways they have a garage that is used for storage instead of parking the car. Instead of telling people that they have to extend their driveway, etc. providing an organized way in whatever scenario we felt is comfortable would be better. The idea is to have stabilized surface. It is not really something that everybody is going to have so sometimes requiring a permanent solution to a temporary problem is overkill. She gave an example of somebody only needing a four-car driveway for a short period until their teenage drivers are no longer home.

Deputy Mayor Thornhill said this affects him because he has a neighbor that continually calls on him because they have four vehicles and a driveway that is only a space and a half wide so his daughter has to park on the yard but in a nice way. He has been told there is no provision for it. Ms. Bangley said that unless the street allows for street parking then there would be some option but not many of the residential streets are built wide enough for street parking so that would be almost most desirable than that. Deputy Mayor Thornhill said one of his biggest pet peeves is people parking in the street because it could cause dangerous situations.

Ms. Bangley said the diagram is only suggestions that she got from the Kissimmee Land Development Regulation to use as a one-page discussion tool and then explained the layout of the diagram.

Commissioner Perez asked about a temporary gathering situation and Ms. Bangley explained that if it is a temporary situation for a party, etc. that is not something that would be regulated. This is for a regular occurrence.

Ms. Bangley said the diagram is only examples so what she would like to know is if the Commission is amenable to two cars in the driveway and one on the side because she is not sure what the feeling is crossing property in a vehicle. They are legal in the backyard but we do not want everybody driving in their backyard every day because of either tire tracks or other situations, so we are trying to find a pattern that we will feel amenable to.

Commissioner Gibson said he is tempted to use the street as much as possible but he understands that some of the streets are too narrow. They are not too narrow to have one car parked and one car pass. He asked if there was a way to allow parking on some curbs and not the others so we would have a way for somebody to pass. Ms. Bangley said we could amend the traffic map to reflect street parking in anywhere in the City that they wanted to. It is a little more complicated and cumbersome than this type of diagram and she does not control the traffic map. Commissioner Gibson said that is public property and it is paved so he does not know any practical way to regulate it as much as possible. Mr. Fields said we could look at the traffic map to see if we could say parking on the odd side of the street only or on the even side. Commissioner Thornhill said that some people have driveways but park on the street instead which causes issues and endangers people by doing so. The Mayor said he has seen in communities where it is okay to park on a certain side of the street even if they have guests because it allows people to be able to pass through there but that was in communities with no heavy traffic coming through there and in other communities that would be difficult to do. Ms. Bangley said it sort of depends on where you are on the way to.

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The City Attorney said the Code of Ordinances already provide for parking on the street as long as there could still be flow so that would have to be tweaked if allowing it on a certain side of the street. Ms. Bangley said there are Code areas she would have to check. Commissioner Gibson suggested having clearly marked curbs such as painting them red to make if obvious what side of the street to park on. Ms. Bangley said the diagram is specifically designed for residential locations. The Mayor said many residences do not have curbing.

The Mayor asked if this is something that we could look at and come back with. Ms. Bangley said this was brought forward to give the Commission something to look at and ponder and that she was not looking for any sort of decision tonight. Mr. Fields said Ms. Bangley would like us to look at this in combination with some kind of regulation for street parking. Ms. Bangley said she would find out how the street parking regulations currently reads.

3. COMMUNICATIONS AND PETITIONS

The meeting was adjourned at 6:07.

_____

Mayor/Deputy Mayor

ATTEST:

_____

City Clerk Clara VanBlargan, MMC

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The meeting of the Lake Wales City Commission was held on May 17, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Terrye Y. Howell

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

5. MAYOR

Agenda Item 5.I. Proclamation: **National Safe Boating Week: May 21-27, 2016**

The Mayor presented a proclamation recognizing May 21 – 27, 2016 as "National Safe Boating Week."

Mr. Fields recognized Public/Support Services Director Teresa Allen for receiving the "Public Servant of the Year Award" from the Economic Development Council this past Thursday night at the Chamber of Commerce Awards Gala.

6. PRESENTATION/REPORT

Agenda Item 6.I. Transmittal of Comprehensive Annual Financial Report, For Fiscal Year Ended September 30, 2015

[Begin Agenda Memo]

SYNOPSIS

Transmittal of Comprehensive Annual Financial Report for fiscal year ended September 30, 2015.

STAFF RECOMMENDATION

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2015 and independent auditors' report as presented.

BACKGROUND

In the independent auditors' report for the fiscal year ending September 30, 2015, the auditors (Cherry Bakert LLP, CPAs & Advisors) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2015, and the respective changes in financial position, and cash

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flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the May 17th presentation of the annual report and be available to answer any questions relating to technical reporting requirements. This is the seventh year that the City has prepared a comprehensive annual financial report (CAFR).

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by $44,492,260 (*net position*). As of September 30, 2015, the City reports an unrestricted net position deficit of $1,499,502 as compared to a surplus of $374,611 in the prior year. The main reason for this decline in unrestricted net position is due to the implementation of Governmental Accounting Standards Board (GASB) Statement No. 68 – *Accounting and Financial Reporting for Pensions – an amendment to GASB Statement No. 27*, and GASB Statement No. 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date – an amendment to GASB Statement No. 68*.
- The City's total net position increased by $2,474,671 as a result of operations and was reduced by $3,834,069 as a result of a restatement due to the implementation of GASB 68 and 71. The results of operations of the governmental activities and business-type activities increased their respective beginning restated net position by 6%.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of $4,553,226; an increase of $157,025 for the year. Approximately 48.5% is *available for spending* at the government's discretion (unassigned).

[End Agenda Memo]

Finance Director Dorothy Ecklund reviewed Agenda Item 6.I. She introduced the City's independent auditor Ron Conrad from Cherry Bakert LLP, CPAs & Advisors who gave a report on the City's Comprehensive Annual Financial Report, For Fiscal Year Ended September 30, 2015. He answered questions from the City Commission.

Ms. Ecklund asked the Commission to vote on accepting the audit.

Deputy Mayor Thornhill made a motion to accept the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2015 and independent auditors' report as presented. Commissioner Gibson seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

7. COMMUNICATIONS AND PETITIONS

Gary Gose, Nalcrest, VFW Post 2420 Commander, told about their upcoming memorial service events, which included a Memorial Day service at the Willow Lawn Cemetery and the Lake Wales Cemetery on

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Monday, May 30, and a National Parachute Champions event at the Lake Wales Municipal Airport on May 27th, 28th, & 29th. He invited everyone to attend.

The Mayor said he will be at the Willow Lawn Cemetery for the memorial service on Memorial Day. He asked the Deputy Mayor if he could be at the memorial service at the Lake Wales Cemetery because he cannot be at both events at the same time and the Deputy Mayor he said he would get back with him on that.

Jackie Jackson said she is representing East Polk Avenue and presented a "Thank You" card to the City for putting the lights in the area she had requested. She said there is also a problem at the corner of East Polk Avenue and Third Street. There is a stop sign there that people do not want to stop at and she has seen many accidents there because of it. Mr. Fields he will have the traffic division take a look at it.

8. CONSENT AGENDA

Agenda Item 8.I. **Approval of Minutes: May 3, 2016 Regular Meeting**

Agenda Item 8.II. **One-month Lease Agreement Extension with Polk County Workforce Development Board, Inc. d/b/a/CareerSource Polk**

[Begin Agenda Memo]

SYNOPSIS

CareerSource Polk provided notice of non-renewal of their Lease Agreement to provide the Young Leaders program at the James P. Austin Community Center and requested that the City allow them to continue the program there until the end of July 2016. Mobile services at the Lake Wales Library will continue.

RECOMMENDATION

It is recommended that the City Commission approve a one-month extension to the current Lease Agreement with Polk County Workforce Development Board, Inc. d/b/a CareerSource Polk at the James P. Austin, Jr. Community Center until July 31, 2016. The current Lease expires on June 20, 2016.

BACKGROUND

CareerSource Polk, formerly known as Polk Works has been providing the Young Leaders program at the James P. Austin Community Center since June 2007. This program provides academic support and employment training to adults between the ages 16 and 21 who reside in Polk County. The service provided is free to those who qualify and assists youth in gaining the necessary academic and workplace skills needed to become successful as they move into adulthood.

CareerSource Polk provided notice of non-renewal of the Lease Agreement ending on June 30, 2016 and requested that the City allow them to continue their services at the community center until the end of July 2016. Their mobile services at Lake Wales Library will continue.

FISCAL IMPACT

None

OTHER OPTIONS

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The only option would be not to allow the program to continue at the James P. Austin Community Center for an additional month.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 4-0.

9. OLD BUSINESS

Agenda Item 9.I. Ordinance 2016-06, Amending Ordinance 2001-08 Personnel Administration Policies – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2016-06 is being presented to allow payment of overtime to exempt employees during declared times of emergency.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-06 upon Second Reading and Public Hearing.

BACKGROUND

The Federal Labor Standards Act establishes procedures to exempt certain classifications of employees from the overtime provisions. Under normal operations, these employees do not receive overtime compensation.

The purpose of Ordinance 2016-06 is to provide the conditions for which overtime will be paid to exempt (salaried) employees. If the following conditions are met, then exempt employees will be eligible for overtime compensation:

1. The Mayor of the City of Lake Wales has signed a declaration declaring that a State of Emergency exists in the City.
2. The City has activated its Emergency Operations Center and the City Manager has implemented the City's Emergency Management Plan.

FISCAL IMPACT

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The fiscal impact of Ordinance 2016-06 will depend on the magnitude of future disasters or emergencies and the amount of services needed by the community. However, costs may be significantly reduced by reimbursement from FEMA.

OTHER OPTIONS

Do not adopt Ordinance 2016-06

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-06 by title only:

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES; AMENDING OVERTIME TO ALLOW PAYMENT OF OVERTIME TO EXEMPT EMPLOYEES DURING DECLARED TIMES OF EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The City Manager reviewed Agenda Item 9.I.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2016-06 after second reading and public hearing. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-07, Zoning Amendment - 1230 Scenic Highway, American Legion Post 71 – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

A zoning amendment from I-1 Industrial Park to LCI – Limited Commercial Industrial is recommended. The LCI district will allow by right all of the different activities in the building. A Land Use designation change is not necessary.

RECOMMENDATION

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Staff recommends that the City Commission approve, following a first reading of Ordinance 2016-07.

A public hearing is not required for first reading.

The Planning and Zoning Board held a public hearing on April 26, 2016 and voted unanimously to recommend a change in zoning designation on the subject property from City of Lake Wales designation I-1 Industrial Park to LCI Limited Commercial Industrial.

BACKGROUND
American Legion Post 71 moved into an existing manufacturing building to create a Veteran's Center. The building currently houses the Post, a flight simulator business, and light manufacturing that utilizes veteran employees.

See Attachment A to the ordinance for location and zoning designations.

Surrounding zoning designations:
North: City – LCI Limited Commercial Industrial
South: City – LCI Limited Commercial Industrial
East: City – I-1 Industrial Park
West: City – I-2 Industrial In-fill

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-07 by title only:

(Zoning – 1230 Scenic Highway (SR 17) American Legion Post 71 – 8.8 acres)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION ON APPROXIMATELY 8.8 ACRES OF LAND LOCATED ON THE EAST SIDE OF SCENIC HIGHWAY CITY OF LAKE WALES DESIGNATION I-1 INDUSTRIAL PARK TO CITY OF LAKE WALES DESIGNATION LCI LIMITED COMMERCIAL INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-07 after first reading. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

Commissioner Perez thanked the American Legion for all it is doing.

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Ira Anderson, Commander of American Legion Post 71, invited everyone to visit their new location and see what they are doing there, which he said was far and beyond what most Posts do. They are a veteran service organization and they do that for everyone in and outside the County. He said they also have an art gallery there by the local artists.

Agenda Item 10.II. Resolution 2016-12, Appointment of a Primary and Alternate Director to the Polk Regional Water Cooperative (PRWC) for a term of one year

[Begin Agenda Memo]

SYNOPSIS

Appointment of Directors to the Polk Regional Water Cooperative Board allows the City vital participation and input on the Board.

RECOMMENDATION

It is recommended that the City Commission adopt Resolution 2016-12, appointing a primary and an alternate Director to the Polk Regional Water Cooperative Board for a term of one year.

BACKGROUND

On March 15, 2016, the City of Lake Wales entered into an Interlocal Agreement with Polk County and all the other municipalities within Polk County for the establishment of the PRWC. Being a part of the Cooperative allows the City to access funding from the Southwest Florida Water Management District ("SWFWMD") for future multi-jurisdiction water supply projects.

Section 2.02 of the Interlocal Agreement provides that, within forty-five days of its effective date, each Member Government shall provide PRWC with a Resolution identifying the appointment and term(s) of its primary and alternate Directors. Although, on April 19, 2016, the City Commission appointed two Commission members to serve on the PRWC Board it was not done by resolution and therefore is not official. Term limits must also be included in the resolution. Resolution 2016-12 was prepared for that purpose.

OPTIONS

There is no other option but to appoint directors to the PRWC Board because any decisions that are made impacts the future of our City. It is vital that we be a part of that.

FISCAL IMPACT

There is no foreseeable fiscal impact at this time.

City Clerk Clara VanBlargan read Resolution 2016-12 by title only:

A RESOLUTION OF THE CITY COMMISSION OF HE CITY OF LAKE WALES, FLORIDA, APPOINTING PRIMARY AND ALTERNATE DIRECTORS TO THE POLK REGIONAL WATER COOPERATIVE (PRWC) BOARD OF DIRECTORS; ESTABLISHING THE TERM OF APPOINTMENT; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION TO PRWC; PROVIDING AN EFFECTIVE DATE.

The City Manager reviewed Agenda Item 10.II.

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Deputy Mayor Thornhill made a motion to adopt Resolution 2016-12, appointing Commission Perez to serve as the primary director and for a term expiring on May 17, 2017 and Mayor Fultz to serve as the alternate director for a term expiring on May 17, 2017 on the Polk Regional Water Cooperative Board for the City of Lake Wales. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

Mr. Fields reported the following:

- This is the second year in a row that a City employee was named "Public Servant of the Year." He said he is very proud of his staff and the work they do, and that Ms. Allen's award was well deserved.
- There is a lot happing at the Lake Wales Airport: the National Parachuting Championship is on May 27 – 29, 2016; the new lease agreement has been signed with Ms. Hill for her operation at the Airport; the new airport manager is off to a good start; and we are getting ready to open the bids on the runway expansion.
- He invited everyone to attend the City's free moving night at the James P. Austin Community Center on the third Friday night in May.
- Mr. Fields said that although we did a proclamation this is Public Works Week, which is a time to thank the employees we do not see very often. They work hard to make the City look great.

Agenda Item 11.II. City Commission Meeting Calendar

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. City Boards Meeting Schedule

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

12. CITY COMMISSION COMMENTS

Commissioner Gibson said when he chaired the Charter Review Committee one of the things they did was trying separating the function of administration from the function of civic leadership. The city managers had gotten in trouble when they filled the vacuum allowed by the City Commission and they were not really fulfilling the responsibility for civic leadership. Therefore, we put as much responsibility as we could in the position of Mayor. One of the responsibilities the Mayor now has by Charter is appointing all the members to the City boards, commissions, and committees. Those positions are under appointed and not enough people from the community come forward to serve on these boards. It is critical that those members be there. They cannot function without enough members and cannot fill the responsibility set forth by the ordinance. He commended the City for having its first annual board appreciation dinner to show appreciation to all its board members.

DRAFT

The Mayor said we continuously encourage people to serve on the boards.

Commissioner Gibson suggested changing Commission meeting nights to Mondays to allow more newspaper coverage and said the more information we can get out in the community on what the City is doing the less we would have to rely on rumors, which is not our friend. He asked the Commission to think about changing its meetings from Tuesday nights to Monday nights.

Commissioner Gibson said the term City Commission is erroneous and the correct term is City Council. He said that someday we might want to make that change.

Deputy Mayor Thornhill said he is in favor of changing the meeting times because people have approached him about that. He apologized for not being present at the budget workshop meeting on Monday night and said his budget priorities is economic development and maintenance and repair because we have let stuff go too long and we need to make that a priority.

13. MAYOR COMMENTS

The meeting was adjourned at 6:40 p.m.

_____

Mayor/Deputy Mayor

ATTEST:

_____

City Clerk Clara VanBlargan, MMC

DRAFT

MEMORANDUM

DATE: May 26, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Jennifer Nanek, Assistant to the City Manager

RE: **City Catalyst Grant Application**

SYNOPSIS

The City would like to partner with the Lake Wales Family YMCA to apply for a City Catalyst Grant from the Florida League of Mayors for $1000 to offer free Tai-Chi classes to the public at Lake Wailes Park. The grant deadline is June 17.

RECOMMENDATION

Staff recommends approval of the grant application.

BACKGROUND

The Florida League of Mayors, Inc. and Florida Business watch are offering Catalyst Grants to help Cities start new programs that will enhance the health and economic well-being of their communities. These grants can be for $500 - $1500. Fitness Programs are one of the suggested options for these grants.

This grant application asks for $1000 to cover costs of the instructors, advertising and basic equipment for the class.

OTHER OPTIONS

Do not apply for the grant or apply for another program.

FISCAL IMPACT

Any additional costs for this class will be covered by the City.

ATTACHMENTS

Grant application
Project description
Fiscal Impact Statement

CITY CATALYST GRANTS

Date: May 26, 2016

APPLICANT INFORMATION

Name of Mayor: Eugene Fultz

Name of Person Submitting the Grant: Jennifer Nanek

City/Town/Village Name: City of Lake Wales

Address: 201 W. Central Ave

Phone Number: 863-678-4182

Email: jnanek@cityoflakewales.com

Name of Benefiting Entity: City Recreation Department
(such as city parks department, Friends of the Library. etc.)

Describe the project or initiative the grant will support (300 typed words or less). Include goals of the project and an explanation of how it will improve your community or the lives of your citizens.

What is the timeline for accomplishing these results? 12 weeks

Identify those entities or groups that you will partner with to supplement the goals of the grant: Lake Wales YMCA
(e.g., volunteer participation, matching dollars)

Total Funds Requested: 1000

Please provide an explanation of why this specific amount is requested:
Approximately $600 for 2 instructors for 12 weeks, $200 for advertising the program, $200 for equipment

I certify that the statements herein are true, complete and accurate to the best of my knowledge.

Signature Line: _____

Completed applications and description of the project must be postmarked no later than June 17, 2016, and be sent to:

Florida League of Mayors
Post Office Box 1757
Tallahassee, Florida 32302

Questions? Please contact Jenny Anderson at the League office at 1-(800) 616-1513 or *janderson@flcities.com.*

CITY CATALYST GRANTS

The Florida League of Mayors' primary purpose is to provide mayors with an incubator for ideas to address issues facing Florida's municipalities, to create a strong network of peers who share the values of protecting the prosperity and vitality of Florida's cities, and to have a united voice advocating for cities before the Florida Legislature.

Florida Business Watch is a business league committed to public policy that makes sense for Florida's economy. Its members are local government decision makers and companies doing business with Florida's governments at all levels. FBW members are committed to strengthening the state's business climate through advocacy, education and training.

The Florida League of Mayors and Florida Business Watch have teamed up to offer **City Catalyst Grants**. The grant program will be used to support projects or initiatives that help build community and/or help to enhance the lives of citizens in a city. Grants can be awarded directly to the city or to a partner organization (i.e., little league or neighborhood association) but the application must come from a current member of the Florida League of Mayors.

Grants can be matched or supplemented with community support, such as volunteer hours or matching dollars. Examples of eligible projects or initiatives include, but are not limited to: street or beach clean-ups, youth athletic equipment purchases, fitness programs, mentoring programs, veteran's memorials, youth advisory council activities, city garden projects, library collection improvements, recruitment of volunteers, training for reading programs, etc.

Grants will be awarded in increments between $500 and $1,500. Applications must be submitted in the format included on the grant application and will be judged by a panel consisting of former Florida League of Mayors presidents who are no longer in office and members of Florida Business Watch. Grant selection is at the sole discretion of this panel. Winners will be announced at the Florida League of Cities Annual Conference in August and awards will be available immediately.

Applications should be submitted to Jenny Anderson by Friday, June 17, 2016. Media outreach highlighting the project, city, mayor, Florida League of Mayors and Florida Business Watch will accompany the grant and may include, but is not limited to, press releases and public events.

Learn more: *www.floridamayors.org* and *www.floridabusinesswatch.com*

City Catalyst Grant Project Description

Tai-Chi classes for the public.

The City of Lake Wales and the Lake Wales YMCA are partnering to host a free series of Tai-Chi classes to help our citizens improve their health and prevent falls. These classes will begin in September and run for 12 weeks. They will take place Tuesdays and Thursdays from 10:00am - 11:00am at Lake Wailes Park. While targeted to our large senior population these classes will be free and open to everyone. The goals of this project include improving the health and well being of our residents especially seniors including those who are economically disadvantaged.

Tai Chi is a type of exercise derived from martial arts and is composed of slow deliberate movements, meditation, deep breathing, which enhances physical health and emotional well being. Tai-chi can help relieve stress, combat disease, improve balance agility, stamina, muscle tone and coordination. This low-impact exercise strengthens bones and can slow bone loss which combats osteoporosis. This class would be beneficial health wise to everyone but especially seniors with certain ongoing ailments and those recovering from certain injuries.

This class would provide additional recreation opportunities for the public including seniors who would not benefit from other athletic programs in the City. The City of Lake Wales is continually looking for ways to expand its programs to improve the quality of life for all our residents. If this program is well attended hopefully additional classes and activities will be planned that can be made available to the public.

STATEMENT OF FISCAL IMPACT
CITY CATALYST GRANTS
TAI-CHI CLASSES
(PARTNER WITH LAKE WALES YMCA)

PREPARED BY

CITY OF LAKE WALES
FINANCE DEPARTMENT

Nature of Statement and Information Disclosed

This is a statement of fiscal impact has been 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:

- **Memorandum from Jennifer Nanek, Assistant to City Manger**
- **Grant Application Package FY 2016-17**

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
Grant funding in the amount of $1,000.

Impacts on Expenditures
Estimated project cost of $600 for 2 instructors for 12 weeks, $200 for advertising the program, and $200 for equipment (total cost $1,000). Any additional will be funded by the general fund.

Future Fiscal Impacts

Impacts on Revenue
N/A

Impacts on Expenditures
N/A

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:

Vanessa Revelo

Vanessa Revelo
Accountant III
City of Lake Wales

MEMORANDUM

June 2, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance 2016-08 – 1st Reading
Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum Property Maintenance Standards

SYNOPSIS
This ordinance addresses a reconfiguration of Chapter 12. It returns items to code that were removed in 2012 that are essential to the health safety and welfare of our community.

RECOMMENDATION
Staff recommends the approval of Ordinance 2016-08 after first reading. A public hearing is not required.

BACKGROUND
Upon thorough review of Chapter 12 it was determined that there were items that had been included prior to the 2012 amendment that were integral to performing code enforcement duties that were no longer represented in the code. The most significant of these were dealing with motor vehicles and vessels. Staff is also proposing more specific wording for common violations so that the citizenry will be better informed as to what is expected of them.

Property clearing, junk and trash, trees, and dangerous conditions were all relocated under Article II Nuisances. Division 4 is amended to set Motor Vehicles apart in their own sections. Updated specifications are included for property address numbers.

FISCAL IMPACT
The amendments have no identifiable fiscal impact themselves.

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

ATTACHMENTS
Ordinance 2016-08

ORDINANCE 2016-08

(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; AMENDING ARTICLE I. IN GENERAL SECTION 12-1 THROUGH 12-7, ARTICLE II NUISANCES DIVISION 1 GENERALLY, DIVISION 2 DEBRIS, WEEDS, WILD GROWTH, DANGEROUS AND UNSANITARY CONDITIONS SECTION 12-36 THOURGH 12-41, DIVISION 4. MOTOR VEHICHLES OR VESSELS SECTION 12-71 and 72, AND DIVISION 5 LITTER, ARTICLE IV MINIMUM PROPERTY MAINTENANCE STANDARDS SECTION 12-226 INTENT, SECTION 12-227.7 REQUIREMENTS NOT COVERED BY CODE, SECTION 12-231 EMERGENCY MEASURES, SECTION 12-232 DEFINITIONS, SECTION 12-233 EXTERIOR PROPERTY AREAS, SECTION 12-235 PREMISES IDENTIFICATION, SECTION 12-237 RUBBISH AND GARBAGE; 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 I. In General is amended as follows:

§ 12-1. Legislative intent. ***MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY**

In accordance with authority granted by F.S. Ch. 162 and 166 it is the intent of the city commission to promote, protect, and improve the health, safety and welfare of the citizens of Lake Wales; to provide an equitable, expeditious, effective and inexpensive method enforcing any city code or ordinance where a violation exists; and to provide authority for the immediate issuance of a citation if a repeat violation is found, if a violation presents a serious threat to the public health, safety or welfare, or if a violation is irreparable or irreversible.

§ 12-2. Definitions and rules of construction. ***MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY**

(a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:

Code enforcement board. The board appointed by the city commission in accordance with authority granted by F.S. § 162.03, and established to impose administrative fines severally.

Code enforcement officer. Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances.

Continuing violation. A violation which continues to occur after notice to correct the violation has been issued to the violator. Each day a violation continues shall

constitute a separate infraction, and a penalty may be assessed for each day of continuing violation.

Person. Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

Repeat violation. A violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.

Violation. Any act or failure to act which results in an infraction of a duly enacted city code or ordinance.

(b) For the purpose of administration and enforcement of city codes, unless otherwise stated in this article, the following rules of construction shall apply:

The word "shall" is always mandatory and not discretionary;
The word "may" is permissive.
Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or " or "either" the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

§ 12-3. Applicability. ***MOVED FROM ARTICLE III - DIVISION 1 - GENERALLY**
The provisions of this article shall apply in the incorporated area of Lake Wales to the enforcement of city codes as they may be amended from time to time.

§ 12-4. Severability **MOVED FROM ARTICLE II NUISANCES -DIVISION 4. MINIMUM PROPERTY MAINTENANCE STANDARDS 12-228**
If any section, subsection, paragraph, sentence, clause or phrase of this ~~Division~~ Chapter 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.

§12-5. Authority and Liability of City Officials
a) It is unlawful for any person to obstruct or resist the City Manager, his designee, or any person authorized by the City Manager in the discharge of his duties, as provided for in this chapter is guilty of a misdemeanor and upon conviction thereof shall be

punishable by a fine not to exceed five hundred dollars($500.00) , imprisonment in jail not to exceed sixty (60) days or both.

b) The City Manager, his designee, or the City shall not be liable for any damages caused during the removal or impounding of any vehicle(s) or vessel(s) impounded or disposed of in accordance with the provisions of this chapter.

c) In addition to enforcement procedures provided under this chapter, any person violating any prohibitions against an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s), vessel(s), or any other property may be subject to code enforcement procedures and penalties in accordance with this chapter

§12 - 6 Notice to Abate a Nuisance

a) It shall be the duty of any person receiving the notice of a public nuisance(s) as provided in this Chapter to comply with the provisions of the notice and to abate such nuisances(s) within ten(10) days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisances(s) within ten (10) days from receipt of such notice within just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisances(s) persists shall constitute a separate violation.

b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any nuisances(s) from any property to any other property upon which storage is not permitted.

c) If the nuisance is not abated within the time provided, and after notice has been given in accordance with F.S. 162, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both.

§12- 7 Repeat violator status

When a property owner violates any article within the City Code three (3) times within a five (5) year period and is notified in accordance with the procedures herein, the owner shall be considered for an automatic code enforcement board hearing to be shown as repeatedly contributing to a nuisance, and any further violations of the same ordinance shall subject the owner to a repeat offender status and a fine not to exceed five hundred dollars ($500.00) for each day the violation continues, in addition to any and all costs as foredescribed

SECTION 2: Article II. Nuisances is amended as follows:

Division 1. Generally (F.S. 823.01)

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, and punishable as provided in F.S. 775.083, except that a violation of F.S. 823.10 (Places where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

Division 2. ~~Reserved~~ Debris, Weeds, Wild Growth, Dangerous and Unsanitary Conditions

§ 12-36 *Property clearing and cleaning.*

All premises and exterior property, other than agricultural, including the streets, alleys, and sidewalks bordering thereon, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.

EXCEPTION: Parcels over 10 acres need only mow and clean the first twenty five (25) feet.

§ 12-37 Junk & Trash.

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 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

§ 12-38 Dead trees, limbs, branches and accumulated landscaping materials.

It shall be the responsibility of the owner and or occupant to remove and properly dispose of dead and/or downed 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.

§ 12-39 Tree Declared Nuisance/ Dangerous.

a) Any tree extending over a public street, alley or highway shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley or highway of not less than fourteen (14) feet.

b) Any tree extending over a public sidewalk shall be trimmed by the property owner , or his authorized agent, so as to provide a clear height above the sidewalk of not less than eight (8) feet.

c) The property owner of any tree which extends over a public street, alley, highway or sidewalk shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.

d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense.

§ 12-40 Dangerous Conditions - General.

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons 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.

§ 12-41 Graffiti.

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.

§ 12-42 - 55 RESERVED

Division 4. ~~Reserved~~ Motor Vehicles or Vessels **MOVED FROM ARTICLE III - DIVISION 4 - MINIMUM PROPERTY MAINTENANCE STABNDARDS**

§ 12-71 Motor Vehicle(s), or Vessel(s).

Except as provided for in other regulations**,** The presence of an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s) or vessel(s), on any private or public property, is declared to constitute a public nuisance that shall be abated as such in accordance with the provisions of **section 12-72**. The tearing down, stripping or junking of such vehicle(s) or vessel(s) shall be permitted only where and when such use is specifically authorized, permitted, or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory building, carport, or garage, then only provided that such vehicle(s) or vessel(s) is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the city.

Derelict Vehicle(s) or Vessel(s).

A vehicle or vessel, or parts thereof, shall be deemed to be "derelict" if the vehicle(s) or vessel(s) is:

1) Inoperable to the extent that it is unable to perform its original intended function or;
2) Partially or wholly dismantled or;

3) In a condition that prevents legal operation or;
4) Junked or intended to be recycled, scrapped, or;
5) Unlicensed

This section defining derelict and abandon vehicle(s) or vessel(s) shall not apply to the following:

1) A vehicle(s) or vessel(s)that is enclosed in a secure building;
2)A vehicle(s) or vessel(s) on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise as determined by the Lake Wales Code of Ordinances;
3)A vehicle(s) or vessel(s) in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;
4)An antique motor vehicle as defined in F.S. 320.086 which is licensed as provided by law.
5)A vehicle(s) or vessel(s) which is covered by an intact custom vehicle or vessel cover made for the specific type and size of vehicle or vessel which it covers.
a)In no instance shall a person have more than one (1) custom covered vehicle or vessel on his or her residential property or two (2) custom covered vehicles, vessels, or combination thereof on his or her non residential property
b)No custom covered vehicle(s) or vessel(s) may be stored on public property or right-of-way.
6) A race car that is currently actively engaged in racing and equipped for racing with roll cage, windows removed, drivers name, sponsors and number displayed. Demolition race cars shall be considered derelict vehicles two weeks after the demolition race.
7) An automobile repair shop may only have derelict vehicles on the premises for
the time necessary under agreement for repair with business customers;
automobile dealers may not have derelict vehicles on the premises for resale.

§ 12-72 Disposition & Impoundment of vehicle(s) or vessel(s):

a) PRIVATE PROPERTY: No person in charge of any private property within the city shall allow any unlicensed, abandoned, wrecked, dismantled, derelict, inoperative vehicle(s), or vessel(s) to remain on any private property for a period longer than ten(10) days. This shall not apply to any vehicle(s) or vessel(s) in an enclosed building, a carport, or any vehicle allowed under **§ 12-71 Motor Vehicle(s), or Vessel(s).**

b) PUBLIC PROPERTY: No person shall allow any unlicensed, abandoned, wrecked dismantled, derelict, inoperative vehicle(s), or vessel(s) to remain on any public property for a period longer than five (5)days. This shall not apply to any vehicle in an enclosed building, a carport, or on a commercial property operated in a lawful manner for vehicle repair or restoration.

c) If the vehicle(s) or vessel(s) is not removed in accordance with notice set forth in this chapter, the City Manager or his designee may cause the vehicle(s) or vessel(s) to be removed. If the vehicle(s) or vessel(s) is three(3) years and older then it shall be retained

for a period of forty five (45) days, If the vehicle(s) or vessel(s) is three(3) years and newer then it shall be retained for a period of sixty (60) days. The vehicle(s) or vessel(s) owner may have vehicle released upon proof of ownership by title, registration or bill of sale and paying all towing and storage fees to the private contractor. If the vehicle or vessel is unclaimed after 45 (#) days the private contractor may dispose of the vehicle or vessel in any manner permitted by law.

Section 12-73 through 12-150 Reserved

Division 5. Litter, Garbage and Refuse is amended as follows:

§ 12-151. Polk County Litter Law adopted by reference.

The City of Lake Wales hereby adopts by reference Polk County Ordinance 99-24, known as the "Polk County Litter Law" (Exhibit A) as amended by Polk County Ordinance 99-37 (Exhibit B) and as may be amended from time to time in the future.

§ 12-152. Clarifying the definition of "law enforcement officer."

Section 1(c) of Polk County Ordinance No. 99-37 amending Section 2(c) of Polk County Ordinance 99-24 specifies that:

"Law enforcement officer" means any officer of the Florida Highway Patrol, the Polk County Sheriff's Office, a Municipal Police Department, Officers of the Florida Game and Freshwater Fish Commission, Polk County Code Enforcement Officers, and, solely for the purposes of this division, any employee of the Polk County Division of Parks and Recreation designated by the department as a Litter Control Officer."

~~For the purpose of this division, "any officer of a Municipal Police Department" shall also include any Code Enforcement Officer in the code enforcement division of the City of Lake Wales Police Department.~~

§ 12-153 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.

§ 12-154 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.

§ 12-155 Appliances, Refrigerators, and other Large Waste.

Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors. (See also *12-233.11 Dangerous Conditions - General.)*

§ 12-156 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.

§ 12-157 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.

§12-158 through 12-200 Reserved

SECTION 3: Article III. Code Enforcement is amended as follows:

Division 1. Generally (moved to Article I – In General, 12-1)

~~**§ 12-201. Legislative intent.**~~

~~(a) In accordance with authority granted by F.S. Ch. 162, it is the intent of the city commission to promote, protect, and improve the health, safety and welfare of the citizens of Lake Wales; to provide an equitable, expeditious, effective and inexpensive method of enforcing any city code or ordinance where a violation exists; and to provide authority for the immediate issuance of a citation if a repeat violation is found, if a violation presents a serious threat to the public health, safety or welfare, or if a violation is irreparable or irreversible.~~

~~(b) It is the intent of the city commission to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this article shall prohibit the city from enforcing codes by any other means.~~

~~**§ 12-202. Definitions and rules of construction.**~~ ***MOVED TO ARTICLE I - IN GENERAL 12-2**

~~a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:~~

> ~~***Code enforcement board.*** The board appointed by the city commission in accordance with authority granted by F.S. § 162.03, and established to impose administrative fines and other noncriminal penalties where a code violation is found to exist.~~
>
> ~~***Code enforcement officer.*** Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances.~~
>
> ~~***Continuing violation.*** A violation which continues to occur after notice to correct the violation has been issued to the violator. Each day a violation continues shall constitute a separate infraction, and a penalty may be assessed for each day of continuing violation.~~
>
> ~~***Person.*** Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.~~
>
> ~~***Repeat violation.*** A violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.~~

~~***Violation.*** Any act or failure to act which results in an infraction of a duly enacted city code or ordinance.~~

~~(b) For the purpose of administration and enforcement of city codes, unless otherwise stated in this article, the following rules of construction shall apply:~~

~~The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~
~~Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or or "either…or," the conjunction shall be interpreted as follows:~~
~~(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.~~
~~(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combinat~~ion.
~~(3) Either…or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.~~

~~§ 12-203. Applicability.~~ ***MOVED TO ARTICLE I - IN GENERAL 12-4**
~~The provisions of this article shall apply in the incorporated area of Lake Wales to the enforcement of city codes as they may be amended from time to time.~~

§ 12-201 ~~12-204~~. Code enforcement board.
(a) A code enforcement board is established in accordance with Section 2-56 of this Code.

(b) The members of the code enforcement board shall elect a chairman, who shall be a voting member, from among the members of the board. The presence of four (4) or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission or as are otherwise provided by law.

(c) All findings by the board must be approved by a majority of those members present and voting. At least 4 members must vote in order for the action to be official

~~(c)~~ (d)The city attorney shall either be the counsel to the enforcement board or shall represent the city by presenting cases before the code enforcement board, but in no case shall the city attorney serve in both capacities.

~~(d)~~ (e) No member of the code enforcement board shall have the power to initiate enforcement proceedings for violations of the various codes.

~~(e)~~ (f) The code enforcement board shall have 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 police department.
(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.

§ 12-202 through 12-210 Reserved

SECTION 4: Article IV Minimum Property Maintenance Standards,
Section 12-226. Intent is amended as follows:

*** MOVED TO ARTICLE I - IN GENERAL 12-7 SEVERABILITY**

§ 12-226 ~~(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 5: Section 12-227. Applicability is amended as follows:

§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~~ 2015 edition;

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

c. Reference to the Florida Building Code or any other applicable building code;

d. Reference to the 1997 Uniform Code for the Abatement of Dangerous Buildings;

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

~~e.~~ f. 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

~~f.~~ g. 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.

SECTION 6: Section 12-231 Emergency measures is amended as follows:

~~**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 Sec. ~~12-231.7 (1), (2), or (3)~~ 12-230.6 (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.

SECTION 7: § 12-232. *Definitions*. Is amended as follows:

INOPERABLE MOTOR VEHICLE or VESSEL. A vehicle or vessel which cannot be used for its intended purpose 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.

SECTION 8: Section 12-233. Exterior Property Areas is amended as follows:

§12-233.4 Weeds, grass and overgrowth. All premises and exterior property, other than agricultural, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.
EXCEPTION: Parcels over 10 acres need only mow and clean the first twenty five (25) feet.

§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 properly dispose of dead ~~trees~~ and/or downed 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.

§12-233.6 Tree Declared Nuisance/ Dangerous.
a) Any tree extending over a public street, alley or highway shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley or highway of not less than fourteen (14) feet.

b) Any tree extending over a public sidewalk shall be trimmed by the property owner , or his authorized agent, so as to provide a clear height above the sidewalk of not less than eight (8) feet.

c) The property owner of any tree which extends over a public street, alley, highway or sidewalk shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.

d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense.

§12-233.7 ~~**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.

§12-233.8 ~~**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.

§12-233.9 ~~**12-233.8**~~ ***Accessory structures.*** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

~~MOVED TO ARTICLE II -DIVISION 4 - NUISANCES~~
~~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.~~

§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 Dangerous Conditions - General.
It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons 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.

~~**12-233.11 (b)*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 8: §12-235.2 Premises Identification is amended as follows:

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.

a) Residential property address numbers shall be a minimum of ~~three (3)~~ four (4) inches ~~(76.2 mm)~~(102mm)high with a minimum one-half (.5) inch (12.7 mm) stroke width,

b) Commercial property address numbers shall be a minimum of six (6) inches (152.4mm)high with a minimum one-half (.5) inch (12.7 mm) stroke width.

SECTION 9: Section 12-237 Rubbish and garbage is amended as follows:

§12-237.2.1 *Appliances, Refrigerators, and other Large Waste.* Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors. (See also **§12-233.11 Dangerous Conditions - General.**)

SECTION 10: Section 12-238. Pest Extermination is amended as follows:

§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.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

§12-238.2 *Owner*. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

§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.

§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.

§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.~~

SECTION 11: 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 12: 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 Clara VanBlargan, MMC

MEMORANDUM

May 31, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Resolution 2016-14 – Unmanned donation boxes

Synopsis: This resolution will ban unmanned donation boxes within the city limits and provide for the removal of existing boxes.

Recommendation: Adoption of Resolution 2016-14 is recommended.

Background: City Commission requested staff look into unmanned donation boxes inside the City in late 2015. At that time thirty-one (31) boxes were counted in various locations throughout the city. Since that time the number of boxes has increased. Many of the locations are becoming an eyesore and having a negative effect on the overall appearance of the city.

The resolution sets a ban on the unmanned boxes within the city limits and provides for a forty-five day (45) window of opportunity for the owning entity to remove. Property owners where the boxes are located will also be notified.

FISCAL IMPACT
There is no direct fiscal impact on the City.

OTHER OPTIONS
Do not adopt the resolution

ATTACHMENTS
Resolution 2016-14

RESOLUTION 2016-14

A RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE PROHIBITION OF UNMANNED DONATION BOXES WITHIN THE CITY LIMITS; PROVIDING FOR REMOVAL OF EXISTING BOXES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission has expressed an interest in the beautification and appearance of the City; and

WHEREAS, the proliferation of unmanned donation boxes in the city limits is detrimental to the overall appearance of the City; and

WHEREAS, the citizens of Lake Wales have an opportunity to recycle, reuse and repurpose household items through the services of the Care Center ; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA as follows:

1. The City Commission bans unmanned donation boxes within the corporate city limits.

2. Staff will notify all entities with boxes currently located within the city of the ban giving them forty-five (45) days to remove same.

3. Staff will notify all property owners where boxes are located making them aware of the ban and the forty-five (45) day removal timeframe.

4. Any boxes remaining after the forty-five (45) day time period will be removed by the city and the entity will be invoiced for cost incurred.

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Florida, at its regular meeting on November 16, 2010.

_____
Mayor/Commissioner, City of Lake Wales

ATTEST:

_____
City Clerk

MEMORANDUM

June 7, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Joe Jenkins, Fire Chief

RE: Resolution 2016-13 / Initial Assessment Resolution for Fire Protection Assessments

SYNOPSIS: The adoption of Resolution 2016-13 will establish the methodology used to calculate the fire assessment rate. Adoption of Resolution 2016-13 will set the initial assessment rate. A final assessment resolution will have to be adopted before the Fire Protection Assessment is implemented for the fiscal year beginning October 1, 2016.

RECOMMENDATION

It is recommended that the City Commission set the initial Fire Protection Assessment rate and adopt Initial Assessment Resolution 2016-13 providing for Fire Protection Assessments for fiscal year beginning October 1, 2016. Staff is recommending the following rate scenario:

45.25% funding	**$1,024,904 estimated net revenue**
Property Category	**Assessment Rate**
Single-Family	Per dwelling unit $146
Multi-Family	Per dwelling unit $72
Mobile Home	Per dwelling unit $129
Property Category	**Assessment Rate**
Commercial	Per Sq Ft $.06
Industrial/Warehouse	Per Sq Ft $.01
Institutional	Per Sq Ft $.08

The above rate scenario adds two additional residential categories that are not in the currently adopted Fire Protection Assessment. All categories with the exception of Industrial/Warehouse will see a reduction in fire assessment rates. The overall reduction in total estimated net revenue will be $249,524.

The City will yield the same revenue with a 12.25% reduction in the funding scenario due to the change in collection method. With the current direct billing method the city anticipated a collection rate of 80%. With the property tax bill method the city anticipates a collection rate in the mid to high 90% range.

BACKGROUND

On June16, 2015, the City Commission adopted Resolution 2015-09 which set the final Fire Protection Assessment rate for the fiscal year beginning October 1, 2015 as follows:

57.5% funding	**$1,274,428 estimated net revenue**
Property Category	**Assessment Rate**
Residential	Per dwelling unit $150
Property Category	**Assessment Rate**
Commercial	Per Sq Ft $.08
Industrial/Warehouse	Per Sq Ft $.01
Institutional	Per Sq Ft $.12

Last year the fire assessment fee was directly billed from the city with all subsequent years' assessments appearing on the property tax bill through the Polk County Tax Collectors Office.

OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

FISCAL IMPACT

The Fire Protection Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Assessment will not completely fund fire protection services, it will fund 45.25% of the fire department's budget.

ATTACHMENTS

Resolution 2016-13
Amended Fire Assessment Report

RESOLUTION 2016-13

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE SERVICES ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE ASSESSMENT COST AND INITIAL FIRE SERVICES ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFOR; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Wales, Florida has enacted Ordinance 2008-26, which authorizes annual imposition of Fire Services Assessments for fire protection services, facilities, and programs against Assessed Property within the City.

WHEREAS, the City desires to impose Fire Services Assessments for the funding of fire protection services, facilities, or programs providing special benefits to Assessed Property within the City.

WHEREAS, Ordinance 2008-26 defines and describes the initial proceeding, or Resolution, for the identification of the fire services assessed cost for which an assessment is to be made and for the imposition of a fire services assessment.

WHEREAS, the adoption of this Amended and Restated Initial Assessment Resolution serves the health, safety and general welfare of the residents of the City of Lake Wales, and therefore:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

Section 1. **Recitals**. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. **Authority.** This Resolution is adopted pursuant to the provisions of Ordinance 2008-26 and Section 197.3632, Florida Statutes, and other applicable provisions of law.

Section 3. **Purpose and Definitions.**

This Resolution constitutes the Amended and Restated Initial Assessment Resolution as defined in Ordinance 2008-26, which initiates the process for developing the Assessment Roll and directs the imposition of Fire Services Assessments for the Fiscal Year beginning October 1, 2016. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa. As used in this Resolution, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Building Area" means the total area of a building expressed in square feet and reflected on the Tax Roll or, in the event such information is not reflected or determined not to be accurately reflected on the Tax Roll, that area determined through the use of field verification.

"Building Use" means the use assigned to each building based upon the Building Improvement Codes used by the Polk County Property Appraiser and the Department of Revenue (DOR) Codes, and/or field verification.

"Code Descriptions" mean the code descriptions listed in the Situation Found Codes, Fixed Property Use Codes, the Building Improvement Codes, and the Department of Revenue (DOR) Codes, all as attached hereto and incorporated herein by reference as Appendices A, B, C, and D, respectively.

"Commercial Property" refers to those parcels with a Code Description designated as "Commercial" in the Improvement Codes as specified in Appendix C attached hereto, including property designated as Recreational Vehicle Parks regulated by Chapter 513, Florida Statutes and §166.223, Florida Statutes.

"Cost Apportionment" means the apportionment of the Fire Services Assessed Cost among all Property Use Categories according to the Demand Percentages established pursuant to the apportionment methodology described in Section 7 of this Amended and Restated Initial Assessment Resolution.

"Demand Percentage" means the percentage of demand for fire protection services, facilities, or programs attributable to each Property Use Category determined by analyzing the historical demand for fire protection services as reflected in Incident Reports in the State Database under the methodology described in Section 7 of this Amended and Restated Initial Assessment Resolution.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City as specified in Appendix D attached hereto.

"Dwelling Unit" means (1) a Building or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only; or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes for residential purposes.

"Emergency Medical Services" means those services recorded in Incident Reports that assign a "type of situation found" code of 300, 311, 320, 321, 322, 323, 510 and 541. The "type of situation found" codes are attached hereto as Appendix A and incorporated herein by reference.

"Emergency Medical Services Cost" means the amount, other than first response medical rescue services, determined by the City to be associated with Emergency Medical Services.

"Estimated Fire Services Assessment Rate Schedule" means that rate schedule specifying the Fire Services Assessed Costs and the estimated Fire Services Assessments established in Section 9 of this Amended and Restated Initial Assessment Resolution.

"Fire Services Assessment" means the special assessment authorized by the City Commission to be imposed against assessed property to fund all or any portion of the cost of the provision of fire

protection services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the use or characteristics of the assessed property.

"FFIRS" means the Florida Fire Incident Reporting System maintained by the Florida State Fire Marshall. The City uses the FFRS to report and maintain computerized records of the fire protection incidents and other department activities in a uniform manner.

"Fire Services Assessed Cost" means the costs to be assessed as defined in the Ordinance, and more specifically defined as follows:

(1) the amount determined by the City Commission to be assessed in any fiscal year to fund all or any portion of the cost of the provision of fire services, facilities, or programs which provide a special benefit to assessed property, and shall include, but not be limited to, the following components: (A) the cost of physical construction, reconstruction or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of all lands and interests therein, leases, property rights, easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys, and estimates of costs; (K) the cost of engineering, financial, legal, and other professional services; (L) the cost of compliance with any contracts or agreements entered into by the City to provide fire services; (M) all costs associated with the structure, implementation, collection, and enforcement of the fire services assessments, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early payment of fire services assessments pursuant to the Uniform Assessment Collection Act or for early payment of fire services assessments collected pursuant to the Ordinance; (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the City Commission by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible fire services assessments; and (P) reimbursement to the City or any other person for any moneys advanced for any costs incurred by the City or such person in connection with any of the foregoing components of fire services assessed cost.

(2) In the event the City also imposes an impact fee upon new growth or development for fire services related capital improvements, the fire services assessed cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees.

(3) In no event shall the Fire Services Assessed Cost include costs for the provision of emergency medical services by the City.

"Fixed Property Use Codes" mean the property use codes used by FFIRS as specified in Appendix B attached hereto.

"Incident Report" means an individual report filed with the Florida State Fire Marshal under FFIRS that documents a City Fire Services service response, the type of situation found, and the property response address.

"Industrial/Warehouse Property" means those Tax Parcels with a Code Description designated as "Industrial/Warehouse" in the Improvement Codes as specified in Appendix C attached hereto.

"Institutional Property" means those Tax Parcels with a Code Description designated as "Institutional" in the Improvement Codes as specified in Appendix C attached hereto.

"Mixed Use Property" means a Tax Parcel that contains buildings whose use descriptions are capable of assignment under a Code Description in more than one Property Use Category in the Improvement Codes.

"Mobile Home Park Property" means (1) a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more mobile homes; and (2) licensed by the Department of Health of the State of Florida or its successor, to function as a "mobile home park" under Chapter 513, Florida Statutes, as may be amended from time to time.

"Mobile Home Property" means those Tax Parcels with a Code Description designated as "Mobile Home" in the Improvement Codes as specified in Appendix C attached hereto.

"Multi-Family Property" means those Tax Parcels with a Code Description designated as "Multi-Family" in the Improvement Codes as specified in Appendix C attached hereto.

"Non-Residential Property" means, collectively, Commercial Property, Industrial/Warehouse Property, and Institutional Property.

"Parcel Apportionment" means the further apportionment of the Fire Services Assessed Cost allocated to each Property Use Category by the Cost Apportionment among the Tax Parcels under the methodology established in Section 8 of this Amended and Restated Initial Assessment Resolution.

"Property Use Categories" means, collectively, Residential Property and Non-Residential Property.

"Recreational Vehicle Park Property" means (1) a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and (2) licensed by the Department of Health of the State of Florida or its successor, to function as a "recreational vehicle park" or "lodging park" under Chapter 513, Florida Statutes, as may be amended from time to time.

"Residential Property" means, collectively, Single Family Property, Multi-Family Property and Mobile Home Property.

"Single Family Property" means those Tax Parcels with a Code Description designated as "Single Family" in the Improvement Codes as specified in Appendix C attached hereto.

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

Section 4. Provision and Funding of Fire Protection Services.

(A) Upon the imposition of a Fire Services Assessment for fire protection services, facilities, or programs against Assessed Property located within the geographic area of the City, the City shall provide such fire protection services, facilities, or programs. A portion of the cost to provide such fire protection services, facilities, or programs shall be funded from proceeds of the Fire Services Assessments. The remaining cost required to provide fire protection services, facilities, and programs shall be funded by legally available City revenues other than Fire Services Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the geographic area of the City will be benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Services Assessment imposed against such parcel, computed in the manner set forth in this Amended and Restated Initial Assessment Resolution.

Section 5. Imposition and Computation of Fire Services Assessments.

Fire Services Assessments shall be imposed within the City until discontinued or changed. Fire Services Assessments shall be computed in a manner set forth in this Amended and Restated Initial Assessment Resolution unless discontinued or changed.

Section 6. Legislative Determinations of Special Benefit and Fair Apportionment.

It is hereby ascertained and declared that the City's fire protection services, facilities, and programs provide a special benefit to assessable property based upon the following legislative determinations and based upon the *City of Lake Wales Fire Amended Assessment Memorandum* dated May 2016, prepared by Government Services Group, Inc., which report is hereby incorporated herein by reference.

General

(A) Upon the adoption of this Amended and Restated Initial Assessment Resolution determining the Fire Services Assessed Costs and identifying the Assessable Property to be included in the Assessment Roll, the legislative determinations ascertained and declared in Section 10.5-4 of the Ordinance are hereby ratified and confirmed.

(B) Fire protection services possess a logical relationship to the use and enjoyment of property by: (1) protecting the value and integrity of the improvements and structures through the provision of available fire protection services; (2) protecting the life and safety of intended occupants in the use and enjoyment of property; (3) lowering the cost of fire insurance by the presence of a professional comprehensive Fire Services program within the City; and (4) containing the spread of fire incidents occurring on unimproved property with the potential to spread and endanger property and property features.

(C) The availability and provision of comprehensive fire services enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and, ultimately, property values.

(D) It is fair and reasonable to use the Improvement Codes and the DOR Codes for the Cost Apportionment and the Parcel Apportionment because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and Building Area for improved property within the City, and (2) the Tax Roll database employing the use of such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll. This compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Assessment Collection Act.

(E) The data available in the Improvements Codes is more useful and accurate to determine Building Area than relying exclusively upon the data maintained in the DOR Codes alone because (1) the data maintained in the Improvement Codes reveals the existence of a Building with a different use than the use described on the DOR Code, and (2) the Improvements Codes represent records maintained by the Property Appraiser with the most information relative to Building Area regardless of property use.

Cost Apportionment

(F) Apportioning Fire Services Assessed Costs among classifications of property based upon historical demand for fire services, but not Emergency Medical Services, is a fair and reasonable method of Cost Apportionment because it reflects the property uses' potential fire risk based upon Building Use and is a reasonable proxy for the amount of fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the City's standards and practices.

(G) It is fair and reasonable and consistent with the decision from the Florida Supreme Court in the case of *City of North Lauderdale v. SMM Properties, Inc.*, 825 So. 2d 343 (Fla. 2002), to exclude from the Fire Services Assessed Cost amounts determined to constitute Emergency Medical Services Cost.

(H) Apportioning the Fire Services Assessed Cost among classifications of improved property based upon historical demand for fire protection services, but not Emergency Medical Services, is fair and reasonable and proportional to the special benefit received, and will ensure that no property is assessed an amount greater than the special benefit received.

(I) The Fire Service Incident Reports are the most reliable data available to determine the potential demand for fire protection services from property use and to determine the benefit to property use resulting from the availability of fire protection services to protect and serve Buildings located within Assessable Property and their intended occupants. There exist sufficient Fire Service Incident Reports that document the historical demand for fire services from Assessable Property within the Property Use Categories. The Demand Percentage that has been determined for each Property Use Category by an examination of such Fire Service Incident Reports is consistent with the experience of the City. Therefore, the use of Demand Percentages that were determined by an examination of Fire Services Incident Reports is a fair and reasonable method to apportion the Fire Services Assessed Costs among the Property Use Categories.

(J) The level of services required to meet anticipated demand for fire services and the corresponding annual fire services budget required to fund fire services provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific property uses. Therefore, it is fair and reasonable to omit from the Demand Percentage calculation the Fire Services Incident Reports documenting fire services provided to non-specific property uses.

(K) Because of the urbanized character of the City, the suppression of fires on vacant property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel. Therefore, it is fair and reasonable not to apportion any of the assessed costs to vacant property, thus, incidents to vacant property were not included in the final analysis of the fire call database.

Residential Parcel Apportionment

(L) Neither the size nor the value of the Residential Property determines the scope of the required fire services response. The potential demand for fire services is driven by the existence of a Dwelling Unit and the anticipated average occupant population.

(M) Apportioning the Fire Services Assessed Costs for fire services attributable to Residential Property on a per Dwelling Unit basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of Parcel Apportionment based upon historical call data.

Non-Residential Parcel Apportionment

(N) The assessment of Non-Residential Property by actual square footage is fair and reasonable for the purpose of Parcel Apportionment because the demand for fire service, fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment is determined and measured by the square footage of structures and improvements within benefited parcels.

(O) The greater the Building Area, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of a fire in a structure of that Building's size. Therefore, it is fair and reasonable to use Building Area as a proxy for determining the Tax Parcel's Fire Services Assessment.

(P) Section 166.223, Florida Statutes, mandates that the City treat Recreational Vehicle Park property as Commercial Property for non-ad valorem special assessments levied by the City. Thus, it is fair and reasonable to treat each space within Recreational Vehicle Park property as a Building of Commercial Property and assign the square footage of 191 square feet, the average size of a recreational vehicle according to the Florida Association of RV Parks and Campgrounds.

(Q) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and membership as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon Buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located

upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(R) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon such parcels of Government Property.

(S) Government Property that is owned by federal government mortgage entities, such as the VA and HUD due to foreclosures, are not serving a governmental purpose or providing a public benefit but are instead being held by these federal government mortgage entities in a proprietary capacity. Accordingly, these properties shall not be considered Government Property for purposes of the Fire Services Assessments and shall not be afforded an exemption from the Fire Services Assessment that is granted to other Government Property.

(T) As a consequence of the transient use and potential extraordinary vacancies within Mobile Home Park property and Recreational Vehicle Park property and the lack of demand for Fire Services for unoccupied spaces, it is fair and reasonable to provide for an extraordinary vacancy adjustment procedure for Mobile Home Park property and Recreational Vehicle Park property.

Section 7. Cost Apportionment Methodology.

(A) The City examined the Code Descriptions in the Fixed Property Use Codes in the Fire Service Incident Reports related to the type of calls and physical location of each call and using FFIRS data where available or verification of the physical location indicated in the Fire Services Incident Reports, the City assigned Fire Services incidents to specific properties located within the City by correlating these Code Descriptions to the DOR Codes and Improvement Codes.

(B) Based upon such assignment of Fire Services Incident Reports to specific properties, the number of Fire Services Incident Reports filed within a sampling period was determined for each Property Use Category. A Demand Percentage was then determined for each Property Use Category by calculating the percentage that Fire Services Incident Reports allocated to each Property Use Category bear to the total number of Fire Services Incident Reports documented for all Property Use Categories within the sampling period (Calendar Year 2014).

(C) A Cost Factor to each Property Use Category was determined based upon the Incident Reports and the average time that personnel and equipment were out of service for each Property Use Category for the Fire Services was identified.

(D) Based upon this analysis, the following Cost Factors were calculated:

Category	Average Call Duration	Relative Weighting Factor
Single Family Residential	16.31	1
Multi-Family Residential	17.37	1.07
Mobile Home	36.92	2.26
Commercial	16.71	1.03
Industrial/Warehouse	17.33	1.06

Institutional	14.24	0.87

(E) It is fair and reasonable to use a Cost Factor in calculating the Demand Percentage because it reflects the varying costs that are associated with the City's fire protection responses for the different Property Use Categories.

(F) The weighted Demand Percentage for each Property Use Category was then applied to the Fire Services Assessed Costs and the resulting product is the cost allocation of that portion of the Fire Services Assessed Costs allocated to each individual Property Use Category as follows:

Cost Apportionment

Category	Number of Incidents	Factor	Weighted Calls	Weighted Percentage	Five-Year Average Assessable Costs
Single-Family Residential	261	1	261	51.36%	$1,308,539
Multi-Family Residential	60	17.37	1.07	12.57%	$320,316
Mobile Home	12	2.26	27.17	5.35%	$136,218
Commercial	93	1.03	95.28	18.75%	$477,692
Industrial/Warehouse	3	1.06	3.19	0.63%	$15,993
Institutional	66	0.87	57.63	11.34%	$288,931
Total	**495**		**508.16**	**100%**	**$2,547,690**

Section 8. Parcel Apportionment Methodology.

(A) The apportionment among Tax Parcels of that portion of the Fire Services Assessed Costs apportioned to each Property Use Category under the Cost Apportionment shall be consistent with the Parcel Apportionment methodology described and determined in this Section 8.

(B) It is hereby acknowledged that the Parcel Apportionment methodology is to be applied in the calculation of the estimated Fire Services Assessment rates established in Section 9 of this Amended and Restated Initial Assessment Resolution. The Partial Apportionment is summarily described as:

(C) The Cost Apportionment to each Property Use Category and to Mixed Use Property shall be apportioned among the Tax Parcels within each Property Use Category and to Mixed Use Property Tax Parcels as follows:

Parcel Apportionment within Property Use Categories

Category	Parcel Apportionment
Residential - Single Family - Multi-Family - Mobile Home	Dwelling Unit
Non-Residential - Commercial - Industrial/Warehouse - Institutional	Square Footage (capped at 125,500)

(1) RESIDENTIAL PROPERTY. The Fire Services Assessment for each Tax Parcel of Residential Property shall be computed by multiplying the Demand Percentage attributable to each Residential Property Use Category by the Fire Services Assessed Costs, dividing such product by the total number of Dwelling Units in the Residential Property Use Category, and then multiplying such quotient by the number of Dwelling Units located on such Tax Parcel.

(2) NON-RESIDENTIAL PROPERTY. The Fire Services Assessments for each Tax Parcel of Non-Residential Property, except Recreational Vehicle Park Property, shall be computed as follows:

(a) Multiply the Fire Services Assessed Costs by the Demand Percentage attributable to the Non-Residential Property Use Category. The resulting dollar amount reflects the portion of the City's Fire Services budget to be funded from Fire Services Assessment revenue derived from the Non-Residential Property Use Category.

(b) Add the Building Area square footage of all the Tax Parcels in the Non-Residential Property Use Category. This sum reflects the aggregate square footage for the Non-Residential Property Use Category.

(c) Divide the sum of the square footage determined above by the total assessable costs for the Non-Residential Property Use Category calculated in (a) above. The resulting quotient expresses a dollar amount per square foot of Building Area.

(d) For each Tax parcel in the Non-Residential Property Use Category, multiply the applicable square foot rate by the number of square feet on each Tax Parcel. The resulting product is the amount of Fire Services Assessments to be imposed on each Tax Parcel of Non-Residential Property.

(3) RECREATIONAL VEHICLE PARK PROPERTY. The Fire Services Assessments for each Tax parcel of Recreational Vehicle Park property shall be computed as follows:

(a) Aggregate the amount of square footage for each Tax Parcel of Recreational Vehicle Park, with recreational vehicle spaces, as reported to the Department of Health, at 191 square feet each, and actual Building Area for all other Buildings.

(b) For each Tax parcel of Recreational Vehicle Park property, multiply the applicable square foot rate determined in Non-Residential Property subsection (c)(2) of this Section 8 for Commercial Property by the number of square feet on each Tax Parcel. The resulting product is the amount of Fire Services Assessments to be imposed on each Tax Parcel of Recreational Vehicle Park Property.

(4) MIXED USE PROPERTY. The Fire Services Assessments for each Tax Parcel classified in two or more Property Use Categories shall be the sum of the Fire Services Assessments computed for each Property Use Category.

Section 9. Determination of Fire Services Assessed Costs; Establishment of Initial Fire Services Assessments.

(A) The Fire Services Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year beginning October 1, 2016, is $1,152,830.

(B) The estimated Fire Services Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimate Fire Services Assessed Cost for the Fiscal Year beginning October 1, 2016, are hereby established as follows for the purpose of this Amended and Restated Initial Assessment Resolution:

Preliminary Fire Services Assessment Rates (45.25% of Assessable Costs)

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	$146.00
Multi-Family	$72.00
Mobile Home	$129.00
Non-Residential Property Use Categories	**Rate Per Square Foot**
Commercial	$0.06
Industrial/Warehouse	$0.01
Institutional	$0.08

The Estimated Gross Revenue for Fiscal Year 2016-17 is $1,152,830; estimated exempt buy-down is $127,925; Estimated Net Revenue therefore is $1,024,904.

(C) No Fire Services Assessment shall be imposed upon a parcel of Government Property or upon Buildings located upon parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law; however, Government Property that is owned by federal mortgage entities such as VA and HUD shall not be exempt from Fire Services Assessment.

(D) Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed, the sole remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Commission.

(E) The approval of the Estimated Fire Services Assessment Rate Schedule by the adoption of this Amended and Restated Initial Assessment Resolution determines the amount of the Fire Services Assessed Costs. The remainder of such Fiscal Year budget for fire services, facilities, and programs shall be funded from available City revenue other than Fire Services Assessment proceeds.

(F) The estimated Fire Services Assessments specified in the Estimated Fire Services Assessment Rate Schedule are hereby established to fund the specified Fire Services Assessed Costs determined to be assessed for the Fiscal Year 2016-17. No portion of such Fire Services Assessed Costs are attributable to impact fee revenue that funds capital improvements necessitated by new growth

or development. Further, no portion of such Fire Services Assessed Costs are attributable to the Emergency Medical Services Cost. The remaining costs required to provide fire protection services, facilities, and programs shall be funded by available City revenues other than Fire Services Assessment proceeds.

(G) The estimated Fire Services Assessments established in this Amended and Restated Initial Assessment Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the preliminary Assessment Roll for the Fiscal Year commencing October 1, 2016, as provided in Section 10 of this Amended and Restated Initial Assessment Resolution.

Section 10. Assessment Roll.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the Fiscal Year commencing October 1, 2016, in the manner provided in Ordinance 2008-26. The Assessment Roll shall include all Assessed Property. The City Manager shall apportion the estimated Fire Services Assessed Cost to be recovered through the Fire Services Assessments in the manner set forth in this Amended and Restated Initial Assessment Resolution.

(B) A copy of Ordinance 2008-26, this Amended and Restated Initial Assessment Resolution, documents related to the estimated amount of the Fire Services Assessed Cost to be recovered through the imposition of Fire Services Assessments, and the preliminary Assessment Roll shall be maintained on file in the Office of the City Manager and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method for determining the Fire Services Assessments for fire protection services as set forth in this Amended and Restated Initial Assessment Resolution is a fair and reasonable method of apportioning the Fire Services Assessed Cost among parcels of Assessed Property within the City.

(D) In addition, the City Manager shall identify and include in the updated Assessment Roll any delinquent amounts attributable to each Tax Parcel for Fire Services Assessments imposed for the Fiscal Year commencing October 1, 2015, that remain unpaid as of July 15, 2016, along with the estimated Fire Services Assessment for such Tax Parcel for the upcoming Fiscal Year as approved and applied in accordance with this Amended and Restated Initial Assessment Resolution. All delinquent Fire Services Assessments for the Fiscal Year commencing October 1, 2015, remain due and payable to the City and are hereby ratified and confirmed.

Section 11. Authorization of Public Hearing.

There is hereby established a public hearing to be held at 6:00 p.m. on Tuesday, September 6, 2016, at the City Administration Building, 201 W. Central Avenue, Lake Wales, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessment from the public and affected property owners and consider imposing the Fire Services Assessments for the Fiscal Year commencing October 1, 2016, collecting such assessments imposed on Tax Parcels within the City by utilization of the Uniform Assessment Collection Act.

Section 12. Notice by Publication.

The City Manager shall publish notice of the public hearing authorized by Section 11 hereof in the manner and time provided in Section 10.5-8 of Ordinance 2008-26. The notice shall be published no later than August 15, 2016, in substantially the form attached hereto as Appendix E.

Section 13. Notice by Mail.

The City Manager shall also provide or direct notice be provided by first class mail to the owner of each parcel of Assessed Property, as required by Section 10.5-9 of Ordinance 2008-26, in substantially the form attached hereto as Appendix F. Such notices shall be mailed no later than August 15, 2016**.**

If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

Section 14. Method of Collection.

It is hereby declared that the Fire Services Assessments imposed on Tax Parcels in the City shall be collected pursuant to the Uniform Assessment Collection Act for the Fiscal Year commencing October 1, 2016.

Section 15. Application of Assessment Proceeds.

Proceeds derived by the City from the Fire Services Assessments will be utilized for the provision of fire protection services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities and programs.

Section 16. Severability.

It is the intent of the City Commission of the City of Lake Wales, that if any section, sentence, clause, phrase or provision of this Resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Resolution.

Section 17. Conflicts.

In any case where a provision of this Resolution is found to be in conflict with a provision of any other resolution of this City, the provisions of this Resolution shall prevail.

Section 18. Effective Date.

This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ___day of _____, 2016, by the City Commission of the City of Lake Wales, Polk County, Florida, at a regular Commission meeting.

Attest:

_____	_____
Clara VanBlargan, MMC, City Clerk	Eugene Fultz, Mayor
City of Lake Wales	City of Lake Wales

Approved as to form:

_____

Albert C. Galloway, Jr., City Attorney
City of Lake Wales

APPENDIX A

SITUATION FOUND CODES AND DESCRIPTIONS

Situation Found Code	Description	EMS Type Call
100	Fire, Other	No
111	Building Fire	No
113	Cooking fire, confined to a container	No
118	Trash or rubbish fire, contained	No
121	Fire in mobile home used as a fixed residence	No
122	Fire in mobile home, camper, recreational vehicle	No
130	Mobile property (vehicle) fire, other	No
131	Passenger vehicle fire	No
138	Off Road vehicle or heavy equipment fire	No
140	Natural vegetation fire	No
141	Forest, woods or wildland fire	No
142	Brush, or brush and grass mixture fire	No
143	Grass fire	No
151	Outside rubbish, trash or waste fire	No
154	Dumpster or other outside trash receptacle fire	No
160	Special outside fire, other	No
161	Outside storage fire	No
162	Outside equipment fire	No
251	Excessive heat, scorch burns with no ignition	No
300	Rescue, EMS call, other	Yes
311	Medical assist, assist EMS crew	Yes
320	Allergic reaction	Yes
321	EMS call, excluding vehicle accident with injury	Yes
322	Vehicle accident with injuries	Yes
323	Motor vehicle/pedestrian accident (MV Ped)	Yes
324	Motor Vehicle Accident, No Injuries	No
352	Extrication of victim(s) from vehicle	No
353	Removal of victim(s) from stalled elevator	No
357	Extrication of victim(s) from machinery	No
361	Swimming/recreational water areas rescue	No
365	Watercraft rescue	No
400	Hazardous condition, other	No
411	Gasoline or other flammable liquid spill	No
412	Gas leak	No
413	Oil or other combustible liquid spill	No
440	Electrical wiring/equipment problem, other	No
441	Heat from short circuit (wiring), defective/worn	No
442	Overheated motor	No
443	Light ballast breakdown	No
444	Power line down	No
445	Arcing, shorted electrical equipment	No
500	Service call, other	No
510	Person in distress, other	Yes
511	Lock-out	No
522	Water or steam leak	No
531	Smoke or odor removal	No
550	Public service assistance, other	No
551	Assist police or other governmental agency	No
552	Police matter	No

Situation Found Code	Description	EMS Type Call
553	Public service	No
554	Assist invalid	Yes
561	Unauthorized burning	No
600	Good intent call, other	No
611	Dispatched & canceled en route	No
6111	Dispatched & canceled en route	No
621	Wrong location	No
622	No incident found upon arrival	No
631	Authorized controlled burning	No
650	Steam, other gas mistaken for smoke, other	No
651	Smoke scare, odor of smoke	No
671	Hazmat release investigation w/no hazmat	No
700	False alarm or false call, other	No
710	Malicious, mischievous false call, other	No
715	Local alarm system, malicious false alarm	No
730	System malfunction	No
733	Smoke detector activation due to malfunction	No
735	Alarm system sounded due to malfunction	No
736	CO detector activation due to malfunction	No
740	Unintentional transmission of alarm, other	No
741	Sprinkler activation, no fire - unintentional	No
743	Smoke detector activation, no fire - unintentional	No
744	Detector activation, no fire - unintentional	No
745	Alarm system sounded, no fire - unintentional	No
814	Lightning strike (no fire)	No
911	Citizen complaint	No

APPENDIX B

FIXED PROPERTY USE CODES AND DESCRIPTIONS

Fixed Property Use Code	Description	Category Assigned
100	UNKNOWN OTHER	NON-SPECIFIC
110	FIXED USE RECREATION, OTHER	COMMERCIAL
111	BOWLING ESTABLISHMENT	COMMERCIAL
116	SWIMMING FACILITY	COMMERCIAL
120	VARIABLE USE AMUSEMENT/RECREATION	COMMERCIAL
121	BALLROOM,GYMNASIUM	COMMERCIAL
131	CHURCH/CHAPEL	INSTITUTIONAL
141	ATHLETIC CLUB/YMCA	INSTITUTIONAL
142	CLUB HOUSE	COMMERCIAL
150	PUBLIC, GOVT, OTHER	INSTITUTIONAL
154	MEMORIAL STRUCTURE,MONUMENT	INSTITUTIONAL
161	RESTAURANT	COMMERCIAL
162	NIGHTCLUB	COMMERCIAL
171	AIRPORT TERMINAL	COMMERCIAL
182	AUDITORIUM, CONCERT HALL	COMMERCIAL
183	MOVIE THEATER	COMMERCIAL
210	SCHOOLS NON-ADULT OTHER	INSTITUTIONAL
211	PRE-SCHOOL	INSTITUTIONAL
213	ELEMENTARY SCHOOL	INSTITUTIONAL
215	HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL	INSTITUTIONAL
234	REHABILITATION CENTER	INSTITUTIONAL
241	COLLEGE/UNIVERSITY	INSTITUTIONAL
254	DAY CARE-IN COMMERCIAL PROPERTY	COMMERCIAL
255	DAY CARE-IN RESIDENCE-LICENSED	COMMERCIAL
300	HEALTHCARE/DETENTION OTHER	INSTITUTIONAL
311	CARE OF THE AGED/NURSING STAFF	INSTITUTIONAL
331	HOSPITAL-MEDICAL/PSYCHIATRIC	INSTITUTIONAL
340	CLINICS, OTHER	INSTITUTIONAL
341	CLINIC, CLINIC-TYPE INFIRMARY	INSTITUTIONAL
342	DOCTOR/DENTIST/SURGEONS OFFICE	COMMERCIAL
343	HEMODIALYSIS UNIT	INSTITUTIONAL
345	POLICE STATION	INSTITUTIONAL
361	JAIL/PRISON - NOT JUVENILE	INSTITUTIONAL
365	POLICE STATION	INSTITUTIONAL
400	RESIDENTIAL OTHER	SINGLE FAMILY RESIDENTIAL
419	ONE- AND TWO-FAMILY DWELLING	SINGLE FAMILY RESIDENTIAL
429	MULTI-FAMILY DWELLINGS	MULTI-FAMILY RESIDENTIAL
439	ROOMING, BOARDING, RESIDENTIAL HOTELS	MULTI-FAMILY RESIDENTIAL
449	HOTELS, MOTELS, INNS, LODGES	COMMERCIAL
459	RESIDENTIAL BOARD AND CARE	MULTI-FAMILY RESIDENTIAL
460	DORMITORIES OTHER	INSTITUTIONAL
500	MERCANTILE PROPERTIES OTHER	COMMERCIAL
511	CONVENIENCE STORE	COMMERCIAL
519	FOOD, BEVERAGE SALES, GROCERY STORE	COMMERCIAL

Fixed Property Use Code	Description	Category Assigned
529	TEXTILE, WEARING APPAREL SALES	COMMERCIAL
539	HOUSEHOLD GOODS SALES, REPAIRS	COMMERCIAL
549	SPECIALTY SHOPS	COMMERCIAL
557	BARBER, BEAUTY SHOP, PERSONAL SERVICES	COMMERCIAL
559	RECREATIONAL, HOBBY,HOME SALES, PET STORE	COMMERCIAL
564	SELF-SERVICE LAUNDRY/DRY CLEANING	COMMERCIAL
571	SERVICE STATION	COMMERCIAL
579	MOTOR VEHICLE, BOAT SALES/SERVICE/REPAIRS	COMMERCIAL
580	GENERAL ITEM STORES, OTHER	COMMERCIAL
581	DEPARTMENT STORE	COMMERCIAL
591	GENERAL BUSINESS OFFICE	COMMERCIAL
592	BANK W/FIRST STORY BANKING FACILITY	COMMERCIAL
593	MEDICAL, RESEARCH, SCIENTIFIC OFFICE	COMMERCIAL
596	POST OFFICE OR MAILING FORMS	INSTITUTIONAL
599	BUSINESS OFFICES	COMMERCIAL
600	BASIC INDUSTRY, UTILITY, DEFENSE OTHER	INDUSTRIAL/WAREHOUSE
631	NATIONAL DEFENSE SITE/MILITARY SITE	INSTITUTIONAL
640	UTILITY, ENERGY DISTRIBUTION CNTR OTHER	INDUSTRIAL/WAREHOUSE
650	UNKNOWN AGRICULTURE	AGRICULTURAL
655	CROPS, ORCHARDS	AGRICULTURAL
700	MANUFACTURING PROPERTY, PROCESSING	INDUSTRIAL/WAREHOUSE
807	OUTSIDE MATERIAL STORAGE AREA	NON-SPECIFIC
882	GENERAL VEHICLE PARKING GARAGE	INDUSTRIAL/WAREHOUSE
899	RESIDENTIAL OR SELF STORAGE UNITS	INDUSTRIAL/WAREHOUSE
900	OUTSIDE, SPECIAL PROPERTIES; OTHER	NON-SPECIFIC
931	OPEN LAND, FIELD	VACANT
936	VACANT LOT	VACANT
937	BEACH	NON-SPECIFIC
938	GRADED AND CARED FOR PLOTS OF LAND	AGRICULTURAL
946	LAKE/RIVER/STREAM	NON-SPECIFIC
951	RAILROAD RIGHT OF WAY	NON-SPECIFIC
960	STREET, OTHER	NON-SPECIFIC
961	DIVIDED HIGHWAY, HIGHWAY	NON-SPECIFIC
962	PAVED PUBLIC STREET, RESIDENTIAL	NON-SPECIFIC
963	PAVED PRIVATE STREET, COMMERCIAL	NON-SPECIFIC
965	UNCOVERED PARKING AREA	NON-SPECIFIC
972	AIRCRAFT RUNWAY	COMMERCIAL
UUU	UNDETERMINED	NON-SPECIFIC
MH	MOBILE HOME	MOBILE HOME

APPENDIX C

POLK COUNTY PROPERTY APPRAISER
BUILDING IMPROVEMENT CODES AND USE DESCRIPTIONS

BUC Codes and Description	Category
1101 - DORMITORY	Institutional
1102 - DORMITORY - FINISHED BASEMENT	Institutional
1103 - APARTMENT	Multi-family
1107 - HOME FOR THE ELDERLY	Nursing Home
1109 - HOTEL - FULL SERVICE	Commercial
1111 - CLUBHOUSE	Commercial
1112 - CLUBHOUSE - SEMIFINISHED BASEMENT	Commercial
1113 - HEALTH CLUB	Commercial
1114 - HOTEL - LIMITED SERVICE	Commercial
1115 - COUNTRY CLUB	Institutional
1116 - COUNTRY CLUB - FINISHED BASEMENT	Institutional
1119 - GROUP CARE HOME	Nursing Home
1121 - MORTUARY	Institutional
1123 - ROOMING HOUSE	FW
1129 - SHELL APARTMENT	FW
1202 - MOTEL - EXTENDED STAY	Commercial
1203 - MOTEL	Commercial
1205 - OFFICE - APARTMENT	Commercial
1207 - MULT RESIDENCE - ELDERLY ASSISTED LIVING	Nursing Home
1208 - LODGE	FW
1209 - MULT RESID - ELDER ASSIST LIVING FINBSMT	FW
1210 - GUEST COTTAGE	FW
1212 - BED & BREAKFAST INN	Commercial
1214 - MULTIPLE RESIDENCE	Multi-family
1215 - MULTIPLE RESIDENCE - FINISHED BASEMENT	FW
1216 - SENIOR CITIZEN TOWNHOUSE - GAME RM BSMT	FW
1219 - RETIREMENT COMMUNITY COMPLEX	FW
1220 - SINGLE FAMILY RESIDENCE	Single Family
1226 - BATH HOUSE	FW
1240 - SINGLE FAMILY RESID - HIGH VAL - FIN BSM	Single Family
1301 - BAR/TAVERN	Commercial
1303 - COCKTAIL LOUNGE	Commercial
1305 - RESTAURANT	Commercial
1306 - RESTAURANT - FINISHED BASEMENT	Commercial
1307 - CAFETERIA	Commercial
1309 - SNACK BAR	Commercial
1311 - FAST FOOD RESTAURANT	Commercial
1313 - CONVENIENCE MARKET	Commercial
1314 - TRUCK STOP	Commercial
1315 - MINI-MART/CONVENIENCE STORE	Commercial
1316 - DINING ATRIUM	Commercial
1317 - MARKET	Commercial
1319 - FLORIST SHOP	Commercial
1320 - ROADSIDE MARKET	Commercial
1321 - DISCOUNT STORE	Commercial
1323 - WAREHOUSE DISCOUNT	Commercial
1325 - WAREHOUSE SHOWROOM STORE	Commercial
1329 - RETAIL STORE	Commercial

BUC Codes and Description	Category
1330 - MALL ANCHOR DEPARTMENT STORE	Commercial
1331 - DEPARTMENT STORE	Commercial
1332 - DEPARTMENT STORE - DISPLAY BASEMENT	Commercial
1333 - BARBER SHOP / BEAUTY SALON	Commercial
1334 - DRUGSTORE	Commercial
1335 - LAUNDROMAT	Commercial
1337 - LAUNDRY - DRY CLEANER	Commercial
1341 - SHOPPING CENTER - NEIGHBORHOOD	Commercial
1343 - MIXED RETAIL W/ RES UNITS	Mixed Use Comm
1344 - MIXED RETAIL W/ OFFICE UNITS	FW
1347 - SHOPPING CENTER - REGIONAL	Commercial
1351 - SHELL COMMUNITY CENTER	Commercial
1355 - SUPERMARKET	Commercial
1401 - LOFT	FW
1403 - INDUSTRIAL FLEX BUILDING	FW
1405 - INDUSTRIAL LIGHT MANUFACTURING	Industrial/Warehouse
1407 - INDUSTRIAL HEAVY MANUFACTURING	Industrial/Warehouse
1409 - ENGINEERING & RESEARCH BUILDING	FW
1411 - LABORATORY BUILDING	FW
1413 - COMPUTER CENTER	FW
1414 - ENGINEERING & RESEARCH - DISPLAY BASEMEN	FW
1415 - BROADCASTING FACILITY	FW
1416 - PASSENGER TERMINAL	Commercial
1417 - ARMORY - FINISHED BASEMENT	Institutional
1418 - POST OFFICE - MAIN	Institutional
1419 - POST OFFICE - BRANCH	Institutional
1421 - DISTRIBUTION WAREHOUSE	Industrial/Warehouse
1422 - MEGA WAREHOUSE	Industrial/Warehouse
1423 - TRANSIT WAREHOUSE	Industrial/Warehouse
1425 - COLD STORAGE FACILITY	Industrial/Warehouse
1427 - STORAGE WAREHOUSE	Industrial/Warehouse
1429 - MINI-WAREHOUSE	Industrial/Warehouse
1431 - HI-RISE MINIWAREHOUSE	Industrial/Warehouse
1432 - CREAMERY	Industrial/Warehouse
1433 - ENGINEERING & RESEARCH - DISPLAY MEZZANI	FW
1435 - MAINTENANCE HANGAR	Industrial/Warehouse
1437 - STORAGE HANGAR	Industrial/Warehouse
1439 - T-HANGAR	Industrial/Warehouse
1441 - COMPLETE AUTO DEALERSHIP	Commercial
1445 - MINI-LUBE GARAGE	FW
1447 - STORAGE GARAGE	FW
1449 - SERVICE (REPAIR) GARAGE	Commercial
1451 - SERVICE GARAGE SHED	FW
1453 - AUTOMOTIVE SERVICE CENTER	Commercial
1455 - SHOWROOM	Commercial
1457 - PARKING STRUCTURE	Industrial/Warehouse
1463 - SHELL BUILDING - OPEN MEZZANINE	FW
1465 - INDUSTRIAL BUILDING - INTERIOR BUILD-OUT	Industrial/Warehouse

BUC Codes and Description	Category
1466 - MECHANICAL BUILDING	Industrial/Warehouse
1468 - TELEPHONE BUILDING	FW
1471 - CAR WASH - CANOPY	FW
1501 - OFFICE BUILDING	Commercial
1503 - PARKING LEVEL	Industrial/Warehouse
1504 - OFFICE BUILDING - OFFICE BASEMENT	Commercial
1505 - OFFICE BUILDING - OFFICE MEZZANINE	Commercial
1510 - CENTRAL BANK	Commercial
1512 - MINI-BANK	Commercial
1514 - BANK BRANCH -	Commercial
1516 - MEDICAL BUILDING	Commercial
1518 - DENTAL OFFICE/CLINIC	Commercial
1521 - MEDICAL BUILDING - FINISHED BASEMENT	Institutional
1522 - GENERAL HOSPITAL	Institutional
1524 - SURGICAL CENTER - FINISHED BASEMENT	Institutional
1526 - CONVALESCENT HOSPITAL	Institutional
1530 - KENNEL	FW
1532 - VETERINARY HOSPITAL	Commercial
1540 - FIRE STATION VOLUNTEER	Institutional
1542 - FIRE STATION STAFFED	Institutional
1544 - GOVERNMENTAL BUILDING	Institutional
1546 - COMMUNITY SERVICE BUILDING	Institutional
1548 - LIBRARY PUBLIC	Institutional
1550 - JAIL - CORRECTIONAL FACILITY	Institutional
1552 - JAIL - POLICE STATION	Institutional
1553 - SHELL OFFICE BUILDING	FW
1601 - CHURCH	Institutional
1603 - CHURCH - CLASS. BASEMENT	Institutional
1604 - CHURCH W/ SUNDAY SCHOOL	Institutional
1605 - AUDITORIUM	Commercial
1607 - CHURCH EDUCATIONAL WING	Institutional
1608 - FELLOWSHIP HALL	Institutional
1610 - THEATER - LIVE STAGE	Commercial
1615 - THEATER - CINEMA	Commercial
1622 - VISITOR CENTER	Commercial
1625 - MUSEUM	Commercial
1632 - ARCADE BUILDING	Commercial
1633 - COMMUNITY CENTER	Institutional
1635 - BOWLING CENTER	Commercial
1639 - SKATING RINK ROLLER	Commercial
1644 - PAVILION	Commercial
1701 - LIGHT COMMERCIAL UTILITY BUILDING	Commercial
1703 - LIGHT COMM. ARCH-RIB QUONEST	FW
1705 - MATERIAL STORAGE BUILDING	FW
1707 - LUMBER STORAGE BUILDING - VERTICAL	FW
1709 - BOAT STORAGE BUILDING	FW
1711 - MATERIAL STORAGE SHED	FW
1713 - LUMBER STORAGE SHED - HORIZONTAL	FW

BUC Codes and Description	Category
1714 - GOLF STARTER BOOTHS	FW
1715 - BOAT STORAGE SHED	FW
1716 - GOLF CART STORAGE BUILDING	FW
1717 - EQUIPMENT (SHOP) BUILDING STORAGE MEZZA	FW
1719 - SHED OFFICE STRUCTURE	FW
1722 - FARM UTILITY SHED	FW
1723 - EQUIPMENT SHED	Industrial/Warehouse
1727 - MATERIAL SHELTER - LIGHT COMMERCIAL	FW
1731 - COLD STORAGE FARM	Industrial/Warehouse
1737 - FRUIT PACKING BARN	Industrial/Warehouse
1745 - POULTRY HOUSE - CAGE - ENCLOSED	Not Used
1747 - BARN GENERAL PURPOSE	Industrial/Warehouse
1748 - FREESTALL BARN	Industrial/Warehouse
1756 - STABLE	Industrial/Warehouse
1759 - ARENA	Commercial
1762 - FARM UTILITY ARCH-RIB QUONSET	Industrial/Warehouse
1764 - FARM IMPLEMENT ARCH-RIB QUONSET	Industrial/Warehouse
1765 - FARM IMPLEMENT SHED	Industrial/Warehouse
1766 - FEEDER BARN	Industrial/Warehouse
1772 - TRANSIENT LABOR CABIN	Industrial/Warehouse
1774 - CORN CRIB - SPACED BOARD	FW
1777 - GREENHOUSE STRAIGHT WALL	Industrial/Warehouse
1778 - GREENHOUSE HOOP (ARCH - RIB)	Industrial/Warehouse
1779 - GREENHOUSE SHADE SHELTER	Industrial/Warehouse
1801 - HIGH SCHOOL	Institutional
1802 - ALTERNATIVE SCHOOL	Institutional
1803 - JUNIOR HIGH SCHOOL	Institutional
1805 - ENTIRE ELEMENTARY	Institutional
1807 - CLASSROOM	Institutional
1809 - MULTIPURPOSE BUILDING	Institutional
1823 - LIBRARY COLLEGE	Institutional
1825 - PHYSICAL EDUCATION BUILDING	Institutional
1827 - GYMNASIUM	Institutional
1833 - SHOWER BUILDING	FW
1837 - RESTROOM BUILDING	Not Used
1839 - DAY CARE CENTER	Commercial
1843 - ENTIRE COLLEGE	Institutional
1845 - CLASSROOM COLLEGE	Institutional
1857 - GREENHOUSE INSTITUTION	FW
1864 - RELOCATABLE CLASSROOM	Institutional
1865 - RELOCATABLE OFFICE	FW
6401 - Stations with Service Bays	Commercial
6402 - Prefabricated Food Booths	FW
6403 - Car Wash - Manual	Commercial
6404 - Car Wash - Drive-thru	FW
6405 - Car Wash - Automatic	Commercial
6406 - Car Wash Canopies	FW
AF - A - FRAME	FW

BUC Codes and Description	Category
AH - Attached Housing	Single Family
CDO - CONDO	Condo
GD - Geo - Demo	FW
LC - Log Cabin	FW
MH - Mobile Home	Mobile Home
MHPK - Mobile Home Park	Mobile Home
MO - Modular Home	FW
PF - PreFab	FW
RVPK - RV Park	Commercial
SF - Single Family	Single Family
SH - Stilt Home	FW
TC - Tourist Court	FW

APPENDIX D

DEPARTMENT OF REVENUE PROPERTY USE CODES & DESCRIPTIONS

DOR Codes and Descriptions
0001 - Vac.Res
0002 - Vac. MH - PLATTED
0003 - Vac. CONDO SITE - PLATTED
0004 - Vac. Res. w/misc impr @ zero value
0006 - Residential Improvements carried on other pcl's
0007 - Res. or MH lot w/ misc impr of some value
0008 - Lot w/ MH on TPP
0024 - Vac. mh lot w/ misc impr @ 0 value
0028 - Vac. MH waterfront lot
0044 - Vac. Condo/RV Lot
0080 - Vac. Lakefront.
0082 - Vac. other waterfront
0084 - Vac. Lakefront w/ misc impr @ zero value
0085 - Vac. Lakefront w/misc impr of some value
0086 - Vac. Golf course front
0088 - Vac. Airstrip front
0099 - Vac. w/ Sinkhole History
0100 - SFR up to 2.49 AC
0101 - SFR 2.5 TO 9.99AC
0102 - SFR 10+ AC
0140 - Attached Housing
0150 - Modular Home up to 2.49 acres
0151 - Modular Home 2.50 - 9.99 acres
0152 - Modular Home 10+ acres
0160 - SFR - RENTAL
0180 - Res. Lakefront
0182 - SFR other waterfront
0183 - Modular Home Lakefront
0185 - Modular Home other Waterfront
0186 - SFR Golf course front
0187 - Modular Home Golf Course front
0188 - SFR Airstrip front
0199 - SFR w/ Sinkhole History
0200 - M.H. (RP) up to 2.49 Acres
0201 - M.H. (RP) 2.5 - 9.99 Acres
0202 - M.H. (RP) 10+ Acres
0280 - M.H. Lakefront (RP Tag)
0282 - M.H. other Waterfront w/ value(RP)
0286 - M.H. Golf course front (RP)
0299 - M.H. w/ Sinkhole History
0301 - Multi-Family 10+ (indiv units)
0310 - Multi-family - 10 - 49 units
0320 - Multi-family 50 units +
0330 - Multi Family - Low Income & Gov
0360 - Migrant Camps 10+ units
0400 - Condominiums

DOR Codes and Descriptions
0401 - Condominiums - M.H. (indiv unit)
0441 - Condominiums - R.V. (indiv unit)
0500 - CO-OP Apartments
0650 - Assisted living facility
0651 - Skilled Nursing Homes (Private-Medical)
0653 - CCRC (Continuing Care Retirement Community)
0801 - Multiple SFR Residences
0802 - Multiple MH Residences
0803 - Multiple Residences SFR & MH
0810 - Duplexes
0820 - Triplexes & Quad
0830 - Apartments (5-9 Units)
0860 - Migrant Camps 9 units or less
0989 - Splits in Progress
1000 - Vacant Commercial
1004 - Vac Comm misc impr @ zero value
1005 - Vac. Com./Imps on TPP
1006 - Comm. improvements carried on other pcl's
1007 - Comm. misc imps of some value
1038 - Vac. Commercial Golf Course Land
1099 - Vacant Commercial w/ sinkhole
1100 - Com. Misc.
1104 - Structure(s) of some value
1110 - Retail up to 4999 sf
1120 - Retail 5000sf to 20000sf
1130 - Retail Over 20000 sf
1140 - Drug Store
1150 - Discount Stores
1160 - Post Office (Not Gov. Owned)
1170 - Home Improvement Center
1171 - Furniture Stores
1172 - Dollar Stores
1174 - Convenience Stores w/Gas
1175 - Convenience Stores ONLY
1179 - Beauty Shops
1180 - Laundromat
1190 - Day Care Center
1199 - Comm w/ sinkhole
1203 - Com. Land & Non-conforming Structure
1204 - Store/Office w/Residence
1211 - Downtown Core Area Misc
1300 - Department Stores
1400 - Supermarkets
1500 - Regional Shopping Center
1600 - Mini Plaza
1610 - Neighborhood Plaza

DOR Codes and Descriptions
1620 - Neighborhood Shopping Cntr
1671 - Community Shopping Cntr
1700 - Office Building 1 Story
1701 - Office Building - Prior residence
1800 - Office Building Multi-Story
1801 - Office Multi-sty - Prior residence
1906 - Commercial Condo
1940 - Hospitals (Taxable)
1942 - Professional Bldgs
1943 - Medical Complex/Drs. Offices
1944 - Animal Clinics
1945 - Funeral Homes
1946 - Schools and Colleges (taxable)
2000 - Airports (Private)
2100 - Restaurants & Cafeterias
2200 - Fast Foods & Drive-Ins
2300 - Banks (S&L, Financial Insts.)
2310 - Bank Branch office
2400 - Insurance Co. (National & Regional)
2500 - Svc & Repair Shops
2600 - Service Stations
2610 - Truck Stops
2700 - Auto Sales/Svc (Dealerships)
2701 - RV Sales/Service
2702 - Motorcycle/Rec. Vehicles Sales/Service
2710 - Farm Machinery Sales/Svc
2720 - Marine Sales/Svc
2730 - Mobile Home Sales/Svc
2740 - Auto Parts Sales
2750 - Auto Repair
2760 - Used Sales & Rental/Leasing
2770 - Quick Lube
2780 - Car Wash
2805 - Commercial Parking Lots
2840 - Mobile Home and RV Parks
2900 - Wholesale Outlets
3000 - Florests & Greenhouses
3100 - Theaters (Drive-Ins)
3200 - Theaters (Enclosed)
3300 - Bars & Lounges
3400 - BowlingAlleys,Skating Rinks&Pool Hal
3410 - Fitness Center
3420 - Radio/TV Station
3536 - Tourist Attractions
3537 - Entert Facil.(Golf, Go Carts, Etc
3538 - Clubhouse/Country Club/Cultural Org. (Taxable)

DOR Codes and Descriptions
3700 - Race Tracks
3800 - Golf Courses & Dr. Ranges
3900 - Hotels & Motels
3910 - Bed & Breakfast
3950 - Timeshare Properties
4001 - Vacant Industrial
4004 - Vac Indust w/misc imp@ 0 value
4005 - Vac Ind/Imps on TPP
4006 - Industrial improvements carried on other parcels
4007 - Industrial w/ impr of some value (XFOB)
4100 - Light Manufacturing
4104 - Industrial w/ impr of some value (BLDG)
4105 - Misc. Industrial Facility
4202 - Heavy Industrial
4216 - Heavy Ind-Pollution Cont. 193.011
4300 - Lumber Yds, Sawmills, Plaining
4400 - Citrus Packing Plants
4500 - Citrus Canning/Processing
4600 - Citrus Packing Plants
4814 - Wh,Distrib,Term,Truck over 20,000 sf
4815 - Mini Warehouses
4816 - Flex Buildings
4817 - Wh,Distrib,Term,Truck over 20,000 sf with tilt up
4820 - Wh,Distrib,Term,Truck under 20,000 sf
4830 - Cold Storage
4915 - Open Storage-New&Used Bldg Supplies
4924 - Gas & Oil Storage & Distribution
4925 - Auto Wrecking & Junkyards
5100 - Cropland
5101 - Cropland w/Misc. Imp.
5102 - Cropland w/Res.
5103 - Cropland w/M.H.
5110 - Cropland w/Undev. Lnd.
5111 - Cropland w/Undev. w/Misc. Imp.
5112 - Cropland w/Undev. w/Res.
5113 - Cropland w/Undev. w/M.H.
5120 - Cropland w/Com. Land
5121 - Cropland w/Com. Bldg.
5150 - Cropland w/Citrus
5151 - Cropland w/Citrus/Misc. Imp.
5152 - Cropland w/Citrus/Res.
5160 - Cropland w/Pasture
5161 - Cropland w/Pasture/Misc. Imp.
5162 - Cropland w/Pasture/Res.
5163 - Cropland w/Pasture/M.H.
5170 - Cropland w/Farmland

DOR Codes and Descriptions
5171 - Cropland w/Farmland/Misc. Imp.
5400 - Timber
5401 - Timber w/Misc.Imp.
5402 - Timber w/Res.
5403 - Timber w/M.H.
5410 - Timber w/Undev. Lnd.
5411 - Timber w/Undev. w/Misc. Imp.
5412 - Timber w/Undev. w/Res.
5413 - Timber w/Undev. w/M.H.
5420 - Timber w/Com. Land
5450 - Timber w/Citrus
5452 - Timber w/Citrus/Res.
5460 - Timber w/Pasture
5462 - Timber w/Pasture/Res.
6000 - Pasture
6001 - Pasture w/Misc. Imp.
6002 - Pasture w/Res.
6003 - Pasture w/M.H.
6010 - Pasture w/Undev. Lnd.
6011 - Pasture w/Undev. w/Misc. Imp.
6012 - Pasture w/Undev. w/Res.
6013 - Pasture w/Undev. w/M.H.
6020 - Pasture w/Com. Land
6021 - Pasture w/Com. Bldg.
6022 - Pasture w/M.H. Park
6023 - Pasture w/Golf Course
6050 - Pasture w/Citrus
6051 - Pasture w/Citrus/Misc. Imp.
6052 - Pasture w/Citrus/Res.
6053 - Pasture w/Citrus/M.H.
6070 - Pasture w/Farmland
6071 - Pasture w/Farmland/Misc. Imp.
6072 - Pasture w/Farmland/Res.
6073 - Pasture w/Farmland/M.H.
6600 - Citrus
6601 - Citrus w/Misc. Imp.
6602 - Citrus w/Res.
6603 - Citrus w/M.H.
6610 - Citrus w/Undev. Lnd.
6611 - Citrus w/Undev. w/Misc. Imp.
6612 - Citrus w/Undev. w/Res.
6613 - Citrus w/Undev. w/M.H.
6620 - Citrus w/Com. Land
6621 - Citrus w/Com. Bldg.
6622 - Citrus w/M.H. Park
6660 - Citrus w/Pasture

DOR Codes and Descriptions
6661 - Citrus w/Pasture/Misc. Imp.
6662 - Citrus w/Pasture/Res.
6670 - Citrus w/Farmland
6671 - Citrus w/Farmland/Misc. Imp.
6672 - Citrus w/Farmland/Res.
6700 - Poultry, Bees, Fish, Rabbits...
6701 - Poultry, Bees, Fish, Rabbits... w/Misc. Imp.
6702 - Poultry, Bees, Fish, Rabbits... w/Res.
6703 - Poultry, Bees, Fish, Rabbits... w/M.H.
6710 - Poultry, Bees, Fish, Rabbits... w/Undev. Lnd.
6721 - Poultry, Bees, Fish, Rabbits... w/Com. Bldg.
6763 - Poultry, Bees, Fish, & Rabbits...w/Pasture/M.H.
6800 - Dairy
6801 - Dairy w/Misc. Imp.
6802 - Dairy w/Res.
6803 - Dairy w/M.H.
6810 - Dairy w/Undev. Lnd.
6811 - Dairy w/Undev. w/Misc. Imp.
6812 - Dairy w/Undev. w/Res.
6821 - Dairy w/Com. Bldg.
6851 - Dairy w/Citrus/Misc Imp.
6870 - Dairy w/Farmland
6900 - Nursery
6901 - Nursery w/Misc. Imp.
6902 - Nursery w/Res.
6903 - Nursery w/M.H.
6910 - Nursery w/Undev. Lnd.
6911 - Nursery w/Undev. w/Misc. Imp.
6913 - Nursery w/Undev. w/M.H.
6921 - Nursery w/Undev. w/Com. Bldg.
6950 - Nursery w/Citrus
6960 - Nursery w/Pasture
6961 - Nursery w/Pasture/Misc. Imp.
6971 - Nursery w/Farmland/Misc. Imp.
7000 - Vacant Institutional - vac land or misc impr of so
7040 - Vacant HOA Appurtenant Common Elements
7050 - Vacant non-Appurtenant Common Elements
7060 - Vacant Condo Common Elements - vac land or misc im
7070 - Vacant CDD Parcel - vac land or misc impr of some
7071 - Churches- vacant land or misc impr of some value
7072 - Schools & Colleges (Private) - vac land or misc im
7073 - Hospitals (Privately Owned) - vac land or misc imp
7074 - Homes for the Aged - vac land or misc impr of some
7075 - Charitable including Orphanages - vac land or misc
7076 - Cemeteries - vac land or misc impr of some value
7077 - Clubs & Lodges - vac land or misc impr of some val

DOR Codes and Descriptions
7078 - Nursing Homes (Medical Facilities) - vac land or m
7079 - Cultural Organizations - vac land or misc impr of
7081 - Vacant Military - vac land or misc impr of some va
7082 - Vacant Forest, Parks - vac land or misc impr of so
7083 - Vacant Public County Schools - vac land or misc im
7084 - Vacant Colleges - vac land or misc impr of some va
7085 - Vacant Hospitals - vac land or misc impr of some v
7086 - Vacant County - vac land or misc impr of some valu
7087 - Vacant State - vac land or misc impr of some value
7088 - Vacant Federal - vac land or misc impr of some val
7089 - Vacant Municipal - vac land or misc impr of some v
7100 - Churches
7101 - Churches (Taxable)
7200 - Schools & Colleges (Private)
7300 - Hospitals (Privately Owned)
7400 - Homes for the Aged
7500 - Charitable including Orphanages-improved
7600 - Cemeteries
7728 - Clubs & Lodges
7750 - Non-Appurtenant Common Elements
7770 - CDD Parcel Improved
7800 - Nursing Homes (Medical Facilities)
7900 - Cultural Organizations
8200 - Forests, Parks, Rec. Areas
8300 - Schools,Public-County (Owned by Sch Brd
8400 - Colleges
8500 - Hospitals (Municipal & County)
8600 - Counties (Other than Pub Schools,Colleg
8700 - State (Other than Military,Forests,P
8800 - Federal (Other than Military, Forests,P
8900 - Municipal (Other than Colleges,Parks&Re
8930 - Municipal GOLF COURSE
9130 - Railroad Land
9140 - Railroad Land w/Misc. Imp
9190 - Utilities (Gas, Electric, Phone)
9200 - Phosphate Land
9207 - Phosphate Plants
9208 - Sand Mines
9209 - Sand Mines with Improvements
9210 - Phosphate Land With Improvements
9350 - Mineral Rights (Not Phos.)
9360 - Phos. Mineral Rights
9400 - Streets & R/W (Private)
9500 - Submrgd Land/Lk Bottom/Perc Pond)
9670 - Sewage/Borrow Pits/Spray Fields
9681 - Waste Land

DOR Codes and Descriptions
9741 - Recreation Land (Covenant)
9744 - Recreation Land w/Misc.Imp.(Covenant)
9800 - Centrally Assessed Railroad Land
9801 - Centrally Assessed Railroad Value
9900 - Unplatted up to 10 acres
9904 - Unplatted up to 10ac w/ impr @ zero val
9910 - Inaccessible tracts
9920 - Unplatted tracts 10 - 29.99 acres
9925 - Unplatted tracts 30 to 59.99 acres
9930 - Unplatted tracts 60 - 99.99 acres
9935 - Unplatted tracts 100+ acres
9940 - Recreational Land (Private)

APPENDIX E

FORM OF NOTICE TO BE PUBLISHED

City of Lake Wales, Florida

Amended Fire Assessment Memorandum

MAY 2016

Presented by:

Government Services Group, Inc.
1500 Mahan Drive, Suite 250
Tallahassee, Florida 32308
(850) 681-3717
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Assessment Memorandum

INTRODUCTION

Government Services Group, Inc. (GSG) specializes in government finance and taxation issues by working with cities, counties, special districts and state agencies to develop unique funding and service delivery solutions for critical infrastructure and service needs. GSG has developed extensive experience in structuring and implementing alternative revenue sources in Florida.

The City of Lake Wales (City) has entered into a professional services agreement with GSG to provide specialized services in the development and implementation of a non-ad valorem assessment program to fund fire services within the incorporated area of the City (Fire Assessment Project).

The objective of the Fire Assessment Project was to develop and implement an annual assessment program to fund the City's provision of fire services (Fire Assessment). The annual fire assessment will, subject to City Commission approval, be collected using separate bills for Fiscal Year 2015-16 and will transition to the tax bill collection method beginning Fiscal Year 2016-17 and future fiscal years. The Fire Assessment Memorandum was provided to the City in May 2015,

The work effort, documented by the May 2015 Assessment Memorandum, focused on the calculation of assessment rates and classifications required to fully fund the identified assessable costs to provide fire services within the City for Fiscal Year 2015-16.

In 2016, the City engaged GSG to amend the original Fire Assessment Project to create single-family, multi-family and mobile home residential rate categories for Fiscal Year 2016-17 and future fiscal years. This document is the Amended Fire Assessment Memorandum (Assessment Memorandum).

OBJECTIVES

In 2015, the City retained GSG to develop an annual recurring special assessment program so that it is capable of funding all of the assessable costs associated with providing fire services. Commencing with Fiscal Year 2015-16 the fire assessment program was implemented and collected by separate bill. The City will transition to the property tax bill collection process for Fiscal Year 2016-17 and future fiscal years provided in section 197.3632, Florida Statutes (Uniform Method). Because the fire assessment will be collected using the Uniform Method, the data available on the ad valorem tax roll was used to develop the Fiscal Year 2015-16 assessment program, and the amended assessment program for Fiscal Year 2016-17, as well as the subsequent years' programs.

Accordingly, the challenge for the City is to develop a non-ad valorem assessment program which uses property information that is or will be on the ad valorem tax roll. To this end, GSG has been charged to fully cost the services to be provided by the City, develop a fair and reasonable apportionment methodology for

such assessable costs, and determine assessment rates and parcel classifications that are accurate, fair and reasonable.

The fire non-ad valorem assessments must meet the Florida case law requirements for a valid special assessment. These requirements are:

1. The service provided must confer a special benefit to the property being assessed; and
2. The costs assessed must be fairly and reasonably apportioned among the properties that receive the special benefit.

The work effort of this project required the evaluation of data obtained from the City, Polk County, and the State Fire Marshal's database to develop a fire assessment program that focuses upon the proposed Fiscal Years 2015-16 through 2019-20 assessable cost calculations. The objectives of this initial effort were to:

- Determine the full costs of providing fire services within the City.
- Review such final cost determination with the City to determine which elements provide the requisite special benefit to the assessed properties.
- Determine the relative benefit anticipated to be derived by each property use category within the City from the delivery of fire services.
- Recommend the fair and reasonable apportionment of assessable costs among benefited parcels within each property use category.
- Calculate assessment rates and parcel classifications for Fiscal Year 2016-17 based on the proposed Fiscal Years 2015-16 through 2019-20 assessable cost calculations.
- Ensure that the recommended assessment rates and parcel classifications conform to the statutory requirements of the Uniform Method.

APPORTIONMENT METHODOLOGY

The calculation of assessment rates for fire services depends on three separate, but interconnected, pieces of data. The first data element is the identification of the full cost of providing fire services through the development and determination of the assessable costs of providing such services. The second data element is the analysis of service delivery data, segregated to property use categories (i.e., fire call data). The third and final data component is a comprehensive analysis of all property use categories within the City to determine which parcels receive a special benefit from the provision of fire services and to identify a fair and reasonable method of apportioning the assessable costs among all benefited parcels within each property use category.

The recommended fire services apportionment methodology allocates assessable costs on the basis of the anticipated demand for fire services by categories of real property use as identified on the real property assessment roll prepared for the levy of ad valorem taxes. The assessable fire costs are allocated among real property use categories based upon the historical demand for these services. This demand is identified by examining the fire incident data as reported by the City to the State Fire Marshal's office.

Service Description

The Fire Department provides standard fire suppression, fire prevention, advanced life support (ALS), public education, fire inspection, plans review and disaster response.

The City has a mutual aid agreement with Polk County. There is no compensation for these services.

The City has an agreement with the Village of Highland Park for fire protection services. The City is compensated approximately $9,823 annually for these services.

The City of Lake Wales's Fire Department facilities inventory is comprised of two fire rescue stations. Table 1 identifies the Fire Department's building/facility inventory, as well as the corresponding physical address for the facility.

Table 1
Fire Department Building/Facility Inventory

Station	Address
Station 1	253 West Central Avenue, Lake Wales, Florida
Station 2	600 Chalet Suzanne Road, Lake Wales, Florida

Source: City of Lake Wales

Tables 2 through 5 outline the Fire Department's current service operations and service components. Table 2 outlines the Fire Department's organizational structure. Table 3 describes the normal staffing for each apparatus. This information is used in the development of the Administrative Factor, as further discussed in the "Development of Factors" section of this Assessment Memorandum.

Table 4 lists the location and the fire flow/pumping capacity of the Fire Department's apparatus. This information is used to determine the square footage cap for non-residential properties.

Table 5 details the Fire Department's response protocol.

Table 2
City Lake Wales Fire Department Structure

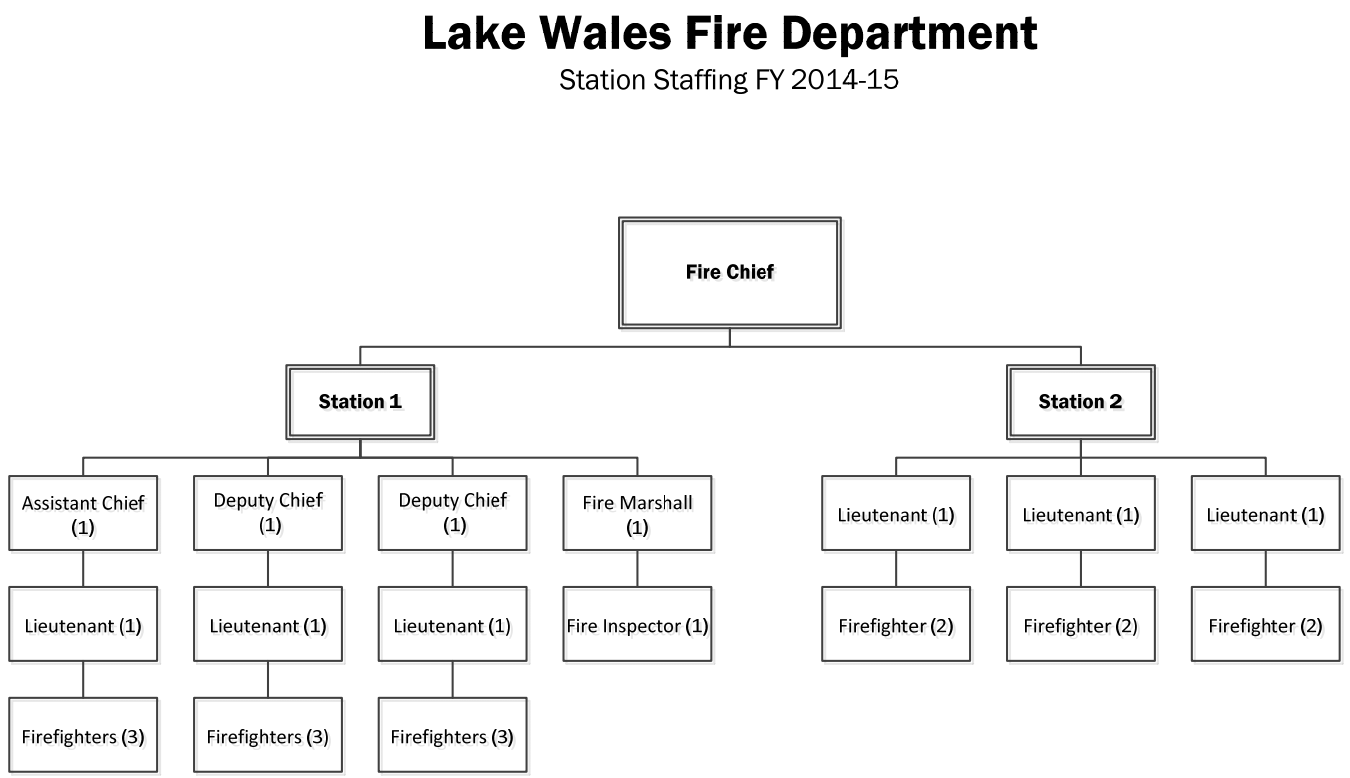


Table 3
Fire Department Apparatus Normal Staffing Requirements

Apparatus	Normal Staffing
Engine	3 Personnel
Rescue	2 Personnel
Tower	3 Personnel

Source: City of Lake Wales

Table 4
Fire Department Apparatus Fire Flow

Apparatus	Location	Fire Flow (GPM)
2008 Pumper	Station 1	1500
2004 Pumper	Station 1	1500
1985 Pumper	Station 1	1250
2006 70' Aerial	Station 2	1500
2000 Brush Truck	Station 1	400
1987 Tanker	Station 1	250
2014 Ford Escape Fire Marshal	Station 1	
2014 Ford Escape Fire Inspector	Station 1	
2014 Ford F 250 Rescue Vehicle	Station 1	
2007 Ford F 350 Rescue Vehicle	Station 1	
2006 Ford Crown Victoria Chief	Station 1	
2006 Ford F 150 Shift Commander	Station 1	
1992 Rescue Boat	Station 1	
	Total	**6,400**

Source: City of Lake Wales

The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Department can pump to a first alarm, non-residential fire. As outlined by Table 4, the pumping capacity of the Fire Department is 6,400 gallons per minute. Accordingly, based on National Fire Protection Association fire fighting standards for fire-flow, the Fire Department currently has sufficient fire-flow capacity to provide service coverage in the event of a structure fire involving 125,500 square feet.[1]

Table 5
Fire Department Minimum Response Protocol

Type Incident	Response
Medical	Rescue or Tower
Residential Structure Fire	Chief Officer, Engine and Tower
Commercial or Multi-Family Structure Fire	Fire Chief, Chief Officer, 2 Engines and Tower

Source: City of Lake Wales

[1] Source: National Fire Protection Association, "NFPA 1 Fire Code, 2015, Chapter 18"

Assessable Costs Calculations

DEVELOPMENT OF FACTORS

FIRE RESCUE V. EMERGENCY MEDICAL SERVICES

In June 2000, litigation over the City of North Lauderdale fire rescue assessment program resulted in a decision by the Fourth District Court of Appeals in the case of SMM Properties, Inc. v. City of North Lauderdale, (the "North Lauderdale" case). The Fourth District Court of Appeals concluded that Emergency Medical Services (EMS) did not provide a special benefit to property. The Court, however, reaffirmed that fire suppression, fire prevention, fire/building inspections and first response medical services do provide a special benefit to property.

To address these concerns, GSG developed a methodology that removed the costs associated with emergency medical services. This method of splitting the fire and EMS portions of a consolidated public safety department's budget was upheld by the Fourth District Court of Appeals in July 2010 in Desiderio Corporation, et al. vs. The City of Boynton Beach, Florida, et al., 39 So.3d 487 (Fla. 4th DCA 2010).

The proposed Fiscal Year 2015-16 fire rescue line item assessable cost calculations were allocated between fire rescue and emergency medical services as a result of the Florida Supreme Court's opinion in City of North Lauderdale v. SMM Properties that emergency medical services (above the level of first response) do not provide a special benefit to property. Accordingly, the City's fire rescue costs were split from emergency medical service costs based on the following general guidelines.

DIRECT ALLOCATIONS

To the extent that certain line items could be allocated directly between fire and EMS, direct allocations were made. For example, all costs associated with "Protective Gear" and "Fire Prevention" were allocated entirely to fire and the "Rescue Vehicle" was allocated entirely to EMS.

ADMINISTRATIVE FACTOR

Certain line items were allocated between fire and EMS based on an Administrative Factor. This Administrative Factor is derived by creating a ratio between non-EMS or fire personnel and total combat personnel across all shifts within a 24-hour period. On average, under normal staffing, the City has 6 non-EMS personnel and 2 EMS personnel, for a total of 8 combat personnel. This normal staffing yields a 75% percent non-EMS Administrative Factor.

The Administrative Factor was then adjusted to account for any expenses directly related to fire prevention. The number of fire prevention positions across all shifts within a 24-hour period is added to the total fire combat personnel for the same 24-hour period. The ratio of these total positions to the total number of combat positions across all shifts within a 24-hour period results in an adjustment to the Administrative Factor. The City's adjusted Administrative Factor for non-EMS is 76.9%. This percentage was then applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be operationally allocated. For example, an adjusted Administrative Factor was applied to the personnel expenditures for salaries and benefits, and other line item expenditures such as "Uniforms," "Electricity" and "Water & Sewer" to determine the fire service costs of these line items.

OPERATIONAL FACTOR

Other assessable cost line items may also be allocated between fire and EMS based on an Operational Factor. The Operational Factor is derived by creating a ratio between non-EMS (i.e. fire) calls and EMS calls, and this ratio, which is based on the Fire Department's operations, was applied to certain budget line items such as "Dispatch", "M&R Fleet" and "Fuel".

To develop the Operational Factor for the City, GSG obtained fire rescue incident data identifying the number of fire rescue calls made to property categories within the City over a one-year period (Calendar Year 2014). The City fire rescue incident data was used to determine the demand for fire rescue services.

The State Fire Marshal's office uses the Florida Fire Incident Reporting System (FFIRS). This system is a tool for fire departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner. Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. Appendix A provides a codes list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

The ratio between non-EMS (i.e. fire) calls and EMS calls is then applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be administratively allocated. For the one-year of calls used in the analysis, the City reported 2,757 total fire rescue incident calls to FFIRS, of which 812 were non-EMS (i.e. fire) calls and 1,945 were EMS calls. This information results in a 29.45 percent non-EMS Operational Factor.

ASSESSABLE COST CALCULATIONS

The fire protection assessable cost calculations for Fiscal Years 2015-16 through 2019-20 are based on the following assumptions for the purpose of this Fire Protection Assessment Memorandum.

- The City provided the preliminary fire department budget for Fiscal Year 2015-16 and 5-year capital improvement plan.
- Unless more accurate information was available, to develop the five-year proforma assessable budget we used the following:
    - a 2.5 percent annual increase was applied across all personnel, operating and allocation expenses,
    - A $50,000 annual reserve was included for future capital needs.
    - Existing debt-service and revenues remained constant.
    - Projected capital expenditures were based on actual projected costs.
- Revenues are shown as a reduction of the total projected expenditures for each fiscal year, thereby reducing the total assessable costs for that year. Revenues received from the Highland Park contract were allocated directly to fire.
- The line items "Study" and "Implementation and Annual Maintenance Costs" under "Miscellaneous Assessment Expenditures" is the reimbursement to the City for the cost of conducting the assessment study and annual maintenance of the assessment program. These costs are reimbursable through the assessment program.
- The line item "First Class Notice Costs" under "Miscellaneous Assessment Expenditures" is the reimbursement to the City for the cost of producing and mailing the statutorily required first class notices to all affected property owners. These costs are reimbursable through the assessment program.

- The line item "Statutory Discount" under "Miscellaneous Assessment Expenditures" reflects a 95% collection of the Fire Assessment to cover the 4% statutory discount allowed by the Uniform Method and 1% reserve for under collection. Accordingly, the statutory discount is budgeted at 5% of the total assessable costs.
- Pursuant to section 197.3632, Florida Statutes, the tax collector and property appraiser may enter into an agreements with the local government for reimbursement of necessary administrative costs incurred from the collection of the non-ad valorem assessment. Accordingly, if any such fee(s) is charged, the fee may be recouped as an add-on to the total assessable costs for the year.

  The line item "Collection Costs (TC)" under "Miscellaneous Assessment Expenditures" reflects reimbursement for the collection costs associated with the non-ad valorem assessment incurred by the Tax Collector. Pursuant to section 197.3632, Florida Statues, a municipal or county government shall only compensate the tax collector for the actual costs of collecting the non-ad valorem assessment. Accordingly, the Tax Collector's collection costs are estimated at 2% of the total assessable costs. The applied collection charge is estimated to be adequate to cover the Tax Collector's actual collection costs.

  The line item "Collection Costs (PA)" under "Miscellaneous Assessment Expenditures" reflects reimbursement associated with the non-ad valorem assessments incurred by the Property Appraiser. Accordingly, the Property Appraiser's costs are estimated at 2% of the total assessable costs. The applied charge is estimated to be adequate to cover the Property Appraiser's actual costs.

Table 6 provides a calculation of the assessable costs for Fiscal Year 2015-16. The Fiscal Year 2015-16 Preliminary Budget was provided by the City and used as the original baseline.

Table 6
Fire Department Assessable Cost Calculations (FY 2015-16)

DESCRIPTION	FY 2015-16 Preliminary	FY 2015-16 Assessable
FIRE CONTROL		
PERSONNEL EXPENSES		
Firemen Salaries and Wages	1,495,605	1,150,120
Cell Phone Allowance	910	700
Overtime	25,275	19,436
Holiday Overtime	28,601	21,994
Special Pay	8,160	6,275
F.I.C.A. Taxes	126,499	97,278
Retirement - Firemen Pension	402,603	309,602
Life Insurance	4,744	3,648
Health Insurance	202,740	155,907
Workers' Compensation	63,122	48,541
TOTAL: PERSONNEL EXPENSES	**$2,358,259**	**$1,813,501**
OPERATING EXPENSES		
Professional Svcs.-Medical	3,000	2,307
Contract Services-Dispatch	38,382	11,303
Freight	250	192
Electricity Bldgs	18,000	13,842
Water and Sewer	7,800	5,998
Lp Gas	100	77
M&R - Equipment	4,500	4,500
M&R Fuel Tanks	250	192
M&R Generators	1,000	769
Legal Advertising	100	77
Taxes and Assessments	100	77
Operating Supplies-Equipment	4,000	3,076
Operating Supplies - Tools	100	77

DESCRIPTION	FY 2015-16 Preliminary	FY 2015-16 Assessable
Operating Supplies - Uniforms	6,000	4,614
Operating Supplies-Protective Gear	19,000	19,000
Operating Supplies - Misc	500	385
Operating Supplies-Fire Prevention	1,800	1,800
Memberships	550	423
Training and Education	5,000	3,845
Professional Svcs-HR	300	231
Contract Services-HR	300	231
Contract Services - Facilities	1,500	1,154
Contract Services - IT	2,670	2,053
Postage	5	4
Telecommunications	8,585	6,602
Leases - Vehicles (Existing Leases)	17,953	631
Leases - Copier	1,346	1,035
Leases-Other IT	19	15
M&R Facilities	3,000	2,307
M&R - Radios	6,000	4,614
M&R Fleet - Contract	28,176	8,298
M&R Fleet - Non-Contract	2,100	618
Copier Metering Chgs	108	83
Paper Supplies	100	77
Operating Supplies - Veh/Equip	200	154
Operating Supplies - Janitorial	2,000	1,538
Operating Supplies - Printer	160	123
Operating Supplies-Office	200	154
Operating Supplies - Fuel	34,300	10,101
Operating Supplies - Bldg Other	500	385
Operating Supplies-Generators	500	385
Operating Equipment - IT	1,500	1,154
TOTAL: OPERATING EXPENSES	**$221,954**	**$114,498**
CAPITAL OUTLAY		
Reserves	50,000	50,000
C/O - Autos and Trucks	220,000	220,000
Fire Substation Debt Service - through FY 2028	105,581	81,192
TOTAL: CAPITAL OUTLAY	**$375,581**	**$351,192**
ALLOCATIONS OF EXPENSES		
Labor Chgs--Facilities	2,492	1,916
Labor - IT	4,000	3,076
Insurance-Gen. Liability	34,146	26,258
TOTAL: ALLOCATIONS OF EXPENSES	**$40,638**	**$31,251**
5 Year Capital Improvement Plan		
Chief's Car	25,000	19,225
Thermal Imaging Camera	6,000	6,000
Total CIP	**$31,000**	**$25,225**
TOTAL EXPENDITURES	**$3,027,432**	**$2,335,667**
REVENUES		
Hiland Park Contract	9,823	9,823
TOTAL REVENUES	**$9,823**	**$9,823**

DESCRIPTION	FY 2015-16 Preliminary	FY 2015-16 Assessable
TOTAL EXPENDITURES	**$3,027,432**	**$335,667**
TOTAL REVENUES	**$9,823**	**$9,823**
NET EXPENDITURES	**$3,017,609**	**$2,325,844**

Table 7 shows the projection of the full cost of the Fire Assessment Program for Fiscal Years 2015-16 through 2019-20 as well as a five-year average assessable budget.

Table 7
Proforma Fire Protection Assessable Cost Calculations (FY 2015-16 through FY 2019-20)

DESCRIPTION	FY 2015-16 Assessable	FY 2016-17 Assessable	FY 2017-18 Assessable	FY 2018-19 Assessable	FY 19-20 Assessable	5-Year Average Assessable
FIRE CONTROL						
PERSONNEL EXPENSES						
Firemen Salaries and Wages	1,150,120	1,178,873	1,208,345	1,238,554	1,269,518	1,209,082
Cell Phone Allowance	700	717	735	754	772	736
Overtime	19,436	19,922	20,420	20,931	21,454	20,433
Holiday Overtime	21,994	22,544	23,108	23,685	24,277	23,122
Special Pay	6,275	6,432	6,593	6,758	6,926	6,597
F.I.C.A. Taxes	97,278	99,710	102,202	104,757	107,376	102,265
Retirement - Firemen Pension	309,602	317,342	325,275	333,407	341,742	325,474
Life Insurance	3,648	3,739	3,833	3,929	4,027	3,835
Health Insurance	155,907	159,805	163,800	167,895	172,092	163,900
Workers' Compensation	48,541	49,754	50,998	52,273	53,580	51,029
TOTAL: PERSONNEL EXPENSES	**$1,813,501**	**$1,858,839**	**$1,905,310**	**$1,952,942**	**$2,001,766**	**$1,906,472**
OPERATING EXPENSES						
Professional Svcs.-Medical	2,307	2,365	2,424	2,484	2,546	2,425
Contract Services-Dispatch	11,303	11,586	11,876	12,173	12,477	11,883
Freight	192	197	202	207	212	202
Electricity Bldgs	13,842	14,188	14,543	14,906	15,279	14,552
Water and Sewer	5,998	6,148	6,302	6,459	6,621	6,306
Lp Gas	77	79	81	83	85	81
M&R - Equipment	4,500	4,613	4,728	4,846	4,967	4,731
M&R Fuel Tanks	192	197	202	207	212	202
M&R Generators	769	788	808	828	849	808
Legal Advertising	77	79	81	83	85	81
Taxes and Assessments	77	79	81	83	85	81
Operating Supplies-Equipment	3,076	3,153	3,232	3,313	3,395	3,234
Operating Supplies - Tools	77	79	81	83	85	81
Operating Supplies - Uniforms	4,614	4,729	4,848	4,969	5,093	4,851
Operating Supplies-Protective Gear	19,000	19,475	19,962	20,461	20,972	19,974
Operating Supplies - Misc	385	394	404	414	424	404
Operating Supplies-Fire Prevention	1,800	1,845	1,891	1,938	1,987	1,892
Memberships	423	434	444	455	467	445
Training and Education	3,845	3,941	4,040	4,141	4,244	4,042
Professional Svcs-HR	231	236	242	248	255	243
Contract Services-HR	231	236	242	248	255	243
Contract Services - Facilities	1,154	1,182	1,212	1,242	1,273	1,213
Contract Services - IT	2,053	2,105	2,157	2,211	2,266	2,158
Postage	4	4	4	4	4	4
Telecommunications	6,602	6,767	6,936	7,109	7,287	6,940

DESCRIPTION	FY 2015-16 Assessable	FY 2016-17 Assessable	FY 2017-18 Assessable	FY 2018-19 Assessable	FY 19-20 Assessable	5-Year Average Assessable
Leases - Vehicles (Existing Leases)	631	631	631	631	631	631
Leases - Copier	1,035	1,061	1,087	1,115	1,143	1,088
Leases-Other IT	15	15	15	16	16	15
M&R Facilities	2,307	2,365	2,424	2,484	2,546	2,425
M&R - Radios	4,614	4,729	4,848	4,969	5,093	4,851
M&R Fleet - Contract	8,298	8,505	8,718	8,936	9,159	8,723
M&R Fleet - Non-Contract	618	634	650	666	683	650
Copier Metering Chgs	83	85	87	89	92	87
Paper Supplies	77	79	81	83	85	81
Operating Supplies - Veh/Equip	154	158	162	166	170	162
Operating Supplies - Janitorial	1,538	1,576	1,616	1,656	1,698	1,617
Operating Supplies - Printer	123	126	129	133	136	129
Operating Supplies-Office	154	158	162	166	170	162
Operating Supplies - Fuel	10,101	10,354	10,613	10,878	11,150	10,619
Operating Supplies - Bldg Other	385	394	404	414	424	404
Operating Supplies-Generators	385	394	404	414	424	404
Operating Equipment - IT	1,154	1,182	1,212	1,242	1,273	1,213
TOTAL: OPERATING EXPENSES	**$114,498**	**$117,345**	**$120,263**	**$123,254**	**$126,319**	**$120,336**
CAPITAL OUTLAY						
Reserves	50,000	50,000	50,000	50,000	50,000	50,000
C/O - Autos and Trucks	220,000	0	0	0	0	44,000
Fire Substation Debt Service - through FY 2028	81,192	81,192	81,192	81,192	81,192	81,192
TOTAL: CAPITAL OUTLAY	**$351,192**	**$131,192**	**$131,192**	**$131,192**	**$131,192**	**$175,192**
ALLOCATIONS OF EXPENSES						
Labor Chgs--Facilities	1,916	1,964	2,013	2,064	2,115	2,015
Labor - IT	3,076	3,153	3,232	3,313	3,395	3,234
Insurance-Gen. Liability	26,258	26,915	27,588	28,277	28,984	27,604
TOTAL: ALLOCATIONS OF EXPENSES	**$31,251**	**$32,032**	**$32,833**	**$33,654**	**$34,495**	**$32,853**
5 Year Capital Improvement Plan						
Command Vehicle	0	30,760	0	0	0	6,152
Airpacks	0	0	0	191,400	0	38,280
Brush Truck	0	100,000	0	0	0	20,000
Chief's Car	19,225	0	0	0	0	3,845
Rescue Boat	0	0	5890	0	0	1,178
Thermal Imaging Camera	6,000	0	0	0	0	1,200
Total CIP	**$25,225**	**$130,760**	**$5,890**	**$191,400**	**$0**	**$70,655**
TOTAL EXPENDITURES	**$2,335,667**	**$2,270,168**	**$2,195,487**	**$2,432,442**	**$2,293,772**	**$2,305,507**
REVENUES						
Hiland Park Contract	9,823	9,823	9,823	9,823	9,823	9,823
TOTAL REVENUES	**$9,823**	**$9,823**	**$9,823**	**$9,823**	**$9,823**	**$9,823**
TOTAL EXPENDITURES	**$2,335,667**	**$2,270,168**	**$2,195,487**	**$2,432,442**	**$2,293,772**	**$2,305,507**
TOTAL REVENUES	**$9,823**	**$9,823**	**$9,823**	**$9,823**	**$9,823**	**$9,823**
NET EXPENDITURES	**$2,325,844**	**$2,260,345**	**$2,185,664**	**$2,422,619**	**$2,283,949**	**$2,295,684**
MISC ASSESSMENT EXPENDITURES						
Study Costs	20,000	0	0	0	0	4,000
Implementation & Annual Maintenance Costs	8,500	8500	8500	8500	8500	8,500

DESCRIPTION	FY 2015-16 Assessable	FY 2016-17 Assessable	FY 2017-18 Assessable	FY 2018-19 Assessable	FY 19-20 Assessable	5-Year Average Assessable
First Class Notice Costs (5,000 x 1.35)	6,750	100	100	100	100	1,430
Collection Costs (TC - 2%)	53,153	51,078	49,397	54,731	51,610	51,994
Collection Costs (PA - 2%)	53,153	51,078	49,397	54,731	51,610	51,994
Statutory Discount & Undercollection (4% & 1%)	137,078	131,728	127,392	141,149	133,098	134,089
Total Misc. Assessment Expenditures	**$278,633**	**$242,484**	**$234,786**	**$259,211**	**$244,917**	**$252,006**
TOTAL ASSESSABLE COSTS	**$2,604,477**	**$2,502,829**	**$2,420,450**	**$2,681,830**	**$2,528,866**	**$2,547,690**

Determination of Fire Services Demand

INCIDENT DATA

GSG obtained information from the City in an electronic format, identifying the number and type of fire rescue incident responses by City fire rescue vehicles for a one-year period (Calendar Year 2014).

The City uses the Florida Fire Incident Reporting System (FFIRS) to record its fire rescue incidents. The FFIRS is a tool for fire departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner.

Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. A data field in the FFIRS, "type of situation found," identifies the incident as an EMS or non-EMS type of call for each incident. Appendix A provides a codes list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

Another data field in the FFIRS, "fixed property use," identifies the type of property that fire departments respond to for each fire rescue incident. The fixed property uses correlate to property uses determined by the Polk County Property Appraiser on the ad valorem tax roll. Appendix B provides a codes list for the "fixed property use" as recorded on the fire rescue incident reports and as determined based on additional research conducted by GSG and the City and the assigned category.

GSG analyzed one year of fire rescue incident data from the FFIRS files to evaluate trends and determine if aberrations were present. Of the 2,757 fire rescue incidents, there were 1,945 incidents classified as EMS type incidents based on the type of situation found indicated on the incident report. The 1,945 EMS type incidents were not included in the analysis.

There are certain fire rescue incidents that could not be assigned to a specific property or parcel. These calls represent either non-specific type incidents, which are incidents that could not be correlated to a specific parcel or calls that involved auto accidents and other types of incidents along roads and highways.

Of the 812 remaining fire type incidents, 524 were calls to specific property uses. The remaining 288 incidents were considered non-specific type incidents. Because of the inability to correlate these non-specific type incidents to specific property categories, the call analysis does not include these 288 incidents. Additionally, the level of services required to meet anticipated demand for fire protection services and the corresponding annual fire protection budget required to fund fire protection services provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific property uses.

Because of the urbanized character of the City, the suppression of fires on vacant property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel. Therefore, it is fair and reasonable not to apportion any of the assessed costs to vacant property, thus, incidents to vacant property were not included in the final analysis of the fire call database. The 29 calls to vacant property were removed.

Using the fixed property use codes and additional research conducted by GSG and the City, the remaining 495 fire type incidents corresponding to specific properties were assigned to the following property use categories: single-family residential, multi-family residential, mobile home, commercial, industrial/warehouse, and institutional. Incidents to government properties, religious buildings, nursing homes, institutional parcels and educational properties were aggregated into an "institutional" category.

Table 8 outlines the property use category assignment of fire type incidents based on the analysis conducted.

Table 8
Fire Calls by Category (Calendar Year 2014)

Category	Number of Incidents	Percentage of Calls
Single Family Residential	261	52.73%
Multi-Family Residential	60	12.12%
Mobile Home	12	2.42%
Commercial	93	18.79%
Industrial/Warehouse	3	0.61%
Institutional	66	13.33%
Total	**495**	**100%**

Source: City of Lake Wales Fire Department, (2014).

WEIGHTING OF INCIDENTS

The cost of responding to calls varies among the property use categories. To address these different costs, GSG assigned a cost factor for each property category based on the average time that personnel and equipment were out-of-service while responding to incidents in each particular property use category.

The City maintains the time that each apparatus is out-of-service (not available to respond to a call for service). These times were aggregated by property use category and divided by the number of calls in each particular property use category to arrive at an average time out-of-service. These times and relative weighting factors for each property use category are seen in Table 9 below.

Table 9
Average Call Duration and Relative Weighting Factors

Category	Average Call Duration	Relative Weighting Factor
Single Family Residential	16.31	1
Multi-Family Residential	17.37	1.07
Mobile Home	36.92	2.26
Commercial	16.71	1.03
Industrial/Warehouse	17.33	1.06
Institutional	14.24	0.87

Source: City of Lake Wales Fire Department

The actual fire calls in Table 8 and average call duration relative weighting factors in Table 9 were used to calculate the weighted fire calls for each property use category.

Table 10 outlines the property use category assignment of weighted fire type incidents based on the analysis conducted.

Table 10
Weighted Fire Calls by Category (Calendar Year 2014)

Category	Number of Incidents	Factor	Weighted Calls	Weighted Percentage
Single-Family Residential	261	1	261	51.36%
Multi-Family Residential	60	17.37	1.07	12.57%
Mobile Home	12	2.26	27.17	5.35%
Commercial	93	1.03	95.28	18.75%
Industrial/Warehouse	3	1.06	3.19	0.63%
Institutional	66	0.87	57.63	11.34%
Total	**495**		**508.16**	**100%**

Source: City of Lake Wales Fire Department.

PROPERTY DATA

GSG obtained information from the ad valorem tax roll from the Polk County Property Appraiser's office to develop the assessment roll.

Each property use within the assessable area on the ad valorem tax roll was assigned to one or more of the property use categories based on their assignment of use by the Polk County Property Appraiser or verification of use obtained through field research. The Property Appraiser assigns a building improvement code based on a building's assigned use on a parcel of property. GSG conducted an analysis regarding building improvement types based on the assignment of use by the Polk County Property Appraiser or verification obtained through field research. A list of building improvement codes used by the Polk County Property Appraiser is provided as Appendix C.

Further analysis was conducted of the parcels based on the Florida Department of Revenue (DOR) four-digit property use codes reflected in the Rule 12D-8.008, Florida Administrative Code. A listing of DOR codes and associated property description is provided as Appendix D.

For parcels assigned to the Residential Property Use Category, GSG utilized the total number of dwelling units as determined from the building files on the ad valorem tax roll or through the use of field research.

For parcels within the Non-Residential Property Use Category, GSG utilized the amount of square footage of the non-residential structures as determined from the building files on the ad valorem tax roll or through the use of field research.

Computation of Fire Protection Assessment

This section of the memorandum includes the recommended parcel classifications and preliminary assessment rates as calculated within this Assessment Memorandum.

The fire assessment cost calculations provided herein are primarily based on information supplied by the City. The assessable cost projections developed by GSG are designed to forecast preliminary assessment rates within each property use category for Fiscal Year 2016-17 based on the five-year average assessable budget.

SPECIAL BENEFIT ASSUMPTIONS

The following assumptions support a finding that the fire protection services, facilities, and programs provided by the City provide a special benefit to the assessed parcels.

- Fire protection services, facilities, and programs possess a logical relationship to the use and enjoyment of property by: (i) protecting the value and integrity of improvements, structures and land through the availability and provision of comprehensive fire protection services; (ii) protecting the life and safety of intended occupants in the use and enjoyment of property; (iii) lowering the cost of fire insurance by the presence of a professional and comprehensive fire protection program; and (iv) containing fire incidents occurring on land with the potential to spread and endanger other property and property features.
- The availability and provision of comprehensive fire protection services enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and, ultimately, the property values within the assessable area.

APPORTIONMENT METHODOLOGY

The following section describes the recommended assessment apportionment methodology for fire protection services based on: (i) the fire assessable cost calculations; (ii) the ad valorem tax roll maintained by the property appraiser and the availability of the data residing on the database; and (iii) the fire rescue incident data.

COST APPORTIONMENT

The Fiscal Year 2016-17 assessable costs calculation was apportioned among property use categories based upon the historical demand for fire protection services reflected by the fire incident data for a one-year period (Calendar Year 2014). This apportionment is illustrated in Table 11.

Table 11
Cost Apportionment

Fixed Property Use	Weighted Fire Calls by Property Category	% of Calls	Five-Year Average Assessable Costs
Single-Family Residential	261	51.36%	$1,308,539
Multi-Family Residential	63.89	12.57%	$320,316
Mobile Home	27.17	5.35%	$136,218
Commercial	95.28	18.75%	$477,692
Industrial/Warehouse	3.19	0.63%	$15,993
Institutional	57.63	11.34%	$288,931
Total	**508.16**	**100%**	**$2,547,690**

PARCEL APPORTIONMENT

The share of the assessable costs apportioned to each property use category was further apportioned among the individual buildings of property within each property use category in the manner described in Table 12.

Table 12
Parcel Apportionment within Property Use Categories

Category	Parcel Apportionment
Residential -Single-Family -Multi-Family -Mobile Home	Dwelling Unit
Non-Residential -Commercial -Industrial/Warehouse -Institutional	Square Footage (capped at 125,500)

Applying the foregoing parcel apportionment methodology, fire protection assessment rates were computed for each property use category. The specific methodology, underlying special benefit and fair apportionment assumptions are included below and generally described.

RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS

The following assumptions support findings that the parcel apportionment applied in the Residential Property Use Category is fair and reasonable. The Residential Property Use Category includes such properties as single-family, multi-family, and mobile homes.

- The size or the value of the residential parcel does not determine the scope of the required fire protection services. The potential demand for fire protection services is driven by the existence of a dwelling unit and the anticipated average occupant population.

- Apportioning the assessed costs for fire protection services attributable to the residential property use category on a per dwelling unit basis is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of parcel apportionment based upon historical demand for services.

RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

The Residential Property Use Category includes single-family, multi-family and mobile homes. Based upon the historical demand for fire protection services, the percentages of assessable costs attributable to single-family, multi-family and mobile home residential properties were calculated. The amount of the assessable costs allocable to each residential parcel will be based upon the number of dwelling units on the parcel.

The residential assessment rates were determined by multiplying the percent of weighted fire calls attributable to residential property by the total assessable costs. This calculated amount of assessable costs was then divided by the number of residential dwelling units in each category to obtain an assessment per dwelling unit.

Table 13 illustrates the assignment of dwelling units under this apportionment methodology to the Residential Property Use Category.

Table 13
Parcel Apportionment Residential Property Use Category

Residential Property Use Categories	Number of Dwelling Units
Single Family	4,061
Multi-Family	2,032
Mobile Home	478

Source: Lake Co. Property Appraiser, (2014).

NON-RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS

The Non-Residential Property Use Category includes commercial, industrial/warehouse, and institutional property uses. The capacity to handle fires and other emergencies in Non-Residential Property Use Category is governed by the following:

- The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Department can pump to a first alarm, non-residential fire. As outlined by Table 4, the pumping capacity of the Fire Department is 6,400 gallons per minute. Accordingly, based on National Fire Protection Association fire fighting standards for fire-flow, the Fire Department currently has sufficient fire-flow capacity to provide service coverage in the event of a structure fire involving 125,500 square feet.[2] Therefore, based upon the findings outlined herein, it is fair and reasonable to place a 125,500 square foot cap on square footage of non-residential structures.

The following assumption supports findings that the parcel apportionment applied in the Non-Residential Property Use Category is fair and reasonable.

- The separation of the non-residential buildings by actual square footage is fair and reasonable for the purpose of parcel apportionment because the demand for fire protection services, fire flow, fire fighters,

[2] Source: National Fire Protection Association, "NFPA 1 Fire Code, 2015, Chapter 18"

quantity and size of apparatus, and other special firefighting equipment is determined and measured by the actual square footage of structures and improvements within benefited parcels.

Section 125.0168, Florida Statutes, relating to special assessments levied on recreational vehicle parks regulated under Chapter 513, Florida Statues requires the following:

- When a city levies a non-ad valorem special assessment on a recreational vehicle park regulated under chapter 513, the non-ad valorem special assessment shall not be based on the assertion that the recreational vehicle park is comprised of residential units. Instead, recreational vehicle parks regulated under chapter 513 shall be assessed as a commercial entity in the same manner as a hotel, motel, or other similar facility. Therefore it is fair and reasonable to treat each RV space within recreational vehicle park property as a commercial property and assign the square footage of 191 square feet, the average size of a recreational vehicle, according to the Florid Association of RV Parks and Campgrounds. This square footage was then aggregated by parcel.

NON-RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

Based upon the historical demand for fire protection services, property in the Non-Residential Property Use Classification will be responsible for funding a percentage of assessable costs. The amount of the assessable costs allocable to each non-residential parcel will be based upon the aggregate of all non-residential building square footage situated on the parcel.

The non-residential assessment rate was determined by multiplying the percent of weighted fire calls attributable to non-residential property by the total assessable costs. This calculated amount of assessable costs was then divided by the number of non-residential square feet in each category to obtain an assessment per square foot.

Table 14 illustrates the assignment of capped square footage for parcels under this apportionment methodology in the Non-Residential Property Use Category.

Table 14
Parcel Apportionment Non-Residential Property Use Category

Non-Residential Property Use Categories	Number of Square Feet
Total Commercial	3,885,821
Total Industrial/Warehouse	1,480,946
Total Institutional	1,735,149

Source: Polk County Property Appraiser, (2014).

MIXED USE PROPERTY CALCULATION AND CLASSIFICATION

For residential parcels that contain non-residential buildings, the non-residential improvements located on the parcel were treated according to their non-residential property use category and size to compute the parcel's non-residential fire services assessment. This assessment was then added to the parcel's residential fire services assessment.

For non-residential parcels that contain a residence, the actual number of dwelling units located on the parcel was multiplied by the per dwelling unit charge to compute the parcel's residential fire services assessment. This assessment was then added to the parcel's non-residential fire services assessment.

COMPUTATION OF FIRE ASSESSMENT RATES

Applying the parcel apportionment methodology, fire protection assessment rates were computed for each specified property use category based on the assessable costs of providing fire protection services, the weighted number of fire calls apportioned to specific property categories and the number of billing units within the specified property categories.

Table 15 illustrates the preliminary assessment rates after application of the assessment methodology based on 100 percent funding of the total assessable costs for Fiscal Year 2016-17 based on the five-year average assessable costs.

Table 15
Preliminary Fire Protection Assessment Rates (100% of Assessable Costs)

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	$323.00
Multi-Family	$158.00
Mobile Home	$286.00
Non-Residential Property Use Categories	**Rate Per Square Foot**
Commercial	$0.13
Industrial/Warehouse	$0.02
Institutional	$0.17

*Estimated Gross Revenue: $2,547,690; Estimated Exempt Buy-down: $272,198; Estimated Net Revenue: $2,275,492.

Table 16 illustrates the preliminary assessment rates after application of the assessment methodology based on 75 percent funding of the total assessable costs for Fiscal Year 2016-17 based on the five-year average assessable costs.

Table 16
Preliminary Fire Protection Assessment Rates (75% of Assessable Costs)

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	$242.00
Multi-Family	$119.00
Mobile Home	$214.00
Non-Residential Property Use Categories	**Rate Per Square Foot**
Commercial	$0.10
Industrial/Warehouse	$0.01
Institutional	$0.13

*Estimated Gross Revenue: $1,910,768; Estimated Exempt Buy-down: $207,948; Estimated Net Revenue: $1,702,820.

Table 17 illustrates the preliminary assessment rates after application of the assessment methodology based on 57.5 percent funding of the total assessable costs for Fiscal Year 2016-17 based on the five-year average assessable costs.

Table 17
Preliminary Fire Protection Assessment Rates (57.5% of Assessable Costs)

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	$186.00
Multi-Family	$91.00
Mobile Home	$164.00
Non-Residential Property Use Categories	**Rate Per Square Foot**
Commercial	$0.087
Industrial/Warehouse	$0.01
Institutional	$0.10

*Estimated Gross Revenue: $1,464m922; Estimated Exempt Buy-down: $160,618; Estimated Net Revenue: $1,304,304.

Table 18 illustrates the preliminary assessment rates after application of the assessment methodology based on 45.25 percent funding of the total assessable costs for Fiscal Year 2016-17 based on the five-year average assessable costs.

Table 18
Preliminary Fire Protection Assessment Rates (45.25% of Assessable Costs)

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	$146.00
Multi-Family	$72.00
Mobile Home	$129.00
Non-Residential Property Use Categories	**Rate Per Square Foot**
Commercial	$0.06
Industrial/Warehouse	$0.01
Institutional	$0.08

*Estimated Gross Revenue: $1,152,830; Estimated Exempt Buy-down: $127,926; Estimated Net Revenue: $1,024,904.

EXEMPTIONS AND IMPACT OF EXEMPTIONS

Because the fire protection assessment is being developed to meet the case law standards for a valid special assessment, any proposed exemptions require special scrutiny. The crafting of an exemption must be founded upon a legitimate public purpose, and not tramp on State or Federal constitutional concepts of equal protection and constitutional prohibitions against establishment of religion or the use of the public treasury directly or indirectly to aid religious institutions. Furthermore, to ensure public acceptance, any exemption must make common sense and be fundamentally fair. Finally, the impact of any proposed exemption should be evaluated in terms of its magnitude and fiscal consequences on the City's general funds.

Whenever crafting an exemption, it is important to understand that the fair apportionment element required by Florida case law prohibits the shifting of the fiscal costs of any special assessment from exempt landowners to other non-exempt landowners. In other words, the funding for an exemption from a special assessment must come from a legally available external revenue source, such as the City's general fund. Funding for fire assessment exemptions cannot come from the proceeds derived directly from the imposition of special assessments for fire services and facilities. Because any exemption must be funded by an external funding source, such as the general fund, the grant of any exemption will not have any impact upon the fire assessment to be imposed upon any other non-exempt parcels.

Whether or not the City decides to fund exemptions for fire protection assessments on property owned by non-governmental entities would be based upon a determination that such exemptions constituted a valid public purpose. The importance of special assessments on non-governmental, tax-exempt parcels has been addressed by the Florida Supreme Court in Sarasota County v. Sarasota Church of Christ, 667 So.2d 180 (Fla. 1995) (In reciting the facts of the case on appeal, the Court stated that the party challenging the assessment consisted of religious organizations or entities owning developed real property in Sarasota County [the Churches] that are exempt from ad valorem taxes but not from special assessments.) The funding of exemptions for non-governmentally owned institutional property wholly exempt from ad valorem taxes could be based on a finding that such properties provide facilities and uses to their ownership, occupants or membership, as well as the public in general, that otherwise might be required to be provided by the City. Such a finding would be the basis for a determination that such properties served a legitimate public purpose or provided a public benefit that merited the City's funding of an exemption from the fire protection assessment.

In identifying an appropriate exemption scheme, the City should be cautious not to confuse the ownership of a parcel with the parcel's use. For example, a determination to exempt properties used for institutional purposes would have to be extended to similar institutional property owned by entities created for profit, as well as institutional property owned by non-profit or governmental entities. However, if the City wanted to make the policy decision to narrow the exemption to only institutional property owned by not-for-profit entities, it might consider adding a second test to the exemption which afforded exemptions to institutional properties which were wholly exempt from ad valorem taxes. Adding the tax-exempt criteria further narrows the exemption on a well-tested tax-exempt premise.

Whether the City decides to charge governmental entities or fund exemptions on governmentally owned property requires somewhat different considerations. First, a forced sale of government property is not available as an enforcement mechanism. The charge to governmentally owned parcels would be more akin to a service fee for each government parcel's proportionate benefit from the availability and provision of fire protection services by the City. The billing would be direct, received by government buildings and facilities. Enforcement would be by judicial proceedings to require payment. As to each level of government, differing concepts of immunity and other statutory provisions or case law decisions may prevent collection or frustrate special assessment imposition.

State and Federal laws contain a patchwork of provisions exempting certain governmental property owners from the payment of special assessments. For example, section 423.02, Florida Statutes, exempts certain housing projects from the payment of special assessments. This general law does provide that a housing authority may agree with a local government to make payments in lieu of taxes, but past experience is that such an agreement, if in existence at all, under-funds the impact of such properties on a City's fire assessable cost calculations.

Accordingly, if the City chooses to exempt governmentally-owned property from the fire protection assessment and fund such costs from inter-local agreement with the affected government or from the City's general fund, it is important that the City take steps to set up a reasonable contingency within its general budget to fund the cost incurred in providing fire protection services to governmentally–owned properties.

Table 19 summarizes the estimated impact for Fiscal Years 2016-17 of exempting institutional, wholly tax-exempt and governmental, wholly tax-exempt property, based on 100 percent of the assessable costs.

Table 19
Estimated Impact of Exemptions (FY 2016-17) (100% Funding)

Financial Classification	Amount
Estimated Assessable Costs	$2,547,690
Estimated Buy-down for Governmental Tax-Exempt Properties	($184,964)
Estimated Buy-down for Institutional Tax-Exempt Properties	($87,234)
Estimated Revenue Generated	**$2,275,492**

Outstanding Issues

Issue 1: **Exemption Of Institutional, Tax-Exempt Parcels (Non-Governmental)**

The aggregate cost for the fire services that are available to institutional, wholly tax-exempt properties was estimated as part of the Institutional Property Use Category based on an analysis of each parcel's use. The fair apportionment concepts in the methodology provided within this Assessment Memorandum require an identification of the calls for service to these properties and, therefore, their respective costs. In the event that a policy decision is made to exempt institutional, tax-exempt property, the proportional assessed costs allocated to such exemptions must be funded from other legally available sources because the financial burden of such exemption cannot be apportioned to non-exempt parcels. With any exemption, care should be taken to craft and ensure a non-discriminatory exemption class based upon valid public purpose concepts.

Issue 2: **Exemption Of Governmental Parcels**

In addition to the institutional, wholly tax-exempt properties, the aggregate cost for fire services provided to schools and governmental properties (municipalities, county, state, federal and any sovereign state or nation) was also estimated as part of the Institutional Property Use Category based on an analysis of each parcel's use. The fair apportionment concepts in the methodology provided within this Assessment Memorandum require an identification of the calls for service to these properties and, therefore, their respective costs. In the event that a policy decision is made to exempt governmental property, the proportional assessed costs allocated to such exemptions must be funded from other legally available sources because the financial burden of such exemption cannot be apportioned to non-exempt parcels.

Issue 3: **Collection of Assessments from Governmental Property**

A special assessment can be imposed against governmental property to pay for the benefits that such property receives. However, as to each level of government, differing concepts of immunity and other statutory provisions or case law may prevent collection or frustrate special assessment imposition. In addition, Florida case law is clear that the payment of such assessments cannot be enforced by a lien against the public property. Rather, the enforcement remedy would be a judicial action to compel payment. A collateral issue in enforcing payment is the legislative authorization of the public agency to pay the charge or special assessment imposed. Thus, the law establishing the expenditure authority of the specific governmental or public agency or its appropriation discretion must be examined to determine whether the governmental unit has the authority to pay a charge or assessment for fire services provided by the City. From a collection standpoint, each governmental unit should be sent a separate bill and no attempt should be made to collect the special assessment using the Uniform Method.

Issue 4: **Apportionment Methodology**

The apportionment methodology is based on the level of services and resources currently being provided by the City. Any changes in the level of services or resources within the City could affect the apportionment methodology and should be analyzed prior to imposition of future fire assessments.

Issue 5: **Administrative Factor Calculation**

The administrative factor calculation was based on information provided by the City for normal staffing levels. Any changes to the staffing levels could result in a revised

administrative factor which could increase or lower the amount of assessable costs to be collected.

Issue 6: **Non-Specific Calls**

In the fire call analysis, certain fire related calls were classified as non-property specific, because of the location of occurrence in the incident report. These calls represent non-specific incidents that either could not be correlated to a specific parcel or involved auto accidents or other types of incidents along roads and highways. These calls are excluded from the analysis that determines the percentage of calls for service to respective property types and therefore, are not considered in the determination of the extent of budget required to fund the department. Because the budget is established based on the ability of the department to adequately protect structures, no adjustment has been made to the budget due to non-property specific calls. Further, even if such calls did affect the cost of the department's operations, there are sufficient non-assessment revenues available to offset any impact upon the budget.

Issue 7: **Verification of Real Property Assessment Roll Data.**

Data utilized to assign property use categories and the number of billing units per category is based upon information maintained on the real property assessment roll maintained by the Polk County Property Appraiser for the levy of ad valorem taxes. A successful assessment program collected under the Uniform Method must use the information maintained by the property appraiser on the ad valorem tax roll. However, property appraisers are charged only with the responsibility of determining the value of all property within each County and maintaining certain records contained therewith, specifically the preparation of the ad valorem tax roll. The ad valorem tax roll is designed solely to provide the data required by property appraisers to fulfill their charge of assessing the value of property. In contrast, assessment programs focus on property use, size of improvements and other characteristics. A majority of the information used for the development of the assessment rates was provided in the ad valorem tax roll. However, further verification of the data for some parcels of property was conducted.

Issue 8: **Hardship Assistance Program**

The City has the option of creating a Hardship Assistance Program to assist residential property owners with homesteaded property, who meet the eligibility criteria, with the financial burden created by the imposition of the Fire Assessment. The eligibility criteria are typically based upon Federal Government Poverty Level Guidelines established by the United States Department of Health and Human Services, as adjusted for family size, but may also be based upon criteria from an existing hardship assistance program. Eligibility for hardship assistance would be determined by City staff.

Issue 9: **Mobile Home and Recreational Vehicle (RV) Park Vacancy Credit**

As a consequence of the transient use and potential extraordinary vacancies within mobile home and RV parks as compared to other residential property and the lack of demand for fire services for unoccupied spaces, it is fair and reasonable to provide for an extraordinary vacancy adjustment procedure for mobile home and RV properties. Vacant mobile home and RV spaces within a mobile home or RV park will be charged; however, these properties will be eligible for an extraordinary vacancy adjustment for vacant mobile home and RV spaces.

Implementation

FISCAL YEAR 2016-17

The City will transition from using a separate bill to collect the Fire Services Assessment for Fiscal Year 2015-16 to the tax bill collection method for Fiscal Year 2016-17. To transition to the tax bill collection method, the City will be required to follow the statutory deadlines provided in section 197.3632, Florida Statutes.

To use the tax bill collection process, a local government must follow the strict procedures provided in section 197.3632, Florida Statutes (Uniform Method). A local government must initiate the process almost a year before it intends to begin using the Uniform Method to collect the assessments. The process begins with the passage of a resolution of intent prior to January 1, 2016. The City adopted a resolution of intent in November 2015.

Under section 197.3632, Florida Statutes, property appraisers must annually provide certain information to local governments by June 1 to assist the local government in the preparation of special assessment rolls to be collected under the Uniform Method.

Pursuant to the Home Rule Ordinance, the City will be required to adopt a preliminary assessment resolution for Fiscal Year 2016-17. The preliminary assessment resolution will mirror the initial assessment resolution from Fiscal Year 2015-16 and should, among other things, briefly describe the Fire Services Assessment program, the method of apportionment, set a public hearing date for final consideration and direct and authorize the mailed and published notifications to those property owners included on an initial assessment roll.

Statutory requirements to use the tax bill collection method provide that a service assessment roll must be adopted at a public hearing between January 1 and September 15 so the tax collector can merge it with the ad valorem tax roll and mail a single bill for the combined collection of assessments and ad valorem taxes. At least 20 days prior to the public hearing, a local government must publish notice of the hearing in a newspaper of general circulation within the government's boundaries and by individual first-class United States mail to the owners of property subject to the assessment. The mailed notice can be a separate notice or the City may have the option to use the Truth-In-Millage (TRIM) notice to notify property owners of their respective Fire Services Assessment amount. The use of TRIM is dependent upon the agreement of the property appraiser. Should the City obtain the permission of the Polk County Property Appraiser, notification of the assessment amounts for Fiscal Year 2016-17 may be accomplished using the TRIM notice. If the City expects to employ the use of the TRIM notice, it is imperative to begin coordinating with the property appraiser early in the calendar year it expects to use the TRIM notice.

After the scheduled public hearing, the City will adopt a final assessment resolution which, among other things, will confirm the initial assessment resolution, articulate the rate of assessments, approve the assessment roll, direct, and authorize the method of collection.

Once the final assessment resolution is adopted and the roll certified by September 15 to the Polk County Tax Collector to be collected along with ad valorem taxes, any minor modifications, corrections or errors must be made in accordance with the procedure applicable to the correction of errors on the tax roll, upon written direction from the City to the Polk County Tax Collector.

Collection of the special assessments and ad valorem taxes begins in November. Failure to pay the assessments and taxes result in the issuance of a tax certificate and may result in the sale of a tax deed.

Outlined in Table 20 is a critical events schedule identifying specific dates for significant events for the City to implement the assessment program for Fiscal Year 2016-17.

IMPLEMENTATION SCHEDULE

Outlined in Table 20 is a critical events schedule identifying specific dates for all significant events for the City to implement the fire assessment program and collect the assessments using the tax bill collection method for Fiscal Year 2016-17.

Table 20
Critical Events Schedule

City adopts Preliminary Assessment Resolution	June 7, 2016
City advertises Public Hearing to adopt Final Assessment Resolution	August 15, 2016
TRIM/First Class Notices Mailed to Affected Property Owners	August 15, 2016
Public Hearing to adopt Final Assessment Resolution	September 6, 2016
Tax Bills Mailed	November 2016

Appendix A

SITUATION FOUND CODES AND DESCRIPTIONS

Situation Found Code	Description	EMS Type Call
100	Fire, Other	No
111	Building Fire	No
113	Cooking fire, confined to a container	No
118	Trash or rubbish fire, contained	No
121	Fire in mobile home used as a fixed residence	No
122	Fire in mobile home, camper, recreational vehicle	No
130	Mobile property (vehicle) fire, other	No
131	Passenger vehicle fire	No
138	Off Road vehicle or heavy equipment fire	No
140	Natural vegetation fire	No
141	Forest, woods or wildland fire	No
142	Brush, or brush and grass mixture fire	No
143	Grass fire	No
151	Outside rubbish, trash or waste fire	No
154	Dumpster or other outside trash receptacle fire	No
160	Special outside fire, other	No
161	Outside storage fire	No
162	Outside equipment fire	No
251	Excessive heat, scorch burns with no ignition	No
300	Rescue, EMS call, other	Yes
311	Medical assist, assist EMS crew	Yes
320	Allergic reaction	Yes
321	EMS call, excluding vehicle accident with injury	Yes
322	Vehicle accident with injuries	Yes
323	Motor vehicle/pedestrian accident (MV Ped)	Yes
324	Motor Vehicle Accident, No Injuries	No
352	Extrication of victim(s) from vehicle	No
353	Removal of victim(s) from stalled elevator	No
357	Extrication of victim(s) from machinery	No
361	Swimming/recreational water areas rescue	No
365	Watercraft rescue	No
400	Hazardous condition, other	No
411	Gasoline or other flammable liquid spill	No
412	Gas leak	No
413	Oil or other combustible liquid spill	No
440	Electrical wiring/equipment problem, other	No
441	Heat from short circuit (wiring), defective/worn	No
442	Overheated motor	No
443	Light ballast breakdown	No
444	Power line down	No
445	Arcing, shorted electrical equipment	No
500	Service call, other	No
510	Person in distress, other	Yes
511	Lock-out	No
522	Water or steam leak	No
531	Smoke or odor removal	No
550	Public service assistance, other	No
551	Assist police or other governmental agency	No

Situation Found Code	Description	EMS Type Call
552	Police matter	No
553	Public service	No
554	Assist invalid	Yes
561	Unauthorized burning	No
600	Good intent call, other	No
611	Dispatched & canceled en route	No
6111	Dispatched & canceled en route	No
621	Wrong location	No
622	No incident found upon arrival	No
631	Authorized controlled burning	No
650	Steam, other gas mistaken for smoke, other	No
651	Smoke scare, odor of smoke	No
671	Hazmat release investigation w/no hazmat	No
700	False alarm or false call, other	No
710	Malicious, mischievous false call, other	No
715	Local alarm system, malicious false alarm	No
730	System malfunction	No
733	Smoke detector activation due to malfunction	No
735	Alarm system sounded due to malfunction	No
736	CO detector activation due to malfunction	No
740	Unintentional transmission of alarm, other	No
741	Sprinkler activation, no fire - unintentional	No
743	Smoke detector activation, no fire - unintentional	No
744	Detector activation, no fire - unintentional	No
745	Alarm system sounded, no fire - unintentional	No
814	Lightning strike (no fire)	No
911	Citizen complaint	No

Appendix B

FIXED PROPERTY USE CODES AND DESCRIPTIONS

Fixed Property Use Code	Description	Category Assigned
100	UNKNOWN OTHER	NON-SPECIFIC
110	FIXED USE RECREATION, OTHER	COMMERCIAL
111	BOWLING ESTABLISHMENT	COMMERCIAL
116	SWIMMING FACILITY	COMMERCIAL
120	VARIABLE USE AMUSEMENT/RECREATION	COMMERCIAL
121	BALLROOM,GYMNASIUM	COMMERCIAL
131	CHURCH/CHAPEL	INSTITUTIONAL
141	ATHLETIC CLUB/YMCA	INSTITUTIONAL
142	CLUB HOUSE	COMMERCIAL
150	PUBLIC, GOVT, OTHER	INSTITUTIONAL
154	MEMORIAL STRUCTURE,MONUMENT	INSTITUTIONAL
161	RESTAURANT	COMMERCIAL
162	NIGHTCLUB	COMMERCIAL
171	AIRPORT TERMINAL	COMMERCIAL
182	AUDITORIUM, CONCERT HALL	COMMERCIAL
183	MOVIE THEATER	COMMERCIAL
210	SCHOOLS NON-ADULT OTHER	INSTITUTIONAL
211	PRE-SCHOOL	INSTITUTIONAL
213	ELEMENTARY SCHOOL	INSTITUTIONAL
215	HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL	INSTITUTIONAL
234	REHABILITATION CENTER	INSTITUTIONAL
241	COLLEGE/UNIVERSITY	INSTITUTIONAL
254	DAY CARE-IN COMMERCIAL PROPERTY	COMMERCIAL
255	DAY CARE-IN RESIDENCE-LICENSED	COMMERCIAL
300	HEALTHCARE/DETENTION OTHER	INSTITUTIONAL
311	CARE OF THE AGED/NURSING STAFF	INSTITUTIONAL
331	HOSPITAL-MEDICAL/PSYCHIATRIC	INSTITUTIONAL
340	CLINICS, OTHER	INSTITUTIONAL
341	CLINIC, CLINIC-TYPE INFIRMARY	INSTITUTIONAL
342	DOCTOR/DENTIST/SURGEONS OFFICE	COMMERCIAL
343	HEMODIALYSIS UNIT	INSTITUTIONAL
345	POLICE STATION	INSTITUTIONAL
361	JAIL/PRISON - NOT JUVENILE	INSTITUTIONAL
365	POLICE STATION	INSTITUTIONAL
400	RESIDENTIAL OTHER	SINGLE-FAMILHY RESIDENTIAL
419	ONE- AND TWO-FAMILY DWELLING	SINGLE-FAMILY RESIDENTIAL
429	MULTI-FAMILY DWELLINGS	MULTI-FAMILY RESIDENTIAL
439	ROOMING, BOARDING, RESIDENTIAL HOTELS	MULTI-FAMILY RESIDENTIAL
449	HOTELS, MOTELS, INNS, LODGES	COMMERCIAL
459	RESIDENTIAL BOARD AND CARE	MULTI-FAMILY RESIDENTIAL
460	DORMITORIES OTHER	INSTITUTIONAL
500	MERCANTILE PROPERTIES OTHER	COMMERCIAL
511	CONVENIENCE STORE	COMMERCIAL
519	FOOD, BEVERAGE SALES, GROCERY STORE	COMMERCIAL
529	TEXTILE, WEARING APPAREL SALES	COMMERCIAL
539	HOUSEHOLD GOODS SALES, REPAIRS	COMMERCIAL
549	SPECIALTY SHOPS	COMMERCIAL

Fixed Property Use Code	Description	Category Assigned
557	BARBER, BEAUTY SHOP, PERSONAL SERVICES	COMMERCIAL
559	RECREATIONAL, HOBBY,HOME SALES, PET STORE	COMMERCIAL
564	SELF-SERVICE LAUNDRY/DRY CLEANING	COMMERCIAL
571	SERVICE STATION	COMMERCIAL
579	MOTOR VEHICLE, BOAT SALES/SERVICE/REPAIRS	COMMERCIAL
580	GENERAL ITEM STORES, OTHER	COMMERCIAL
581	DEPARTMENT STORE	COMMERCIAL
591	GENERAL BUSINESS OFFICE	COMMERCIAL
592	BANK W/FIRST STORY BANKING FACILITY	COMMERCIAL
593	MEDICAL, RESEARCH, SCIENTIFIC OFFICE	COMMERCIAL
596	POST OFFICE OR MAILING FORMS	INSTITUTIONAL
599	BUSINESS OFFICES	COMMERCIAL
600	BASIC INDUSTRY, UTILITY, DEFENSE OTHER	INDUSTRIAL/WAREHOUSE
631	NATIONAL DEFENSE SITE/MILITARY SITE	INSTITUTIONAL
640	UTILITY, ENERGY DISTRIBUTION CNTR OTHER	INDUSTRIAL/WAREHOUSE
650	UNKNOWN AGRICULTURE	AGRICULTURAL
655	CROPS, ORCHARDS	AGRICULTURAL
700	MANUFACTURING PROPERTY, PROCESSING	INDUSTRIAL/WAREHOUSE
807	OUTSIDE MATERIAL STORAGE AREA	NON-SPECIFIC
882	GENERAL VEHICLE PARKING GARAGE	INDUSTRIAL/WAREHOUSE
899	RESIDENTIAL OR SELF STORAGE UNITS	INDUSTRIAL/WAREHOUSE
900	OUTSIDE, SPECIAL PROPERTIES; OTHER	NON-SPECIFIC
931	OPEN LAND, FIELD	VACANT
936	VACANT LOT	VACANT
937	BEACH	NON-SPECIFIC
938	GRADED AND CARED FOR PLOTS OF LAND	AGRICULTURAL
946	LAKE/RIVER/STREAM	NON-SPECIFIC
951	RAILROAD RIGHT OF WAY	NON-SPECIFIC
960	STREET, OTHER	NON-SPECIFIC
961	DIVIDED HIGHWAY, HIGHWAY	NON-SPECIFIC
962	PAVED PUBLIC STREET, RESIDENTIAL	NON-SPECIFIC
963	PAVED PRIVATE STREET, COMMERCIAL	NON-SPECIFIC
965	UNCOVERED PARKING AREA	NON-SPECIFIC
972	AIRCRAFT RUNWAY	COMMERCIAL
UUU	UNDETERMINED	NON-SPECIFIC
MH	MOBILE HOME	MOBILE HOME

Appendix C

POLK COUNTY PROPERTY APPRAISER
BUILDING IMPROVEMENT CODES AND USE DESCRIPTIONS

BUC Codes and Description	Category
1101 – DORMITORY	Institutional
1102 - DORMITORY - FINISHED BASEMENT	Institutional
1103 – APARTMENT	Multi-family
1107 - HOME FOR THE ELDERLY	Nursing Home
1109 - HOTEL - FULL SERVICE	Commercial
1111 – CLUBHOUSE	Commercial
1112 - CLUBHOUSE - SEMIFINISHED BASEMENT	Commercial
1113 - HEALTH CLUB	Commercial
1114 - HOTEL - LIMITED SERVICE	Commercial
1115 - COUNTRY CLUB	Institutional
1116 - COUNTRY CLUB - FINISHED BASEMENT	Institutional
1119 - GROUP CARE HOME	Nursing Home
1121 – MORTUARY	Institutional
1123 - ROOMING HOUSE	FW
1129 - SHELL APARTMENT	FW
1202 - MOTEL - EXTENDED STAY	Commercial
1203 – MOTEL	Commercial
1205 - OFFICE – APARTMENT	Commercial
1207 - MULT RESIDENCE - ELDERLY ASSISTED LIVING	Nursing Home
1208 – LODGE	FW
1209 - MULT RESID - ELDER ASSIST LIVING FINBSMT	FW
1210 - GUEST COTTAGE	FW
1212 - BED & BREAKFAST INN	Commercial
1214 - MULTIPLE RESIDENCE	Multi-family
1215 - MULTIPLE RESIDENCE - FINISHED BASEMENT	FW
1216 - SENIOR CITIZEN TOWNHOUSE - GAME RM BSMT	FW
1219 - RETIREMENT COMMUNITY COMPLEX	FW
1220 - SINGLE FAMILY RESIDENCE	Single Family
1226 - BATH HOUSE	FW
1240 - SINGLE FAMILY RESID - HIGH VAL - FIN BSM	Single Family
1301 - BAR/TAVERN	Commercial
1303 - COCKTAIL LOUNGE	Commercial
1305 – RESTAURANT	Commercial
1306 - RESTAURANT - FINISHED BASEMENT	Commercial
1307 – CAFETERIA	Commercial
1309 - SNACK BAR	Commercial
1311 - FAST FOOD RESTAURANT	Commercial
1313 - CONVENIENCE MARKET	Commercial
1314 - TRUCK STOP	Commercial
1315 - MINI-MART/CONVENIENCE STORE	Commercial
1316 - DINING ATRIUM	Commercial
1317 – MARKET	Commercial
1319 - FLORIST SHOP	Commercial
1320 - ROADSIDE MARKET	Commercial
1321 - DISCOUNT STORE	Commercial
1323 - WAREHOUSE DISCOUNT	Commercial
1325 - WAREHOUSE SHOWROOM STORE	Commercial

BUC Codes and Description	Category
1329 - RETAIL STORE	Commercial
1330 - MALL ANCHOR DEPARTMENT STORE	Commercial
1331 - DEPARTMENT STORE	Commercial
1332 - DEPARTMENT STORE - DISPLAY BASEMENT	Commercial
1333 - BARBER SHOP / BEAUTY SALON	Commercial
1334 – DRUGSTORE	Commercial
1335 – LAUNDROMAT	Commercial
1337 - LAUNDRY - DRY CLEANER	Commercial
1341 - SHOPPING CENTER - NEIGHBORHOOD	Commercial
1343 - MIXED RETAIL W/ RES UNITS	Mixed Use Comm
1344 - MIXED RETAIL W/ OFFICE UNITS	FW
1347 - SHOPPING CENTER - REGIONAL	Commercial
1351 - SHELL COMMUNITY CENTER	Commercial
1355 – SUPERMARKET	Commercial
1401 – LOFT	FW
1403 - INDUSTRIAL FLEX BUILDING	FW
1405 - INDUSTRIAL LIGHT MANUFACTURING	Industrial/Warehouse
1407 - INDUSTRIAL HEAVY MANUFACTURING	Industrial/Warehouse
1409 - ENGINEERING & RESEARCH BUILDING	FW
1411 - LABORATORY BUILDING	FW
1413 - COMPUTER CENTER	FW
1414 - ENGINEERING & RESEARCH - DISPLAY BASEMEN	FW
1415 - BROADCASTING FACILITY	FW
1416 - PASSENGER TERMINAL	Commercial
1417 - ARMORY - FINISHED BASEMENT	Institutional
1418 - POST OFFICE - MAIN	Institutional
1419 - POST OFFICE - BRANCH	Institutional
1421 - DISTRIBUTION WAREHOUSE	Industrial/Warehouse
1422 - MEGA WAREHOUSE	Industrial/Warehouse
1423 - TRANSIT WAREHOUSE	Industrial/Warehouse
1425 - COLD STORAGE FACILITY	Industrial/Warehouse
1427 - STORAGE WAREHOUSE	Industrial/Warehouse
1429 - MINI-WAREHOUSE	Industrial/Warehouse
1431 - HI-RISE MINIWAREHOUSE	Industrial/Warehouse
1432 - CREAMERY	Industrial/Warehouse
1433 - ENGINEERING & RESEARCH - DISPLAY MEZZANI	FW
1435 - MAINTENANCE HANGAR	Industrial/Warehouse
1437 - STORAGE HANGAR	Industrial/Warehouse
1439 - T-HANGAR	Industrial/Warehouse
1441 - COMPLETE AUTO DEALERSHIP	Commercial
1445 - MINI-LUBE GARAGE	FW
1447 - STORAGE GARAGE	FW
1449 - SERVICE (REPAIR) GARAGE	Commercial
1451 - SERVICE GARAGE SHED	FW
1453 - AUTOMOTIVE SERVICE CENTER	Commercial
1455 - SHOWROOM	Commercial
1457 - PARKING STRUCTURE	Industrial/Warehouse

BUC Codes and Description	Category
1463 - SHELL BUILDING - OPEN MEZZANINE	FW
1465 - INDUSTRIAL BUILDING - INTERIOR BUILD-OUT	Industrial/Warehouse
1466 - MECHANICAL BUILDING	Industrial/Warehouse
1468 - TELEPHONE BUILDING	FW
1471 - CAR WASH - CANOPY	FW
1501 - OFFICE BUILDING	Commercial
1503 - PARKING LEVEL	Industrial/Warehouse
1504 - OFFICE BUILDING - OFFICE BASEMENT	Commercial
1505 - OFFICE BUILDING - OFFICE MEZZANINE	Commercial
1510 - CENTRAL BANK	Commercial
1512 - MINI-BANK	Commercial
1514 - BANK BRANCH -	Commercial
1516 - MEDICAL BUILDING	Commercial
1518 - DENTAL OFFICE/CLINIC	Commercial
1521 - MEDICAL BUILDING - FINISHED BASEMENT	Institutional
1522 - GENERAL HOSPITAL	Institutional
1524 - SURGICAL CENTER - FINISHED BASEMENT	Institutional
1526 - CONVALESCENT HOSPITAL	Institutional
1530 - KENNEL	FW
1532 - VETERINARY HOSPITAL	Commercial
1540 - FIRE STATION VOLUNTEER	Institutional
1542 - FIRE STATION STAFFED	Institutional
1544 - GOVERNMENTAL BUILDING	Institutional
1546 - COMMUNITY SERVICE BUILDING	Institutional
1548 - LIBRARY PUBLIC	Institutional
1550 - JAIL - CORRECTIONAL FACILITY	Institutional
1552 - JAIL - POLICE STATION	Institutional
1553 - SHELL OFFICE BUILDING	FW
1601 - CHURCH	Institutional
1603 - CHURCH - CLASS. BASEMENT	Institutional
1604 - CHURCH W/ SUNDAY SCHOOL	Institutional
1605 - AUDITORIUM	Commercial
1607 - CHURCH EDUCATIONAL WING	Institutional
1608 - FELLOWSHIP HALL	Institutional
1610 - THEATER - LIVE STAGE	Commercial
1615 - THEATER - CINEMA	Commercial
1622 - VISITOR CENTER	Commercial
1625 - MUSEUM	Commercial
1632 - ARCADE BUILDING	Commercial
1633 - COMMUNITY CENTER	Institutional
1635 - BOWLING CENTER	Commercial
1639 - SKATING RINK ROLLER	Commercial
1644 - PAVILION	Commercial
1701 - LIGHT COMMERCIAL UTILITY BUILDING	Commercial
1703 - LIGHT COMM. ARCH-RIB QUONEST	FW
1705 - MATERIAL STORAGE BUILDING	FW
1707 - LUMBER STORAGE BUILDING - VERTICAL	FW

BUC Codes and Description	Category
1709 - BOAT STORAGE BUILDING	FW
1711 - MATERIAL STORAGE SHED	FW
1713 - LUMBER STORAGE SHED - HORIZONTAL	FW
1714 - GOLF STARTER BOOTHS	FW
1715 - BOAT STORAGE SHED	FW
1716 - GOLF CART STORAGE BUILDING	FW
1717 - EQUIPMENT (SHOP) BUILDING STORAGE MEZZA	FW
1719 - SHED OFFICE STRUCTURE	FW
1722 - FARM UTILITY SHED	FW
1723 - EQUIPMENT SHED	Industrial/Warehouse
1727 - MATERIAL SHELTER - LIGHT COMMERCIAL	FW
1731 - COLD STORAGE FARM	Industrial/Warehouse
1737 - FRUIT PACKING BARN	Industrial/Warehouse
1745 - POULTRY HOUSE - CAGE - ENCLOSED	Not Used
1747 - BARN GENERAL PURPOSE	Industrial/Warehouse
1748 - FREESTALL BARN	Industrial/Warehouse
1756 - STABLE	Industrial/Warehouse
1759 - ARENA	Commercial
1762 - FARM UTILITY ARCH-RIB QUONSET	Industrial/Warehouse
1764 - FARM IMPLEMENT ARCH-RIB QUONSET	Industrial/Warehouse
1765 - FARM IMPLEMENT SHED	Industrial/Warehouse
1766 - FEEDER BARN	Industrial/Warehouse
1772 - TRANSIENT LABOR CABIN	Industrial/Warehouse
1774 - CORN CRIB - SPACED BOARD	FW
1777 - GREENHOUSE STRAIGHT WALL	Industrial/Warehouse
1778 - GREENHOUSE HOOP (ARCH - RIB)	Industrial/Warehouse
1779 - GREENHOUSE SHADE SHELTER	Industrial/Warehouse
1801 - HIGH SCHOOL	Institutional
1802 - ALTERNATIVE SCHOOL	Institutional
1803 - JUNIOR HIGH SCHOOL	Institutional
1805 - ENTIRE ELEMENTARY	Institutional
1807 - CLASSROOM	Institutional
1809 - MULTIPURPOSE BUILDING	Institutional
1823 - LIBRARY COLLEGE	Institutional
1825 - PHYSICAL EDUCATION BUILDING	Institutional
1827 - GYMNASIUM	Institutional
1833 - SHOWER BUILDING	FW
1837 - RESTROOM BUILDING	Not Used
1839 - DAY CARE CENTER	Commercial
1843 - ENTIRE COLLEGE	Institutional
1845 - CLASSROOM COLLEGE	Institutional
1857 - GREENHOUSE INSTITUTION	FW
1864 - RELOCATABLE CLASSROOM	Institutional
1865 - RELOCATABLE OFFICE	FW
6401 - Stations with Service Bays	Commercial
6402 - Prefabricated Food Booths	FW
6403 - Car Wash - Manual	Commercial

BUC Codes and Description	Category
6404 - Car Wash - Drive-thru	FW
6405 - Car Wash - Automatic	Commercial
6406 - Car Wash Canopies	FW
AF - A - FRAME	FW
AH - Attached Housing	Single Family
CDO - CONDO	Condo
GD - Geo - Demo	FW
LC - Log Cabin	FW
MH - Mobile Home	Mobile Home
MHPK - Mobile Home Park	Mobile Home
MO - Modular Home	FW
PF - PreFab	FW
RVPK - RV Park	Commercial
SF - Single Family	Single Family
SH - Stilt Home	FW
TC - Tourist Court	FW

Appendix D

DEPARTMENT OF REVENUE PROPERTY USE CODES & DESCRIPTIONS

DOR Codes and Descriptions
0001 - Vac.Res
0002 - Vac. MH - PLATTED
0003 - Vac. CONDO SITE - PLATTED
0004 - Vac. Res. w/misc impr @ zero value
0006 - Residential Improvements carried on other pcl's
0007 - Res. or MH lot w/ misc impr of some value
0008 - Lot w/ MH on TPP
0024 - Vac. mh lot w/ misc impr @ 0 value
0028 - Vac. MH waterfront lot
0044 - Vac. Condo/RV Lot
0080 - Vac. Lakefront.
0082 - Vac. other waterfront
0084 - Vac. Lakefront w/ misc impr @ zero value
0085 - Vac. Lakefront w/misc impr of some value
0086 - Vac. Golf course front
0088 - Vac. Airstrip front
0099 - Vac. w/ Sinkhole History
0100 - SFR up to 2.49 AC
0101 - SFR 2.5 TO 9.99AC
0102 - SFR 10+ AC
0140 - Attached Housing
0150 - Modular Home up to 2.49 acres
0151 - Modular Home 2.50 - 9.99 acres
0152 - Modular Home 10+ acres
0160 - SFR - RENTAL
0180 - Res. Lakefront
0182 - SFR other waterfront
0183 - Modular Home Lakefront
0185 - Modular Home other Waterfront
0186 - SFR Golf course front
0187 - Modular Home Golf Course front
0188 - SFR Airstrip front
0199 - SFR w/ Sinkhole History
0200 - M.H. (RP) up to 2.49 Acres
0201 - M.H. (RP) 2.5 - 9.99 Acres
0202 - M.H. (RP) 10+ Acres
0280 - M.H. Lakefront (RP Tag)
0282 - M.H. other Waterfront w/ value(RP)
0286 - M.H. Golf course front (RP)
0299 - M.H. w/ Sinkhole History
0301 - Multi-Family 10+ (indiv units)
0310 - Multi-family - 10 - 49 units
0320 - Multi-family 50 units +
0330 - Multi Family - Low Income & Gov
0360 - Migrant Camps 10+ units
0400 - Condominiums
0401 - Condominiums - M.H. (indiv unit)

DOR Codes and Descriptions
0441 - Condominiums - R.V. (indiv unit)
0500 - CO-OP Apartments
0650 - Assisted living facility
0651 - Skilled Nursing Homes (Private-Medical)
0653 - CCRC (Continuing Care Retirement Community)
0801 - Multiple SFR Residences
0802 - Multiple MH Residences
0803 - Multiple Residences SFR & MH
0810 - Duplexes
0820 - Triplexes & Quad
0830 - Apartments (5-9 Units)
0860 - Migrant Camps 9 units or less
0989 - Splits in Progress
1000 - Vacant Commercial
1004 - Vac Comm misc impr @ zero value
1005 - Vac. Com./Imps on TPP
1006 - Comm. improvements carried on other pcl's
1007 - Comm. misc imps of some value
1038 - Vac. Commercial Golf Course Land
1099 - Vacant Commercial w/ sinkhole
1100 - Com. Misc.
1104 - Structure(s) of some value
1110 - Retail up to 4999 sf
1120 - Retail 5000sf to 20000sf
1130 - Retail Over 20000 sf
1140 - Drug Store
1150 - Discount Stores
1160 - Post Office (Not Gov. Owned)
1170 - Home Improvement Center
1171 - Furniture Stores
1172 - Dollar Stores
1174 - Convenience Stores w/Gas
1175 - Convenience Stores ONLY
1179 - Beauty Shops
1180 - Laundromat
1190 - Day Care Center
1199 - Comm w/ sinkhole
1203 - Com. Land & Non-conforming Structure
1204 - Store/Office w/Residence
1211 - Downtown Core Area Misc
1300 - Department Stores
1400 - Supermarkets
1500 - Regional Shopping Center
1600 - Mini Plaza
1610 - Neighborhood Plaza
1620 - Neighborhood Shopping Cntr
1671 - Community Shopping Cntr

DOR Codes and Descriptions
1700 - Office Building 1 Story
1701 - Office Building - Prior residence
1800 - Office Building Multi-Story
1801 - Office Multi-sty - Prior residence
1906 - Commercial Condo
1940 - Hospitals (Taxable)
1942 - Professional Bldgs
1943 - Medical Complex/Drs. Offices
1944 - Animal Clinics
1945 - Funeral Homes
1946 - Schools and Colleges (taxable)
2000 - Airports (Private)
2100 - Restaurants & Cafeterias
2200 - Fast Foods & Drive-Ins
2300 - Banks (S&L, Financial Insts.)
2310 - Bank Branch office
2400 - Insurance Co. (National & Regional)
2500 - Svc & Repair Shops
2600 - Service Stations
2610 - Truck Stops
2700 - Auto Sales/Svc (Dealerships)
2701 - RV Sales/Service
2702 - Motorcycle/Rec. Vehicles Sales/Service
2710 - Farm Machinery Sales/Svc
2720 - Marine Sales/Svc
2730 - Mobile Home Sales/Svc
2740 - Auto Parts Sales
2750 - Auto Repair
2760 - Used Sales & Rental/Leasing
2770 - Quick Lube
2780 - Car Wash
2805 - Commercial Parking Lots
2840 - Mobile Home and RV Parks
2900 - Wholesale Outlets
3000 - Florests & Greenhouses
3100 - Theaters (Drive-Ins)
3200 - Theaters (Enclosed)
3300 - Bars & Lounges
3400 - BowlingAlleys,Skating Rinks&Pool Hal
3410 - Fitness Center
3420 - Radio/TV Station
3536 - Tourist Attractions
3537 - Entert Facil.(Golf, Go Carts, Etc
3538 - Clubhouse/Country Club/Cultural Org. (Taxable)
3700 - Race Tracks
3800 - Golf Courses & Dr. Ranges
3900 - Hotels & Motels

DOR Codes and Descriptions
3910 - Bed & Breakfast
3950 - Timeshare Properties
4001 - Vacant Industrial
4004 - Vac Indust w/misc imp@ 0 value
4005 - Vac Ind/Imps on TPP
4006 - Industrial improvements carried on other parcels
4007 - Industrial w/ impr of some value (XFOB)
4100 - Light Manufacturing
4104 - Industrial w/ impr of some value (BLDG)
4105 - Misc. Industrial Facility
4202 - Heavy Industrial
4216 - Heavy Ind-Pollution Cont. 193.011
4300 - Lumber Yds, Sawmills, Plaining
4400 - Citrus Packing Plants
4500 - Citrus Canning/Processing
4600 - Citrus Packing Plants
4814 - Wh,Distrib,Term,Truck over 20,000 sf
4815 - Mini Warehouses
4816 - Flex Buildings
4817 - Wh,Distrib,Term,Truck over 20,000 sf with tilt up
4820 - Wh,Distrib,Term,Truck under 20,000 sf
4830 - Cold Storage
4915 - Open Storage-New&Used Bldg Supplies
4924 - Gas & Oil Storage & Distribution
4925 - Auto Wrecking & Junkyards
5100 - Cropland
5101 - Cropland w/Misc. Imp.
5102 - Cropland w/Res.
5103 - Cropland w/M.H.
5110 - Cropland w/Undev. Lnd.
5111 - Cropland w/Undev. w/Misc. Imp.
5112 - Cropland w/Undev. w/Res.
5113 - Cropland w/Undev. w/M.H.
5120 - Cropland w/Com. Land
5121 - Cropland w/Com. Bldg.
5150 - Cropland w/Citrus
5151 - Cropland w/Citrus/Misc. Imp.
5152 - Cropland w/Citrus/Res.
5160 - Cropland w/Pasture
5161 - Cropland w/Pasture/Misc. Imp.
5162 - Cropland w/Pasture/Res.
5163 - Cropland w/Pasture/M.H.
5170 - Cropland w/Farmland
5171 - Cropland w/Farmland/Misc. Imp.
5400 - Timber
5401 - Timber w/Misc.Imp.
5402 - Timber w/Res.

DOR Codes and Descriptions
5403 - Timber w/M.H.
5410 - Timber w/Undev. Lnd.
5411 - Timber w/Undev. w/Misc. Imp.
5412 - Timber w/Undev. w/Res.
5413 - Timber w/Undev. w/M.H.
5420 - Timber w/Com. Land
5450 - Timber w/Citrus
5452 - Timber w/Citrus/Res.
5460 - Timber w/Pasture
5462 - Timber w/Pasture/Res.
6000 - Pasture
6001 - Pasture w/Misc. Imp.
6002 - Pasture w/Res.
6003 - Pasture w/M.H.
6010 - Pasture w/Undev. Lnd.
6011 - Pasture w/Undev. w/Misc. Imp.
6012 - Pasture w/Undev. w/Res.
6013 - Pasture w/Undev. w/M.H.
6020 - Pasture w/Com. Land
6021 - Pasture w/Com. Bldg.
6022 - Pasture w/M.H. Park
6023 - Pasture w/Golf Course
6050 - Pasture w/Citrus
6051 - Pasture w/Citrus/Misc. Imp.
6052 - Pasture w/Citrus/Res.
6053 - Pasture w/Citrus/M.H.
6070 - Pasture w/Farmland
6071 - Pasture w/Farmland/Misc. Imp.
6072 - Pasture w/Farmland/Res.
6073 - Pasture w/Farmland/M.H.
6600 - Citrus
6601 - Citrus w/Misc. Imp.
6602 - Citrus w/Res.
6603 - Citrus w/M.H.
6610 - Citrus w/Undev. Lnd.
6611 - Citrus w/Undev. w/Misc. Imp.
6612 - Citrus w/Undev. w/Res.
6613 - Citrus w/Undev. w/M.H.
6620 - Citrus w/Com. Land
6621 - Citrus w/Com. Bldg.
6622 - Citrus w/M.H. Park
6660 - Citrus w/Pasture
6661 - Citrus w/Pasture/Misc. Imp.
6662 - Citrus w/Pasture/Res.
6670 - Citrus w/Farmland
6671 - Citrus w/Farmland/Misc. Imp.
6672 - Citrus w/Farmland/Res.

DOR Codes and Descriptions
6700 - Poultry, Bees, Fish, Rabbits...
6701 - Poultry, Bees, Fish, Rabbits... w/Misc. Imp.
6702 - Poultry, Bees, Fish, Rabbits... w/Res.
6703 - Poultry, Bees, Fish, Rabbits... w/M.H.
6710 - Poultry, Bees, Fish, Rabbits... w/Undev. Lnd.
6721 - Poultry, Bees, Fish, Rabbits... w/Com. Bldg.
6763 - Poultry, Bees, Fish, & Rabbits...w/Pasture/M.H.
6800 - Dairy
6801 - Dairy w/Misc. Imp.
6802 - Dairy w/Res.
6803 - Dairy w/M.H.
6810 - Dairy w/Undev. Lnd.
6811 - Dairy w/Undev. w/Misc. Imp.
6812 - Dairy w/Undev. w/Res.
6821 - Dairy w/Com. Bldg.
6851 - Dairy w/Citrus/Misc Imp.
6870 - Dairy w/Farmland
6900 - Nursery
6901 - Nursery w/Misc. Imp.
6902 - Nursery w/Res.
6903 - Nursery w/M.H.
6910 - Nursery w/Undev. Lnd.
6911 - Nursery w/Undev. w/Misc. Imp.
6913 - Nursery w/Undev. w/M.H.
6921 - Nursery w/Undev. w/Com. Bldg.
6950 - Nursery w/Citrus
6960 - Nursery w/Pasture
6961 - Nursery w/Pasture/Misc. Imp.
6971 - Nursery w/Farmland/Misc. Imp.
7000 - Vacant Institutional - vac land or misc impr of so
7040 - Vacant HOA Appurtenant Common Elements
7050 - Vacant non-Appurtenant Common Elements
7060 - Vacant Condo Common Elements - vac land or misc im
7070 - Vacant CDD Parcel - vac land or misc impr of some
7071 - Churches- vacant land or misc impr of some value
7072 - Schools & Colleges (Private) - vac land or misc im
7073 - Hospitals (Privately Owned) - vac land or misc imp
7074 - Homes for the Aged - vac land or misc impr of some
7075 - Charitable including Orphanages - vac land or misc
7076 - Cemeteries - vac land or misc impr of some value
7077 - Clubs & Lodges - vac land or misc impr of some val
7078 - Nursing Homes (Medical Facilities) - vac land or m
7079 - Cultural Organizations - vac land or misc impr of
7081 - Vacant Military - vac land or misc impr of some va
7082 - Vacant Forest, Parks - vac land or misc impr of so
7083 - Vacant Public County Schools - vac land or misc im
7084 - Vacant Colleges - vac land or misc impr of some va

DOR Codes and Descriptions
7085 - Vacant Hospitals - vac land or misc impr of some v
7086 - Vacant County - vac land or misc impr of some valu
7087 - Vacant State - vac land or misc impr of some value
7088 - Vacant Federal - vac land or misc impr of some val
7089 - Vacant Municipal - vac land or misc impr of some v
7100 - Churches
7101 - Churches (Taxable)
7200 - Schools & Colleges (Private)
7300 - Hospitals (Privately Owned)
7400 - Homes for the Aged
7500 - Charitable including Orphanages-improved
7600 - Cemeteries
7728 - Clubs & Lodges
7750 - Non-Appurtenant Common Elements
7770 - CDD Parcel Improved
7800 - Nursing Homes (Medical Facilities)
7900 - Cultural Organizations
8200 - Forests, Parks, Rec. Areas
8300 - Schools,Public-County (Owned by Sch Brd
8400 - Colleges
8500 - Hospitals (Municipal & County)
8600 - Counties (Other than Pub Schools,Colleg
8700 - State (Other than Military,Forests,P
8800 - Federal (Other than Military, Forests,P
8900 - Municipal (Other than Colleges,Parks&Re
8930 - Municipal GOLF COURSE
9130 - Railroad Land
9140 - Railroad Land w/Misc. Imp
9190 - Utilities (Gas, Electric, Phone)
9200 - Phosphate Land
9207 - Phosphate Plants
9208 - Sand Mines
9209 - Sand Mines with Improvements
9210 - Phosphate Land With Improvements
9350 - Mineral Rights (Not Phos.)
9360 - Phos. Mineral Rights
9400 - Streets & R/W (Private)
9500 - Submrgd Land/Lk Bottom/Perc Pond)
9670 - Sewage/Borrow Pits/Spray Fields
9681 - Waste Land
9741 - Recreation Land (Covenant)
9744 - Recreation Land w/Misc.Imp.(Covenant)
9800 - Centrally Assessed Railroad Land
9801 - Centrally Assessed Railroad Value
9900 - Unplatted up to 10 acres
9904 - Unplatted up to 10ac w/ impr @ zero val
9910 - Inaccessible tracts

DOR Codes and Descriptions
9920 - Unplatted tracts 10 - 29.99 acres
9925 - Unplatted tracts 30 to 59.99 acres
9930 - Unplatted tracts 60 - 99.99 acres
9935 - Unplatted tracts 100+ acres
9940 - Recreational Land (Private)

MEMORANDUM

June 1, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Teresa Allen, Assistant Public/Support Services Director

SUBJECT: Resolution 2016-15, Joint Participation Agreement-G0B57

SYNOPSIS: The adoption of Resolution 2016-15 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) to rehabilitate and extend Runway 06/24 at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Adopt Resolution 2016-15 authorizing the execution of Joint Participation Agreement G0B57 by the Mayor with the Florida Department of Transportation (FDOT) in the amount of $488,000.00.

BACKGROUND

In 2014, the City Commission adopted Resolution 2014-14, which provided additional funding from FDOT to complete the construction phase of airfield improvements to rehabilitate airport road, perform runway 24 safety improvements and to realign taxiway A.

Then in 2015, the City Commission adopted Resolution 2015-20 which provide funding of $485,000.00 to update the environmental assessment, mitigation, permitting, design update, and related activities necessary to bid the runway 6/24 rehabilitation and extension project.

Resolution 2016-15 will provide funding of $488,000.00 to rehabilitate and extend Runway 06/24. Funding from FDOT will be in phases to complete their funding share.

FY 2015 $ 485,000.00
FY 2016 $ 488,000.00
FY 2017 $ 460,000.00
FY 2018 $1,000,000.00

The city will be submitting the funding request for FAA's share of the project in June 2016.

FISCAL IMPACT

Funding is as following for the upcoming FY 16/17 budget:

Invoices pertaining to the runway 06/24 rehabilitation will be funded as follows:

FAA: 90%
FDOT: 5%
City: 5%

Invoices pertaining to the runway 06/24 extension will be funded as follows:

FDOT: 80%

City: 20%

OPTIONS

The City Commission has already accepted the grant offer from the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) for the engineering design phase and construction phase for the safety improvements to 6/24, realignment of taxiway A, the update of the environmental assessment, mitigation, permitting, and design update phase of the 6/24 runway extension project.

Adopting Resolution 2016-15 provides funding for the next phase of the extension project.

ATTACHMENTS
Resolution 2016-15
Joint Participation Agreement
Fiscal Impact statement

RESOLUTION 2016-15

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCILA PROJECT NUMBER): 438921-1-94-01 and 438921-1-94-02 (REHABILITATE AND EXTEND RUNWAY 06/24) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

WHEREAS, THE City of Lake Wales has the authority to enter into a JPA with the Florida Department of Transportation to undertake a project as authorized by Florida Statute 332, and Florida Administrative Code 14-60;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Lake Wales, Polk County, Florida:

1. That the JPA for the Item-Segment-Phase-Sequence Number (Financial Project Number) 438921 1 94 01 and 438921 1 94 02

2. That Eugene Fultz, Mayor, is authorized to enter into, modify or terminate the JPA with the Florida Department of Transportation, unless specifically rescinded.

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on June 7, 2016.

_____
Mayor, City of Lake Wales

ATTEST:

_____
City Clerk

PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT

Financial Project Number(s): (Item-segment-phase-sequence) 438921-1-94-01	Fund: 010	FLAIR Category.: 088719
438921-1-94-02	Function: 215	Object Code: 751000
Contract Number: G0B57	Federal Number: N/A	Org. Code: 55012020129
CFDA Number: N/A	DUNS Number: 80-939-7102	Vendor No.: F596000357001
CFDA Title: N/A	Agency DUNS Number: 07-321-2201	CSFA Number: 55.004
		CSFA Title: Aviation Development Grants

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and City of Lake Wales 201 Central Avenue West, Lake Wales, FL 33853 hereinafter referred to as Agency. The Department and Agency agree that all terms of this Agreement will be completed on or before 6/30/2020 and this Agreement will expire unless a time extension is provided in accordance with Section 16.00.

WITNESSETH:

WHEREAS, the Agency has the authority to enter into said Agreement and to undertake the project hereinafter described, and the Department has been granted the authority to function adequately in all areas of appropriate jurisdiction including the implementation of an integrated and balanced transportation system and is authorized under 332.006, Florida Statutes, to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree as follows:

1.00 Purpose of Agreement: The purpose of this Agreement is to provide Department participation in a project to rehabilitate and extend Runway 6/24 at the Lake Wales Municipal Airport.

and as further described in Exhibit(s) A, B, C and D attached hereto and by this reference made a part hereof, hereinafter referred to as the project, and to provide Departmental financial assistance to the Agency and state the terms and conditions upon which such assistance will be provided and the understandings as to the manner in which the project will be undertaken and completed.

2.00 Accomplishment of the Project:

2.10 General Requirements: The Agency shall commence, and complete the project as described in Exhibit "A" attached hereto and by this reference made a part hereof this Agreement, with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions herein, and all applicable laws.

2.20 Pursuant to Federal, State, and Local Law: In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable the Agency to enter into this Agreement or to undertake the project hereunder, or to observe, assume or carry out any of the provisions of the Agreement, the Agency will initiate and consummate, as provided by law, all actions necessary with respect to any such matters so requisite.

2.30 Funds of the Agency: The Agency shall initiate and prosecute to completion all proceedings necessary including federal aid requirements to enable the Agency to provide the necessary funds for completion of the project.

2.40 Submission of Proceedings, Contracts and Other Documents: The Agency shall submit to the Department such data, reports, records, contracts and other documents relating to the project as the Department may require as listed in Exhibit "C" attached hereto and by this reference made a part hereof. The Department has the option to require an activity report on a quarterly basis. The activity report will include details of the progress of the project towards completion.

3.00 Project Cost: The total estimated cost of the project is $ $3,808,036.00 . This amount is based upon the estimate summarized in Exhibit "B" attached hereto and by this reference made a part hereof this Agreement. The Agency agrees to bear all expenses in excess of the total estimated cost of the project and any deficits involved.

4.00 Department Participation: The Department agrees to maximum participation, including contingencies, in the project in the amount of $ $488,000.00 as detailed in Exhibit "B", or in an amount equal to the percentage(s) of total cost shown in Exhibit "B", whichever is less.

4.10 Project Cost Eligibility : Project costs eligible for State participation will be allowed only from the effective date of this agreement. It is understood that State participation in eligible project costs is subject to:

(a) Legislative approval of the Department's appropriation request in the adopted work program year that the project is scheduled to be committed;

(b) Availability of funds as stated in Section 15.00 of this Agreement; Approval of all plans, specifications, contracts or other obligating documents as required by the Department, and all other terms of this Agreement;

(c) Department approval of costs in excess of the approved funding or attributable to actions which have not received the required approval of the Department and all other terms of this Agreement;

(d) Department approval of the project scope and budget (Exhibits A & B) at the time appropriation authority becomes available.

4.20 Front End Funding : Front end funding ☐ is ☒ is not applicable. If applicable, the Department may initially pay 100% of the total allowable incurred project costs up to an amount equal to its total share of participation as shown in paragraph 4.00.

5.00 Project Budget and Payment Provisions:

5.10 The Project Budget: A project budget shall be prepared by the Agency and approved by the Department. The Agency shall maintain said budget, carry out the project and shall incur obligations against project funds only in conformity with the latest approved budget for the project. No budget increase or decrease shall be effective unless it complies with fund participation requirements established in Section 4.00 of this Agreement, or Amendment thereto, and is approved by the Department Comptroller.

5.20 Payment Provisions: Unless otherwise allowed, payment will begin in the year the project or project phase is scheduled in the work program as of the date of the agreement. Payment will be made for actual costs incurred as of the date the invoice is submitted with the final payment due upon receipt of a final invoice. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes. If the Department determines that the performance of the Participant is unsatisfactory, the Department shall notify the Participant of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the Department. The Participant shall, within five days after notice from the Department, provide the Department with a corrective action plan describing how the Participant will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the Department, the Participant shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the Participant resolves the deficiency. If the deficiency is subsequently resolved, the Participant may bill the Department for the retained amount during the next billing period. If the Participant is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement's term.

6.00 Accounting Records:

6.10 Establishment and Maintenance of Accounting Records: The Agency shall establish for the project, in conformity with requirements established by Department's program guidelines/procedures and "Principles for State and Local Governments", separate accounts to be maintained within its existing accounting system or establish independent accounts. Such accounts are referred to herein collectively as the "project account". Records of costs incurred under terms of this Agreement shall be maintained in the project account and made available upon request to the Department at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Agency's general accounting records and the Project records, together with supporting documents and records, of the Agency and all sub-consultants performing work on the Project and all other records of the Agency and sub-consultants considered necessary by the Department for a proper audit of costs. If any litigation, claim, or audit is started before the expiration of the five (5) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

6.20 Costs Incurred for the Project: The Agency shall charge to the project account all eligible costs of the project. Costs in excess of the latest approved budget or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs.

6.30 Documentation of Project Costs: All costs charged to the project, including any approved services contributed by the Agency or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges.

6.40 Checks, Orders, and Vouchers: Any check or order drawn by the Agency with respect to any item which is or will be chargeable against the project account will be drawn only in accordance with a properly signed voucher then on file in the office of the Agency stating in proper detail the purpose for which such check or order is drawn. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the project shall be clearly identified, readily accessible, and, to the extent feasible, kept separate and apart from all other such documents.

6.50 Audits: The administration of Federal or State resources awarded through the Department to the Agency by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of Federal awards or State financial assistance or limit the authority of any state agency inspector general, the State of Florida Auditor General, or any other state official. The Agency shall comply with all audit and audit reporting requirements as specified below.

Part I Federally Funded:

1. In addition to reviews of audits conducted in accordance with OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, monitoring procedures may include but not be limited to on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to Federal awards provided through the Department by this Agreement. By entering into this Agreement, the Agency agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer (CFO) or State of Florida Auditor General.

2. The Agency, a non-Federal entity as defined by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as defined by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, as a subrecipient of a Federal award awarded by the Department through this Agreement is subject to the following requirements:

a. In the event the Agency expends a total amount of Federal awards equal to or in excess of the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Agency must have a Federal single or program-specific audit conducted for such fiscal year in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with the provisions of 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014. **Exhibit** A, B, C and D to this Agreement provides the required Federal award identification information needed by the Agency to further comply with the requirements of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and the requirements of 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014. In determining Federal awards expended in a fiscal year, the Agency must consider all sources of Federal awards based on when the activity related to the Federal award occurs, including the Federal award provided through the Department by this Agreement. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014. An audit conducted by the State of Florida Auditor General in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, will meet the requirements of this part.

b. In connection with the audit requirements, the Agency shall fulfill the requirements relative to the auditee responsibilities as provided in OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as provided in 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014.

c. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, in Federal awards, the Agency is exempt from Federal audit requirements for that fiscal year. However, the Agency must provide a single audit exemption statement to the Department at FDOTSingleAudit@dot.state.fl.us no later than nine months after the end of the Agency's audit period for each applicable audit year. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, in Federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, the cost of the audit must be paid from non-Federal resources (*i.e.*, the cost of such an audit must be paid from the Agency's resources obtained from other than Federal entities).

d. The Agency must electronically submit to the Federal Audit Clearinghouse (FAC) at https://harvester.census.gov/facweb/ the audit reporting package as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and for audits required by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to FDOTSingleAudit@dot.state.fl.us within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014.

e. Upon receipt, and within six months, the Department will review the Agency's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the Federal award provided through the Department by this Agreement. If the Agency fails to have an audit conducted in accordance with OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F - Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Department may impose additional conditions to remedy noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance.

f. As a condition of receiving this Federal award, the Agency shall permit the Department, or its designee, the CFO or State of Florida Auditor General access to the Agency's records including financial statements, the independent auditor's working papers and project records as necessary. Records related to unresolved audit findings, appeals or litigation shall be retained until the action is complete or the dispute is resolved.

g. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0450
FDOTSingleAudit@dot.state.fl.us

Part II State Funded:

1. In addition to reviews of audits conducted in accordance with Section 215.97, Florida Statutes, monitoring procedures to monitor the Agency's use of state financial assistance may include but not be limited to on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to state financial assistance awarded through the Department by this Agreement. By entering into this Agreement, the Agency agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, the Department of Financial Services (DFS) or State of Florida Auditor General.

2. The Agency, a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes, as a recipient of state financial assistance awarded by the Department through this Agreement is subject to the following requirements:

a. In the event the Agency meets the audit threshold requirements established by Section 215.97, Florida Statutes, the Agency must have a State single or project-specific audit conducted for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. **Exhibit** A, B, C and D to this Agreement indicates state financial assistance awarded through the Department by this Agreement needed by the Agency to further comply with the requirements of Section 215.97, Florida Statutes. In determining the state financial assistance expended in a fiscal year, the Agency shall consider all sources of state financial assistance, including state financial assistance received from the Department by this Agreement, other state agencies and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

b. In connection with the audit requirements, the Agency shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(e), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

c. In the event the Agency does not meet the audit threshold requirements established by Section 215.97, Florida Statutes, the Agency is exempt for such fiscal year from the state single audit requirements of Section 215.97, Florida Statutes. However, the Agency must provide a single audit exemption statement to the Department at FDOTSingleAudit@dot.state.fl.us no later than nine months after the end of the Agency's audit period for each applicable audit year. In the event the Agency does not meet the audit threshold requirements established by Section 215.97, Florida Statutes, in a fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the Agency's resources (*i.e.*, the cost of such an audit must be paid from the Agency's resources obtained from other than State entities).

d. In accordance with Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, copies of financial reporting packages required by this Agreement shall be submitted to:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
FDOTSingleAudit@dot.state.fl.us

And

State of Florida Auditor General
Local Government Audits/342
111W Madison Street, Room 401
Tallahassee, FL 32399-1450

e. Any copies of financial reporting packages, reports or other information required to be submitted to the Department shall be submitted timely in accordance with Section 215.97, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

f. The Agency, when submitting financial reporting packages to the Department for audits done in accordance with Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date the reporting package was delivered to the Agency in correspondence accompanying the reporting package.

g. Upon receipt, and within six months, the Department will review the Agency's financial reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate corrective action on all deficiencies has been taken pertaining to the state financial assistance provided through the Department by this Agreement. If the Agency fails to have an audit conducted consistent with Section 215.97, Florida Statutes, the Department may take appropriate corrective action to enforce compliance.

h. As a condition of receiving state financial assistance, the Agency shall permit the Department, or its designee, DFS or the Auditor General access to the Agency's records including financial statements, the independent auditor's working papers and project records as necessary. Records related to unresolved audit findings, appeals or litigation shall be retained until the action is complete or the dispute is resolved.

The Agency shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department, or its designee, DFS or State of Florida Auditor General access to such records upon request. The Agency shall ensure that the audit working papers are made available to the Department, or its designee, DFS or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued unless extended in writing by the Department.

6.60 Insurance: Execution of this Joint Participation Agreement constitutes a certification that the Agency has and will maintain the ability to repair or replace any project equipment or facilities in the event of loss or damage due to any accident or casualty for the useful life of such equipment or facilities. In the event of the loss of such equipment or facilities, the Agency shall either replace the equipment or facilities or reimburse the Department to the extent of its interest in the lost equipment or facility. The Department may waive or modify this section as appropriate.

7.00 Requisitions and Payments:

7.10 Action by the Agency: In order to obtain any Department funds, the Agency shall file with the Department of Transportation, District One Public Transportation Office 801 North Broadway Avenue, Bartow , FL, 33830 its requisition on a form or forms prescribed by the Department, and any other data pertaining to the project account (as defined in Paragraph 6.10 hereof) to justify and support the payment requisitions.

7.11 The Agency shall provide the following quantifiable, measurable and verifiable units of deliverables as established in Exhibit "A". Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion.

7.12 Invoices for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof, based on the quantifiable, measurable and verifiable units of deliverables as established in Exhibit "A". Deliverables must be received and accepted in writing by the Department's Project Manager prior to payments.

7.13 Supporting documentation must establish that the deliverables were received and accepted in writing by the Department and that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in Section 2.00 and Exhibit "A" has been met.

7.14 Invoices for any travel expenses by the Agency shall be submitted in accordance with Chapter 112.061, F.S., and shall be submitted on the Department's ***Travel Form No. 300-000-06***. The Department may establish rates lower than the maximum provided in Chapter 112.061, F.S.

7.15 For real property acquired, submit;

(a) the date the Agency acquired the real property,

(b) a statement by the Agency certifying that the Agency has acquired said real property, and actual consideration paid for real property.

(c) a statement by the Agency certifying that the appraisal and acquisition of the real property together with any attendant relocation of occupants was accomplished in compliance with all federal laws, rules and procedures required by any federal oversight agency and with all state laws, rules and procedures that may apply to the Agency acquiring the real property.

7.20 The Department's Obligations: Subject to other provisions hereof, the Department will honor such requisitions in amounts and at times deemed by the Department to be proper to ensure the carrying out of the project and payment of the eligible costs. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment on the project if:

7.21 Misrepresentation: The Agency shall have made misrepresentation of a material nature in its application, or any supplement thereto or amendment thereof, or in or with respect to any document or data furnished therewith or pursuant hereto;

7.22 Litigation: There is then pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the project, the Agreement, or payments to the project;

7.23 Approval by Department: The Agency shall have taken any action pertaining to the project which, under this agreement, requires the approval of the Department or has made related expenditures or incurred related obligations without having been advised by the Department that same are approved;

7.24 Conflict of Interests: There has been any violation of the conflict of interest provisions contained herein;

7.25 Default: The Agency has been determined by the Department to be in default under any of the provisions of the Agreement; or

7.26 Federal Participation (If Applicable): Any federal agency providing federal financial assistance to the project suspends or terminates federal financial assistance to the project. In the event of suspension or termination of federal financial assistance, the Agency will reimburse the Department for all disallowed costs, including any and all federal financial assistance as detailed in Exhibit "B."

7.30 Disallowed Costs: In determining the amount of the payment, the Department will exclude all projects costs incurred by the Agency prior to the effective date of this Agreement, after the expiration date of this Agreement, costs which are not provided for in the latest approved scope and budget for the project, costs attributable to goods or services received under a contract or other arrangements which have not been approved by the Department, and costs invoiced prior to receipt of annual notification of fund availability.

7.40 Payment Offset: If, after project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this agreement, the Department may offset such amount from payments due for work or services done under any public transportation joint participation agreement which it has with the Agency owing such amount if, upon demand, payment of the amount is not made within sixty (60) days to the Department. Offsetting amounts shall not be considered a breach of contract by the Department.

8.00 Termination or Suspension of Project:

8.10 Termination or Suspension Generally: If the Agency abandons or, before completion, finally discontinues the project; or if, by reason of any of the events or conditions set forth in Sections 7.21 to 7.26 inclusive, or for any other reason, the commencement, prosecution, or timely completion of the project by the Agency is rendered improbable, infeasible, impossible, or illegal, the Department will, by written notice to the Agency, suspend any or all of its obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected, or the Department may terminate any or all of its obligations under this Agreement.

8.11 Action Subsequent to Notice of Termination or Suspension. Upon receipt of any final termination or suspension notice under this paragraph, the Agency shall proceed promptly to carry out the actions required therein which may include any or all of the following: (1) necessary action to terminate or suspend, as the case may be, project activities and contracts and such other action as may be required or desirable to keep to the minimum the costs upon the basis of which the financing is to be computed; (2) furnish a statement of the project activities and contracts, and other undertakings the cost of which are otherwise includable as project costs; and (3) remit to the Department such portion of the financing and any advance payment previously received as is determined by the Department to be due under the provisions of the Agreement. The termination or suspension shall be carried out in conformity with the latest schedule, plan, and budget as approved by the Department or upon the basis of terms and conditions imposed by the Department upon the failure of the Agency to furnish the schedule, plan, and budget within a reasonable time. The approval of a remittance by the Agency or the closing out of federal financial participation in the project shall not constitute a waiver of any claim which the Department may otherwise have arising out of this Agreement.

8.12 The Department reserves the right to unilaterally cancel this Agreement for refusal by the contractor or Agency to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, F.S. and made or received in conjunction with this Agreement.

9.00 Audit and Inspection: The Agency shall permit, and shall require its contractors to permit, the Department's authorized representatives to inspect all work, materials, payrolls, records; and to audit the books, records and accounts pertaining to the financing and development of the project.

10.00 Contracts of the Agency:

10.10 Third Party Agreements: The Department specifically reserves the right to review and approve any and all third party contracts with respect to the Project before the Agency executes or obligates itself in any manner requiring the disbursement of Department funds, including consultant, purchase of commodities contracts or amendments thereto. If the Department chooses to review and approve third party contracts for this Project and the Agency fails to obtain such approval, that shall be sufficient cause for nonpayment by the Department as provided in Section 7.23. The Department specifically reserves unto itself the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of the same. If Federal Transit Administration (FTA) funds are used in the project, the Department must exercise the right to third party contract review.

10.20 Procurement of Personal Property and Services:

10.21 Compliance with Consultants' Competitive Negotiation Act: It is understood and agreed by the parties hereto that participation by the Department in a project with an Agency, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Agency complying in full with provisions of Chapter 287.055, F.S., Consultants' Competitive Negotiation Act. At the discretion of the Department, the Agency will involve the Department in the Consultant Selection Process for all contracts. In all cases, the Agency's Attorney shall certify to the Department that selection has been accomplished in compliance with Chapter 287.055, F.S., the Consultants' Competitive Negotiation Act.

10.22 Procurement of Commodities or Contractual Services: It is understood and agreed by the parties hereto that participation by the Department in a project with an Agency, where said project involves the purchase of commodities or contractual services or the purchasing of capital equipment or the constructing and equipping of facilities, which includes engineering, design, and/or construction activities, where purchases or costs exceed the Threshold Amount for CATEGORY TWO per Chapter 287.017 F.S., is contingent on the Agency complying in full with the provisions of Chapter 287.057 F.S. The Agency's Attorney shall certify to the Department that the purchase of commodities or contractual services has been accomplished in compliance with Chapter 287.057 F.S. It shall be the sole responsibility of the Agency to ensure that any obligations made in accordance with this Section comply with the current threshold limits. Contracts, purchase orders, task orders, construction change orders, or any other agreement that would result in exceeding the current budget contained in Exhibit "B", or that is not consistent with the project description and scope of services contained in Exhibit "A" must be approved by the Department prior to Agency execution. Failure to obtain such approval, and subsequent execution of an amendment to the Agreement if required, shall be sufficient cause for nonpayment by the Department as provided in Section 7.23.

10.30 Disadvantaged Business Enterprise (DBE) Policy:

10.31 DBE Policy: The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*)

10.40 The Agency agrees to report any reasonable cause notice of noncompliance based on 49 CFR Part 26 filed under this section to the Department within 30 days of receipt by the Agency.

11.00 Restrictions, Prohibitions, Controls, and Labor Provisions:

11.10 Equal Employment Opportunity: In connection with the carrying out of any project, the Agency shall not discriminate against any employee or applicant for employment because of race, age, creed, color, sex or national origin. The Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, age, creed, color, sex, or national origin. Such action shall include, but not be limited to, the following: Employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Agency shall insert the foregoing provision modified only to show the particular contractual relationship in all its contracts in connection with the development or operation of the project, except contracts for standard commercial supplies or raw materials, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. When the project involves installation, construction, demolition, removal, site improvement, or similar work, the Agency shall post, in conspicuous places available to employees and applicants for employment for project work, notices to be provided by the Department setting forth the provisions of the nondiscrimination clause.

11.20 Title VI - Civil Rights Act of 1964: Execution of this Joint Participation Agreement constitutes a certification that the Agency will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et. seq.), the Regulations of the Federal Department of Transportation issued thereunder, and the assurance by the Agency pursuant thereto.

11.30 Title VIII - Civil Rights Act of 1968: Execution of this Joint Participation Agreement constitutes a certification that the Agency will comply with all the requirements imposed by Title VIII of the Civil Rights Act of 1968, 42 USC 3601,et seq., which among other things, prohibits discrimination in employment on the basis of race, color, national origin, creed, sex, and age.

11.40 Americans with Disabilities Act of 1990 (ADA): Execution of this Joint Participation Agreement constitutes a certification that the Agency will comply with all the requirements imposed by the ADA (42 U.S.C. 12102, et. seq.), the regulations of the federal government issued thereunder, and the assurance by the Agency pursuant thereto.

11.50 Prohibited Interests: The Agency shall not enter into a contract or arrangement in connection with the project or any property included or planned to be included in the project, with any officer, director or employee of the Agency, or any business entity of which the officer, director or employee or the officer's, director's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer, director or employee or the officer's, director's or employee's spouse or child, or any combination of them, has a material interest.

"Material Interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

The Agency shall not enter into any contract or arrangement in connection with the project or any property included or planned to be included in the project, with any person or entity who was represented before the Agency by any person who at any time during the immediately preceding two years was an officer, director or employee of the Agency.

The provisions of this subsection shall not be applicable to any agreement between the Agency and its fiscal depositories, any agreement for utility services the rates for which are fixed or controlled by the government, or any agreement between the Agency and an agency of state government.

11.60 Interest of Members of, or Delegates to, Congress: No member or delegate to the Congress of the United States, or the State of Florida legislature, shall be admitted to any share or part of the Agreement or any benefit arising therefrom.

12.00 Miscellaneous Provisions:

12.10 Environmental Regulations: Execution of this Joint Participation Agreement constitutes a certification by theAgency that the project will be carried out in conformance with all applicable environmental regulations including the securing of any applicable permits. The Agency will be solely responsible for any liability in the event of non-compliance with applicable environmental regulations, including the securing of any applicable permits, and will reimburse the Department for any loss incurred in connection therewith.

12.20 Department Not Obligated to Third Parties: The Department shall not be obligated or liable hereunder to any party other than the Agency.

12.30 When Rights and Remedies Not Waived: In no event shall the making by the Department of any payment to the Agency constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist, on the part of the Agency, and the making of such payment by the Department while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.

12.40 How Agreement Is Affected by Provisions Being Held Invalid: If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance the remainder would then continue to conform to the terms and requirements of applicable law.

12.50 Bonus or Commission: By execution of the Agreement the Agency represents that it has not paid and, also, agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.

12.60 State or Territorial Law: Nothing in the Agreement shall require the Agency to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable State law: Provided, that if any of the provisions of the Agreement violate any applicable State law, the Agency will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Agency to the end that the Agency may proceed as soon as possible with the project.

12.70 Use and Maintenance of Project Facilities and Equipment: The Agency agrees that the project facilities and equipment will be used by the Agency to provide or support public transportation for the period of the useful life of such facilities and equipment as determined in accordance with general accounting principles and approved by the Department. The Agency further agrees to maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment.

12.71 Property Records: The Agency agrees to maintain property records, conduct physical inventories and develop control systems as required by 49 CFR Part 18, when applicable.

12.80 Disposal of Project Facilities or Equipment: If the Agency disposes of any project facility or equipment during its useful life for any purpose except its replacement with like facility or equipment for public transportation use, the Agency will comply with the terms of 49 CFR Part 18 relating to property management standards. The Agency agrees to remit to the Department a proportional amount of the proceeds from the disposal of the facility or equipment. Said proportional amount shall be determined on the basis of the ratio of the Department financing of the facility or equipment as provided in this Agreement.

12.90 Contractual Indemnity: To the extent provided by law, the Agency shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Agency, its agents, or employees, during the performance of the Agreement, except that neither the Agency, its agents, or its employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Department or any of its officers, agents, or employees during the performance of the Agreement.

When the Department receives a notice of claim for damages that may have been caused by the Agency in the performance of services required under this Agreement, the Department will immediately forward the claim to the Agency. The Agency and the Department will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Agency in the defense of the claim or to require that the Agency defend the Department in such claim as described in this section. The Department's failure to promptly notify the Agency of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by Agency. The Department and the Agency will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

13.00 Plans and Specifications: In the event that this Agreement involves the purchasing of capital equipment or the constructing and equipping of facilities, where plans and specifications have been developed, the Agency shall provide an Engineer's Certification that certifies project compliance as listed below, or in Exhibit "C" if applicable. For the plans, specifications, construction contract documents, and any and all other engineering, construction, and contractual documents produced by the Engineer, hereinafter collectively referred to as "plans", the Agency will certify that:

a. All plans comply with federal, state, and professional standards as well as minimum standards established by the Department as applicable;

b. The plans were developed in accordance with sound engineering and design principles, and with generally accepted professional standards;

c. The plans are consistent with the intent of the project as defined in Exhibits "A" and "B" of this Agreement as well as the Scope of Services; and

d. The plans comply with all applicable laws, ordinances, zoning and permitting requirements, public notice requirements, and other similar regulations.

Notwithstanding the provisions of this paragraph, the Agency, upon request by the Department, shall provide plans and specifications to the Department for review and approvals.

14.00 Project Completion, Agency Certification: The Agency will certify in writing on or attached to the final invoice, that the project was completed in accordance with applicable plans and specifications, is in place on the Agency facility, that adequate title is in the Agency and that the project is accepted by the Agency as suitable for the intended purpose.

15.00 Appropriation of Funds:

15.10 The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature.

15.20 Multi-Year Commitment: In the event this Agreement is in excess of $25,000 and has a term for a period of more than one year, the provisions of Chapter 339.135(6)(a), F.S., are hereby incorporated: "(a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of 25,000 dollars and which have a term for a period of more than 1 year."

16.00 Expiration of Agreement: The Agency agrees to complete the project on or before 6/30/2020. If the Agency does not complete the project within this time period, this Agreement will expire unless an extension of the time period is requested by the Agency and granted in writing by the Modal Development Administrator. Expiration of this Agreement will be considered termination of the project and the procedure established in Section 8.00 of this Agreement shall be initiated.

16.10 Final Invoice: The Agency must submit the final invoice on this project to the Department within 120 days after the expiration of this Agreement.

17.00 Agreement Format: All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

18.00 Execution of Agreement: This Agreement may be simultaneously executed in a minimum of two counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one in the same instrument.

19.00 Restrictions on Lobbying:

19.10 Federal: The Agency agrees that no federal appropriated funds have been paid or will be paid by or on behalf of the Agency, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

If any funds other than federal appropriated funds have been paid by the Agency to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Joint Participation Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Agency shall require that the language of this section be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

19.20 State: No funds received pursuant to this contract may be expended for lobbying the Legislature or a state agency.

20.00 Vendors Rights: Vendors (in this document identified as Agency) providing goods and services to the Department should be aware of the following time frames. Upon receipt, the Department has five (5) working days to inspect and approve the goods and services unless the bid specifications, purchase order or contract specifies otherwise. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

If a payment is not available within 40 days after receipt of the invoice and receipt, inspection and approval of goods and services, a separate interest penalty in accordance with Section 215.422(3)(b), F.S. will be due and payable, in addition to the invoice amount to the Agency. The interest penalty provision applies after a 35 day time period to health care providers, as defined by rule. Interest penalties of less than one (1) dollar will not be enforced unless the Agency requests payment. Invoices which have to be returned to an Agency because of vendor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from the Department. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Division of Consumer Services at 1-877-693-5236.

21.00 Public Entity Crime: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017, F.S. for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

22.00 Discrimination: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

23.00 E-Verify:

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and

2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

24.00 Inspector General Cooperation:

The contractor/consultant/vendor agrees to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

AGENCY	FDOT
City of Lake Wales AGENCY NAME	DEPARTMENT OF TRANSPORTATION
SIGNATORY (PRINTED OR TYPED)	Chris Smith TITLE Director of Transportation Development
SIGNATURE	LEGAL REVIEW DEPARTMENT OF TRANSPORTATION
TITLE	See attached Encumbrance Form for date of Funding Approval by Comptroller

OLV 5/25/16

EXHIBIT "A"
PROJECT DESCRIPTION AND RESPONSIBILITIES

This exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales 201 Central Avenue West, Lake Wales, Florida 33853referenced by the above Financial Project Number.

PROJECT LOCATION: Lake Wales Municipal Airport

PROJECT DESCRIPTION: ***Rehabilitate and Extend Runway 6/24***

SPECIAL CONSIDERATIONS BY AGENCY:

The audit report(s) required in paragraph 6.50 of the Agreement shall include a schedule of project assistance that will reflect the Department's contract number, Financial Project Number and the Federal Identification number, where applicable and the amount of state funding action (receipt and disbursement of funds) and any federal or local funding action and the funding action from any other source with respect to the project.

The plans and specifications review required in paragraph 13.00 of the Agreement shall include an Engineer Certification and compliance with Department requirements as outlined in Exhibit "C".

COMPLIANCE WITH LAWS

The Vendor shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Vendor in conjunction with this Agreement. Specifically, if the Vendor is acting on behalf of a public agency the Vendor shall:

(1) Keep and maintain public records that ordinarily and necessarily would be required by the Department in order to perform the services being performed by the Vendor.

(2) Provide the public with access to public records on the same terms and conditions that the Department would provide the records and at a cost that does not exceed the cost provided in chapter 119, Florida Statutes, or as otherwise provided by law.

(3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(4) Meet all requirements for retaining public records and transfer, at no cost, to the Department all public records in possession of the Vendor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Department in a format that is compatible with the information technology systems of the Department.

Failure by the Vendor to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the Department. The Vendor shall promptly provide the Department with a copy of any request to inspect or copy public records in possession of the Vendor and shall promptly provide the Department a copy of the Vendor's response to each such request.

SPECIAL CONSIDERATIONS BY DEPARTMENT:

Effective July 1, 2010, Section 215.971 of the Florida Statutes, requires agreements with the State to contain a scope of work that clearly establishes quantifiable and measurable deliverables. Each deliverable must specify the required level of service to be performed and the Department's criteria for evaluating successful completion. The items must be submitted and approved through the Florida Aviation Database http://www.florida-aviation-database.com/ filed under the appropriate Financial Management (FM) number to meet the deliverable requirements. The deliverables must be received and accepted by the Department prior to the payment of services. The Department of Financial Services Internet link below provides guidance on clear and comprehensive scopes and deliverables development. The scope of work and deliverables are specifically addressed in chapter 3:

http://www.myfloridacfo.com/aadir/docs/ContractandGrantManagementUserGuide.pdf

Phased Airport Project: An Aviation Development Project already under a Joint Participation Agreement (JPA), where additional funding may be allocated or project funding shares revised by the Department in subsequent fiscal years or Work Program Development cycles up to the allowed maximum Department share for the final project cost.

Narrative This project is for the rehabilitation and extension of Runway 6/24.

Justification The project is for the preservation of existing pavement and to lengthen the runway an additional 1,400 feet to accommodate larger aircraft.

Design Phase

1. The Agency must submit a signed copy of an agreement between the Agency and its third-party consultant, incorporating the scope of services and schedule of values which have been approved by the Department. The scope of services must include or incorporate by reference a schedule of values that will be used to approve payments to the third-party consultant. The scope of services and schedule of values must be

approved in writing by the Department before the Agency enters into an agreement with its third-party consultant. The schedule of values shall be a complete and detailed itemization describing each subcategory of work and related pay items and their associated total value, quantity, unit of measurement and unit price/cost. The consultant should invoice the Agency on a regular basis using the approved schedule of values and one of the following methods:

a. Percentage Completed. For this method the consultant's invoice should list a detailed description of each task in the approved scope of services and schedule of values, the dollar value amount for the item, the percentage competed for the item, and the dollar value for the percentage completed.
b. Completed Tasks. For this method the consultant's invoice should list a detailed description of each task in the approved scope of services and schedule of values, the dollar value amount for each item, indicate which task have been completed, and the dollar value for each task completed.

2. The Agency shall sign each invoice submitted to the Department and certify thereon that the Agency has verified that the percentages of and/or task completions are correct and that the amounts indicated on the invoice are correct.

3. Any change(s) to the approved scope of services or schedule of values will require a change order approved by the Department, and signed by the Agency and the third-party consultant. Invoices incorporating unapproved changes cannot be submitted by the Agency or paid by the Department. Invoices submitted to the Department with any unapproved charges will be rejected by the Department.

Construction Phase

4. The Agency must submit a signed copy of an agreement between the Agency and its contractor, incorporating the scope of services and schedule of values which have been approved by the Department. The scope of services must include or incorporate by reference a schedule of values that will be used to approve payments to the contractor. The scope of services and schedule of values must be approved in writing by the Department before the Agency enters into an agreement with its contractor. The schedule of values shall be a complete and detailed itemization describing each subcategory of work and related pay items and their associated total value, quantity, unit of measurement and unit price/cost. The contractor should invoice the Agency

on a regular basis using the approved schedule of values and one of the following methods:

a. Percentage Completed. For this method the contractor's invoice should list a detailed description of each task in the approved scope of services and schedule of values, the dollar value amount for the item, the percentage competed for the item, and the dollar value for the percentage completed.
b. Completed Tasks. For this method the contractor's invoice should list a detailed description of each task in the approved scope of services and schedule of values, the dollar value amount for each item, indicate which task have been completed, and the dollar value for each task completed.

5. The contractor should submit their pay request to the Agency's project inspector for approval using the standard "Application and Certificate for Payment" form. The Agency's project inspector will review and approve the contractor's pay request certifying the percentage of completion and/or quantities are correct.

6. The Agency shall sign each invoice submitted to the Department and certify thereon that the Agency has verified that the percentages of and/or task completions are correct and that the amounts indicated on the invoice are correct.

7. Any change(s) to the approved scope of services or schedule of values will require a change order approved by the Department, and signed by the Agency and the contractor. Invoices incorporating unapproved changes cannot be submitted by the Agency or paid by the Department. Invoices submitted to the Department with any unapproved charges will be rejected by the Department.

Polk County
City of Lake Wales
Lake Wales Municipal Airport
Financial Project Number: 438921-1-94-01
Contract Number: G0B57
Original Agreement

EXHIBIT "B"
PROJECT BUDGET
(Phased Airport Project)

This exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales 201 Central Avenue West, Lake Wales, Florida 33853 referenced by the above Financial Project Number.

Expiration Date: June 30, 2020

Project funds are programmed in the Department's Work Program in the following fiscal year(s):

	FY 2016
State Funding (DDR)	$ 488,000.00
Local Funding (LF)	$ 122,000.00
	FY 2017
Federal Funding (FAA)	$1,087,232.00
Local Funding (LF)	$ 575,503.00
	FY 2018
Local Funding (LF)	$1,250,000.00
	FY 2019
Local Funding (LF)	$ 285,301.00
Total	$3,808,036.00

Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.

State funds programmed on this project must be expended by the expiration date and an invoice for their reimbursement to the agency submitted to the Department within 120 days of the expiration date.

Funds that become five years old prior to the expiration of the agreement will not be retained in the Departments Work Program. Any expenditures not invoiced for reimbursement prior to June 30th of the fifth year of such funds will be forfeited by the agency.

It is expected that work will begin within 90 days of the execution date of this agreement and invoicing shall occur at a minimum of every 12 months or the project funds will be subject to deletion.

EXHIBIT "C"
AVIATION PROJECT REQUIREMENTS & PROGRAM ASSURANCES

This exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales 201 Central Avenue West, Lake Wales, Florida 33853 referenced by the above Financial Project Number.

A. General

1. The assurances herein shall form an integral part of the Joint Participation Agreement (Agreement) between the State of Florida, Department of Transportation (Department) and the airport sponsor, whether county or municipal government body or special district, such as an Airport Authority (herein, collectively referred to as "Agency").

2. These assurances delineate the obligations of the parties to this Agreement to ensure their commitment and compliance with specific provisions of Exhibit A, "Project Description and responsibilities" and Exhibit B, "Project Budget", as well as serving to protect public investment in public-use airports and the continued viability of the Florida Aviation System.

3. The Agency shall comply with the assurances as specified in this Agreement.

4. The terms and assurances of this Agreement shall remain in full force and effect throughout the useful life of a facility developed; equipment acquired; or project items installed within a facility for an airport development or noise compatibility program project, but shall not exceed 20 years from the effective date of this Agreement.

5. There shall be no limit on the duration on the terms and assurances of this Agreement regarding Exclusive Rights and Airport Revenue so long as the property is used as a public airport.

6. There shall be no limit on the duration of the terms and assurances of this Agreement with respect to real property acquired with funds provided by the State of Florida.

7. Subject to appropriations, the Department shall continue to comply with its financial commitment to this project under the terms of this Agreement, until such time as the Department may determine that the Agency has failed to comply with the terms of the Agreement and/or these assurances.

8. An Agency that has been determined by the Department to have failed to comply with the terms of the Agreement and/or these assurances shall be notified, in writing, by the Department, identifying the specifics of the non-compliance and any corrective action by the Agency to remedy the failure.

9. Failure by the Agency to satisfactorily remedy the non-compliance shall absolve the Department's continued financial commitment to this project and immediately require the

Agency to repay the Department the full amount of funds expended by the Department on this project.

10. Any history of failure to comply with the terms of an Agreement and/or assurances will jeopardize the Agency's eligibility for further state funding of airport projects by the Department.

B. Agency Compliance Certification

1. **General Certification:** The Agency hereby certifies, with respect to this project, it will comply, within its authority, with all applicable, current laws and rules of the State of Florida and local government, as well as Department policies, guidelines, and requirements, including but not limited to the following:

a. **Florida Statutes (F.S.)**

- Chapter 163, F.S., Local Government Comprehensive Planning and Land Development
- Chapter 329, F.S., Aircraft: Title; Liens; Registration; Liens
- Chapter 330, F.S., Regulation of Aircraft, Pilots, and Airports
- Chapter 331, F.S., Aviation and Aerospace Facilities and Commerce
- Chapter 332, F.S., Airports and Other Air Navigation Facilities
- Chapter 333, F.S., Airport Zoning

b. **Florida Administrative Code (FAC)**

- Chapter 9J-5, FAC, Review of Comprehensive Plans and Determination of Compliance
- Chapter 14-60, FAC, Airport Licensing, Registration, and Airspace Protection
- Section 62-256.300(5) FAC, Open Burning, Prohibitions, Public Airports
- Section 62-701.320(13), FAC, Solid Waste Management, Permitting, Airport Safety

c. **Local Government Requirements**

- Airport Zoning Ordinance
- Local Comprehensive Plan

d. **Department Requirements**

- Eight Steps to Building a New Airport
- Florida Airport Financial Resource Guide
- Florida Aviation Project Handbook
- Guidebook for Airport Master Planning
- Guidelines for Plan Development

2. **Construction Certification:** The Agency hereby certifies, with respect to a construction-related project, that all design plans and specifications will comply with applicable federal, state, local, and professional standards, as well as Federal Aviation Administration (FAA) Advisory Circulars (AC's) and FAA issued waivers thereto, including but not limited to the following:

a. **Federal Requirements**

- FAA AC 70/7460-1, Obstruction Marking and Lighting
- FAA AC 150/5300-13, Airport Design

b. **Local Government Requirements**

- Local Building Codes
- Local Zoning Codes

c. **Department Requirements**

- Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Commonly Referred to as the "Florida Green Book")
- Manual on Uniform Traffic Control Devices
- Section 14-60.007, Florida Administrative Code, "Airfield Standards for Licensed Airports"
- Standard Specifications for Construction of General Aviation Airports

3. **Land Acquisition Certification:** The Agency hereby certifies, regarding land acquisition, that it will comply with applicable federal and state policies, regulations, and laws, including but not limited to the following:

a. **Federal Requirements**

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- National Environmental Policy of 1969

- FAA Order 5050.4, National Environmental Policy Act Implementing Instructions for Airport Projects
- FAA Order 5100.37B, Land Acquisition and Relocation Assistance for Airport Projects

b. **Florida Requirements**

- Chapter 73, F.S., Eminent Domain (re: Property Acquired Through Condemnation)
- Chapter 74, F.S., Proceedings Supplemental to Eminent Domain (re: Condemnation)
- Section 286.23, F.S., Public Business: Miscellaneous Provisions

C. Agency Authority

1. **Legal Authority:** The Agency hereby certifies, with respect to this project Agreement, that it has the legal authority to enter into this Agreement and commit to this project; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the airport sponsor's governing body authorizing this Agreement, including assurances contained therein, and directing and authorizing the person identified as the official representative of the governing body to act on its behalf with respect to this Agreement and to provide any additional information as may be required.

2. **Financial Authority:** The Agency hereby certifies, with respect to this project Agreement, that it has sufficient funds available for that portion of the project costs which are not paid by the U.S. Government or the State of Florida; that it has sufficient funds available to assure future operation and maintenance of items funded by this project, which it will control; and that authority has been granted by the airport sponsor governing body to commit those funds to this project.

D. Agency Responsibilities

The Agency hereby certifies it currently complies with or will comply with the following responsibilities:

1. **Accounting System**

a. The Agency shall create and maintain a separate account to document all of the financial transactions related to the airport as a distinct entity.

b. The accounting records shall be kept by the Agency or its authorized representative in accordance with Generally Accepted Accounting Principles and in an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

c. The Department has the right to audit and inspect all financial records of the airport upon reasonable notice.

2. **Good Title**

a. The Agency holds good title, satisfactory to the Department, to the airport or site thereof, or gives assurance, satisfactory to the Department, that good title will be obtained.

b. For noise compatibility program projects undertaken on the airport sponsor's property, the Agency holds good title, satisfactory to the Department, to that portion of the property upon which state funds will be expended, or gives assurance, satisfactory to the Department, that good title will be obtained.

3. **Preserving Rights and Powers**

a. The Agency will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms and assurances of this Agreement without the written approval of the Department. Further, it will act promptly to acquire, extinguish, or modify, in a manner acceptable to the Department, any outstanding rights or claims of right of others which would interfere with such performance by the Agency.

b. If an arrangement is made for management and operation of the airport by any entity or person other than the Agency or an employee of the Agency, the Agency will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with the terms and assurances of this Agreement.

4. **Hazard Removal and Mitigation**

a. For airport hazards located on airport controlled property, the Agency will clear and protect terminal airspace required for instrument and visual operations at the airport (including established minimum flight altitudes) by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

b. For airport hazards not located on airport controlled property, the Agency will work in conjunction with the governing public authority or private land owner of the property to clear and protect terminal airspace required for instrument and visual operations at the airport (including established minimum flight altitudes) by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards. The Agency may enter into an agreement with surrounding property owners or pursue available legal remedies to remove potential hazards to air navigation.

5. **Airport Compatible Land Use**

a. The Agency assures that appropriate airport zoning ordinances are in place consistent with Section 333.03, F.S., "Airport Zoning", or if not in place, that it will take appropriate action necessary to ensure local government adoption of an airport zoning

ordinance or interlocal agreement with another local government body having an airport zoning ordinance, consistent with the provisions of Section 333.03, F.S.

b. The Agency assures that it will disapprove or oppose any attempted alteration or creation of objects, natural or man-made, dangerous to navigable airspace or that would adversely affect the current or future levels of airport operations.

c. The Agency assures that it will disapprove or oppose any attempted change in local land use development regulations that would adversely affect the current or future levels of airport operations by creation or expansion of airport incompatible land use areas.

6. **Consistency with Local Government Plans**

a. The Agency assures the project is consistent with the currently existing and planned future land use development plans approved by the local government having jurisdictional responsibility for the area surrounding the airport.

b. The Agency assures that it has given fair consideration to the interest of local communities and has had reasonable consultation with those parties affected by the project.

c. The Agency will consider and take appropriate actions, if deemed warranted, to adopt the current, approved Airport Master Plan into the local government comprehensive plan.

7. **Consistency with Airport Master Plan and Airport Layout Plan**

a. The Agency assures that any project, covered by the terms and assurances of this Agreement, is consistent with the current, approved Airport Master Plan.

b. The Agency assures that this project, covered by the terms and assurances of this Agreement, is consistent with the current, approved Airport Layout Plan (ALP), which shows:

(1) The boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the Agency for airport purposes and proposed additions thereto;

(2) The location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities; and

(3) The location of all existing and proposed non-aviation areas on airport property and of all existing improvements thereon.

c. The Agency assures that it will not make or permit any changes or alterations on the airport or any of its facilities that are not consistent with the Airport Master Plan and the Airport Layout Plan, as approved by the Department.

d. Original Airport Master Plans and Airport Layout Plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Department.

8. **Airport Financial Plan**

a. The Agency assures that it will develop and maintain a cost-feasible financial plan to accomplish the projects necessary to achieve the proposed airport improvements identified in the Airport Master Plan and depicted in the Airport Layout Plan, and any updates thereto.

(1) The financial plan shall be a part of the Airport Master Plan.

(2) The financial plan shall realistically assess project phasing considering availability of state and local funding and likelihood of federal funding under the FAA's priority system.

(3) The financial plan shall not include Department funding for projects which are inconsistent with the local government comprehensive plan.

b. All project cost estimates contained in the financial plan shall be entered into and kept current in the Joint Automated Capital Improvement Program (JACIP) online website.

9. **Airport Revenue**

The Agency assures that all revenue generated by the airport will be expended for capital improvement or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the air transportation of passengers or property, or for environmental or noise mitigation purposes on or off the airport.

10. **Fee and Rental Structure**

a. The Agency assures that it will maintain a fee and rental structure for facilities and services at the airport that will make the airport as self-sustaining as possible under the circumstances existing at the particular airport.

b. If this Agreement results in a facility that will be leased or otherwise produce revenue, the Agency assures that the price charged for that facility will be based on the fair market value.

c. The Agency assures that property or facility leases for aeronautical purposes shall not exceed a period of 30 years.

11. **Public-Private Partnership for Aeronautical Uses**

a. If the airport owner or operator and a person or entity that owns an aircraft or an airport tenant or potential tenant agree that an aircraft hangar or tenant-specific facility, respectively, is to be constructed on airport property for aircraft storage or tenant use at the expense of the aircraft owner or tenant, the airport owner or operator may grant to the

aircraft owner or tenant of the facility a lease that is subject to such terms and conditions on the facility as the airport owner or operator may impose, subject to approval by the Department.

b. Duration of the terms or conditions in Section D11a shall not exceed a period of 30 years.

12. **Economic Nondiscrimination**

a. The Agency assures that it will make the airport available as an airport for public use on reasonable terms without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public.

(1) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

(2) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

b. The Agency assures that each airport Fixed-Based Operator (FBO) shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other FBOs making the same or similar uses of such airport and utilizing the same or similar facilities.

13. **Air and Water Quality Standards**

The Agency assures that in projects involving airport location, major runway extension, or runway location that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

14. **Operations and Maintenance**

a. The Agency assures that the airport and all facilities, which are necessary to serve the aeronautical users of the airport, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable federal and state agencies for maintenance and operation, as well as minimum standards established by the Department for State of Florida licensing as a public-use airport.

(1) The Agency assures that it will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.

(2) Except in emergency situations, any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Department.

(3) The Agency assures that it will have arrangements for promptly notifying airmen of any condition affecting aeronautical use of the airport.

b. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when adverse weather conditions interfere with safe airport operations.

15. **Federal Funding Eligibility**

a. The Agency assures it will take appropriate actions to maintain federal funding eligibility for the airport and it will avoid any action that renders the airport ineligible for federal funding.

b. Ineligibility for federal funding of airport projects will render the Agency ineligible for state funding of airport projects.

16. **Project Implementation**

a. The Agency assures that it will begin making expenditures or incurring obligations pertaining to this airport project within one year after the effective date of this Agreement.

b. The Agency may request a one-year extension of this one-year time period, subject to approval by the Department District Secretary or designee.

c. Failure of the Agency to make expenditures, incur obligations or receive an approved extension may allow the Department to terminate this Agreement.

17. **Exclusive Rights**

The Agency assures that it will not permit any exclusive right for use of the airport by any person providing, or intending to provide, aeronautical services to the public.

18. **Airfield Access**

a. The Agency assures that it will not grant or allow general easement or public access that opens onto or crosses the airport runways, taxiways, flight line, passenger facilities, or any area used for emergency equipment, fuel, supplies, passengers, mail and freight, radar, communications, utilities, and landing systems, including but not limited to flight operations, ground services, emergency services, terminal facilities, maintenance, repair, or storage, except for those normal airport providers responsible for standard airport daily services or during special events at the airport open to the public with limited and controlled access.

b. The Agency assures that it will not grant or allow general easement or public access to any portion of the airfield from adjacent real property which is not owned, operated, or otherwise controlled by the Agency without prior Department approval.

19. **Retention of Rights and Interests**

The agency will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the real property shown as airport owned or controlled on the current airport layout plan without prior written approval by the Department. It will not sell, lease, encumber, terminate, waive, or otherwise transfer or dispose of any part of its title, rights, or other interest in existing noise easements or avigation easements on any property, airport or non airport, without prior written approval by the Department. These assurances shall not limit the Agency's right to lease airport property for airport-compatible purposes.

20. **Consultant, Contractor, Scope, and Costs**

a. The Department has the right to disapprove the Agency's employment of consultants, contractors, and subcontractors for all or any part of this project if the specific consultants, contractors, or subcontractors have a record of poor project performance with the Department.

b. Further, the Department maintains the right to disapprove the proposed project scope and cost of professional services.

21. **Planning Projects**

If this project involves planning or other aviation studies, the Agency assures that it will:

a. Execute the project per the approved project narrative or with approved modifications.

b. Furnish the Department with such periodic project and work activity reports as indicated in the approved scope of services.

c. Make such material available for public review, unless exempt from public disclosure.

(1) Information related to airport security is considered restricted information and is exempt from public dissemination per Sections 119.071(3) and 331.22 Florida Statutes.

(2) No material prepared under this Agreement shall be subject to copyright in the United States or any other country.

d. Grant the Department unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this Agreement.

e. If the project involves developing an Airport Master Plan or an Airport Layout Plan, and any updates thereto, it will be consistent with provisions of the Florida Aviation System Plan, will identify reasonable future growth of the airport and the Agency will comply with the Department airport master planning guidebook, including:

(1) Provide copies, in electronic and editable format, of final project materials to the Department, including computer-aided drafting (CAD) files of the Airport Layout Plan.

(2) Develop a cost-feasible financial plan, approved by the Department, to accomplish the projects described in the Airport Master Plan or depicted in the Airport Layout Plan, and any updates thereto. The cost-feasible financial plan shall realistically assess project phasing considering availability of state and local funding and federal funding under the FAA's priority system.

(3) Enter all projects contained in the cost-feasible plan in the Joint Automated Capital Improvement Program (JACIP).

f. The Agency understands and agrees that Department approval of this project Agreement or any planning material developed as part of this Agreement does not constitute or imply any assurance or commitment on the part of the Department to approve any pending or future application for state aviation funding.

g. The Agency will submit master planning draft and final deliverables for Department and, if required, FAA approval prior to submitting any invoices to the Department for payment.

h. The Department may extend the 5-day requirement for the approval and inspection of goods and services to allow for adequate time for review (reference Section 215.422(1), F.S.).

22. **Land Acquisition Projects**

If this project involves the purchase of real property, the Agency assures that it will:

a. **Laws:** Acquire the land in accordance with federal and state laws governing such action.

b. **Administration:** Maintain direct control of project administration, including:

(1) Maintain responsibility for all related contract letting and administrative procedures.

(2) Secure written Department approval to execute each agreement for the purchase of real property with any third party.

(3) Ensure a qualified, State certified general appraiser provides all necessary services and documentation.

(4) Furnish the Department with a projected schedule of events and a cash flow projection within 20 calendar days after completion of the review appraisal.

(5) Establish a project account for the purchase of the land.

(6) Collect and disburse federal, state, and local project funds.

c. **Reimbursable Funds:** If funding conveyed by this Agreement is reimbursable for land purchase in accordance with Chapter 332, Florida Statutes, the Agency will comply with the following requirements:

(1) The Agency shall apply for a FAA Airport Improvement Program grant for the land purchase within 60 days of executing this Agreement.

(2) If federal funds are received for the land purchase, the Agency shall notify the Department, in writing, within 14 calendar days of receiving the federal funds and is responsible for reimbursing the Department within 30 calendar days to achieve normal project federal, state, and local funding shares per Chapter 332, Florida Statutes.

(3) If federal funds are not received for the land purchase, the Agency shall reimburse the Department within 30 calendar days after the reimbursable funds are to achieve normal project state and local funding shares as described in Chapter 332, Florida Statutes.

(4) If federal funds are not received for the land purchase and the state share of the purchase is less than or equal to normal state and local funding shares per Chapter 332, F.S., when reimbursable funds are due, no reimbursement to the Department shall be required.

d. **New Airport:** If this project involves the purchase of real property for the development of a new airport, the Agency assures that it will:

(1) Apply for federal and state funding to construct a paved runway, associated aircraft parking apron, and connecting taxiway within one year of the date of land purchase.

(2) Complete an Airport Master Plan within two years of land purchase.

(3) Complete airport construction for basic operation within 10 years of land purchase.

e. **Use of Land:** The Agency assures that it shall use the land for aviation purposes in accordance with the terms and assurances of this Agreement within 10 years of acquisition.

f. **Disposal of Land:** For disposal of real property purchased in accordance with the terms and assurances of this Agreement, the Agency assures that it will comply with the following:

(1) For land purchased for airport development or noise compatibility purposes, the Agency will, when the land is no longer needed for such purposes, dispose of such land at fair market value and/or make available to the Department an amount equal to the state's proportionate share of its fair market value.

(2) Land shall be considered to be needed for airport purposes under this assurance if:

(a) It serves aeronautical purposes, e.g. runway protection zone or as a noise buffer.

(b) Revenue from uses of such land contributes to airport financial self-sufficiency.

(3) Disposition of land under Section 22f(1) or (2), above, shall be subject to retention or reservation of any interest or right therein needed to ensure such land will only be used for purposes compatible with noise levels related to airport operations.

(4) For disposal of real property purchased with Department funding:

(a) The Agency will reimburse the Department a proportional amount of the proceeds of the sale of any airport-owned real property.

(b) The proportional amount shall be determined on the basis of the ratio of the Department financing of the acquisition of the real property multiplied against the sale amount, and shall be remitted to the Department within ninety (90) days of closing of sale.

(c) Sale of real property acquired with Department funds shall be at fair market value as determined by appraisal, and the contract for sale must be approved in advance by the Department.

(d) If any portion of the proceeds from the sale to the Agency is non-cash considerations, reimbursement to the Department shall include a proportional amount based on the value of the non-cash considerations.

23. **Construction Projects:** The Agency assures that it will:

a. **Project Certifications:** Certify project compliances, including

(1) Consultant and contractor selection comply with all applicable federal, state and local laws, rules, regulations, and policies.

(2) All design plans and specifications comply with federal, state, and professional standards and applicable FAA advisory circulars, as well as the minimum standards established by the Department for State of Florida licensing as a public-use airport.

(3) Completed construction complies with all applicable local building codes.

(4) Completed construction complies with the project plans and specifications with certification of that fact by the project Engineer.

b. **Design Development:** For the plans, specifications, construction contract documents, and any and all other engineering, construction, and contractual documents produced by the Engineer, which are hereinafter collectively referred to as "plans", the Agency will certify that:

(1) The plans shall be developed in accordance with sound engineering and design principles, and with generally accepted professional standards.

(2) The plans shall be consistent with the intent of the project as defined in Exhibit A and Exhibit B of this Agreement.

(3) The project Engineer shall perform a review of the certification requirements listed in Section B2 above and make a determination as to their applicability to this project.

(4) Development of the plans shall comply with all applicable laws, ordinances, zoning and permitting requirements, public notice requirements, and other similar regulations.

c. **Inspection and Approval:** The Agency assures that:

(1) The Agency will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Department for the project.

(2) The Agency assures that it will allow the Department to inspect the work and that it will provide any cost and progress reporting, as may be required by the Department.

(3) The Agency assures that it will take the appropriate corrective action necessary, as required by the Department, for work which does not conform to Department standards.

d. **Pavement Preventive Maintenance:** The Agency assures that for a project involving replacement or reconstruction of runway or taxiway pavement it has implemented an airport pavement maintenance management program and that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with state financial assistance at the airport.

24. **Noise Mitigation Projects:** The Agency assures that it will:

a. **Government Agreements:** For all noise compatibility projects that are carried out by another unit of local government or are on property owned by a unit of local government other than the Agency, the Agency shall enter into an agreement with that government body.

(1) The local agreement, satisfactory to the Department, shall obligate the unit of local government to the same terms and assurances that apply to the Agency.

(2) The Agency assures that it will take steps to enforce the local agreement if there is substantial non-compliance with the terms of the agreement.

b. **Private Agreements:** For noise compatibility projects on privately owned property,

(1) The Agency shall enter into an agreement with the owner of that property to exclude future actions against the airport.

(2) The Agency assures that it will take steps to enforce the agreement if there is substantial non-compliance with the terms of the agreement.

25. **Requests for Reimbursement (Invoice Submittals):** In accordance with Section 215.422 Florida Statutes and the requirement of Paragraph 20.00 of this Agreement:

a. **Required Submittal Format**

The Agency shall submit invoices on forms provided by the Department and prepared in accordance with instructions given by the Department. Back-up documentation will include the appropriate items necessary to verify costs incurred and the eligibility of said costs.

b. **Approval of Submittal**

Goods or services received under this agreement shall be approved/disapproved by the Department no later than five (5) working days after receipt, by the District Public Transportation Office, of a properly prepared and submitted invoice. Should the invoice be incomplete or incorrect, the Department shall inform the Agency within five (5) working days of receipt and return the invoice for corrections.

26. **Third Party Contracts:** The Department must approve third party contracts pursuant to Paragraph 10.00 except that written approval is hereby granted for:

a. Contracts for materials from a valid state or intergovernmental contract. Such materials must be included in the Department approved project scope and/or quantities.

b. Contracts, purchase orders, and construction change orders (excluding engineering consultant services) up to the threshold limits of Category Three. Such contracts must be for services and/or materials included in the Department approved project scope and/or quantities. Purchasing Categories and Thresholds are defined in Section 287.017 Florida Statutes, and in Rule Chapter 60, Florida Administrative Code. The threshold limits are adjusted periodically for inflation, and it shall be the sole responsibility of the Agency to ensure that any obligations made in accordance with this section comply with the current threshold limits. Obligations made in excess of the appropriate limits shall be cause for Department non-participation.

c. Contracts, purchase orders, and construction change orders that exceed the current JPA budget, provided they are within the threshold limits of Category Three, as defined in Section 287.017 Florida Statutes, and in Rule Chapter 60, Florida Administrative Code. Such contracts must be for services and/or materials included in the Department approved project scope and/or quantities.

27. **Force Account Work:** "Force Account Work" by the Agency utilizing their own forces and equipment must be approved in writing by the Department prior to performance.

Polk County
City of Lake Wales
Lake Wales Municipal Airport
Financial Project Number: 438921-1-94-01
Contract Number: G0B57
Original Agreement

EXHIBIT D

STATE FINANCIAL ASSISTANCE (FLORIDA SINGLE AUDIT ACT)

This exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales 201 Central Avenue West, Lake Wales, Florida 33853 referenced by the above Financial Project Number.

THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

Awarding Agency:	Florida Department of Transportation
State Project Title:	AVIATION DEVELOPMENT GRANTS
CSFA Number:	55.004
***Award Amount:**	$488,000.00

*The state award amount may change with supplemental agreements

Specific project information for CSFA Number 55.004 is provided at:
https://apps.fldfs.com/fsaa/searchCatalog.aspx

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:

State Project Compliance Requirements for CSFA Number 55.004 are provided at:
https://apps.fldfs.com/fsaa/searchCompliance.aspx

The State Projects Compliance Supplement is provided at: https://apps.fldfs.com/fsaa/compliance.aspx

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 90%. Project going out to bid and bid opening is scheduled for Tuesday, May 17, 2016 @ 2pm Will submit FAA Grant application June 1st. Begin Construction October 1st.	5/25/2016
RECREATION					
New park signage in all City parks	$13,000		6/30/2016	All signs installed except for Kiwanis which will be installed on 6/3/2016	5/25/2016
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. Grant application approved by commission on 2/16. Grant application was submitted April 25.	5/25/2016
Relocation of Water/Sewer Lines on HWY 27 near Vanguard	$300,000	10/20/2015		Preconstruction meeting held on 11/12/2015.	5/25/2016
Other items approved or discussed at Commission Meetings					

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.	5/25/2016
Street Resurfacing	$100,000	4/6/2016		A section of Russell Ave., including the intersection at Delmar St. was resurfaced in February, 2016. Commission approved on 4/6 to move forward with the repair of the Central Avenue railroad crossing and the surrounding street. Project will be completed in Mid June. Capital Streets funds are depleted for this year.	5/10/2016
ADA sidewalk access on 3rd street	$15,000	5/3/2016	6/30/2016	Project is 80% Complete. Completion date is June 3, 2016	5/25/2016
Network Server Virtualization	$40,000	4/6/2016	8/1/2016	VMware license and software have been obtained. Commission approved purchase on 4/6. The hardware components have been ordered and staff is already in possession of the software components.	5/25/2016
Live Streaming of Commission meetings	$7,000		7/1/2016	Staff is working out the contract details with the vendor. Once the details are worked out the hardware components will be shipped and installed.	5/25/2016
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.	5/25/2016

Library Statistics (Apr)				Total Circulation Books-by-Mail: 39,958 Total Circulation BookMobile: 5,876 Total In-house circulation: 157,801 Total new borrowers: 966 Total attendance at programs: 11,032 Computer users: 29,043 People Counter: 96,844	5/20/2016
COMPLETED PROJECTS					
Skate Park Improvements	$50,000	7/15/2014	9/30/2015	This project is complete.	5/25/2016
ADA access and handicap parking installation at the soccer complex.	$30,000		2/29/2016	Completed	5/25/2016
Airfield Improvements (Task Order #15)	$161,000	yes - 7/2/13	9/30/2015	Final reimbursement received March 8. This Project is complete.	5/25/2016
Road Improvements (N Market ST & W. Central Ave.)	$91,253	7/7/2015	8/17/2015	Project is completed.	5/25/2016
Cemetery			4/30/2015	Project complete	5/25/2016
Resurfacing of the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd.			10/31/2015	This Project is complete.	5/25/2016

Gym Floor Replacement	$68,212	6/2/2015	9/30/2015	Project is Complete. Gym is reopened.	5/25/2016
Electrical system upgrades to event area of Lake Wailes park	$20,000			Project Complete	5/25/2016
Additional exercise stations in Lake Wailes park.	$10,000			Project Complete	5/25/2016

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.	5/25/2016

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.	5/25/2016
Depot Museum	3/2/2015	Kenneth Fields	Thornhill	2 Strategy meetings were held on Feb 6th & Feb 13th to develop a vision, mission statement & goals for the museum. Museum will reopen May 31	5/25/2016
COMPLETED ITEMS					

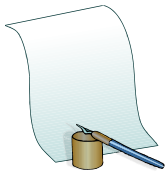
STRATEGIC PLAN ITEMS - STATUS REPORT

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.	5/25/2016
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.	5/25/2016

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 – May 2016

Tues, May 3, 2016	Regular	6:00 p.m.	Commission Chambers
Mon, May 16, 2016	Budget Workshop	6:00 p.m.	Commission Chambers
Tues, May 17, 2016	Workshop	5:30 p.m.	Commission Chambers
Tues, May 17, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – June 2016

Tues, June 7, 2016	CRA Meeting	5:30 p.m.	Commission Chambers
Tues, June 7, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, June 14, 2016	Budget Workshop	6:00 p.m.	Commission Chambers
Tues, June 21, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – July 2016

Tues, July 5, 2016	Regular	6:00 p.m.	Commission Chambers
Wed, July 13, 2016	Budget Workshop	6:00 p.m.	Commission Chambers
Tues, July 19, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – August 2016

Tues, August 2, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, August 9, 2016	Budget Workshop	6:00 p.m.	Commission Chambers
Tues, August 16, 2016	Regular	6:00 p.m.	Commission Chambers
Wed, August 17, 2016	Budget Workshop	6:00 p.m.	Commission Chambers

(August 17 is tentative schedule budget workshop meeting)

City Commission Meetings – September 2016

Wed, September 7, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, September 20, 2016	Regular	6:00 p.m.	Commission Chambers

(The Commission will change its Tues. September 6th regular City Commission meeting to Wed. September 7th due to TRIM Requirements.)

For City Commission meeting information please contact the City Clerk, 863-678-4182, ext. 228 or cvanblargan@cityoflakewales.com

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
Thursday June 9, 2016	6:00pm - 8:00pm	Board Member Appreciation Dinner	A thank you to those serving on our citizen boards	Lake Wales Woman's Club	
Wednesday June 15th	5pm -7pm Ribbon Cutting 6pm	Lake Wales Community Room grand opening and ribbon cutting.	Opening of the new Community Room	Eagle Ridge Mall	
Monday July 4th	2pm-9pm, Fireworks 915pm	4th of July Celebration	Vendors, music, games and fireworks	Lake Wailes Park	
October 28-30, 2016	Sat. 9-5, Sun 11-4	Pioneer Days	Vendors, Car Parade, Carriage Tour	Lake Wailes Park	
November 4-5, 2016	Friday 6pm Saturday 7am & 5:30pm	Quivering Quads Races Sponsored by the Rotary Club of Lake Wales	4 races over 24 hours	Kiwanis Park & Lake Wailes Park. Includes Rails to Trails & Lake Wailes Trail	
December 2nd - 3rd, 2016	6pm -10pm Friday; 10am - 10pm Saturday	Orange Blossom Revue	BBQ Competition Sponsored by the Rotary Club of Lake Wales	Lake Wailes Park	
December 6, 2016	5:30pm	Tree Lighting Ceremony		City Administration Building	
December 9th, 2016	4-8:30pm	Make it Magical	Downtown Holiday Event	Downtown Lake Wales Stuart, Park, Marketplace	

BOARDS, COMMISSIONS, & COMMITTEES
Meeting Schedule

Airport Authority
1st Monday @ 5:30 p.m.; Commission Chamber

Board of Zoning Adjustment and Appeals (BOA)
3rd Thursday @ 9:00 a.m.; Commission Chamber

Citizens & Police Community Relations Advisory Committee
3rd Thursday @ 6:00 p.m.; City Hall Lunch Room

Code Enforcement Board
2nd Monday @ 5:00 p.m.; Commission Chamber

Community Redevelopment Agency (CRA) Board
Meetings are held as needed

CRA Citizen Advisory Committee
Meetings are called by the chairman or city staff (date, time & location varies)

Historic District Regulatory Board
3rd Thursday @ 5:00 p.m.; Commission Chamber

Housing Authority
3rd Wednesday @ 6:00 p.m.; Housing Authority

Library Board
2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Planning & Zoning Board
4th Tuesday @ 5:30 p.m.; Commission Chamber

Recreation Commission
3rd Monday; 12:00 p.m., City Manager's Conference Room

Firefighters' Retirement Board
Quarterly @ 4:00 p.m.; Fire Department meeting room

General Employees' Retirement Board
Quarterly @ 8:30 a.m.; City Manager's conference room

Police Officers' Retirement Board
Quarterly @ 4:00 p.m.; Fire Department meeting room

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: 3 vacancies

Current Members:	Charles Keniston, resident	03/06/12 - 07/01/18, 2
	Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
	Vacant, resident	- 07/01/16,
	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
Evelyn Pabon, resident 08/21/12 - 07/01/16, P+1
Jose Fco Joglar-Gaya, resident (alt) 06/18/13 – 07/01/15, 1
Vacant, Regular – 07/01/15
Vacant, Regular – 07/01/17
Vacant, Regular – 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: 2 vacancies

Current Members:	James Boterf, resident	10/04/11 – 07/01/17, 2
	Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
	Sue Marino, resident	02/02/16 – 07/01/19, P+1
	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-Final
	Curtis Gibson, resident	05/03/16 – 07/01/18, 1
	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
	Curtis Gibson, resident	05/03/16 - 07/01/18, 1
	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: 1 vacancies (Seat 4, District 27); 1 expiring term (Seat 2, District 19)

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,P3-Final
	Christopher Lutton (Seat 5 – District 28)	05/03/16 - 07/01/18, 1
	Jean Kincaid Scott (Seat 1 – At Large)	05/03/16 - 07/01/19
	Vacant (Seat 4 – District 27)	– 07/01/18

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; 1 expiring term

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: 1 expiring term

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: 3 vacancies (reside in the City, own property in the City or hold a valid business tax receipt issued from by the City)

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
	Vacant	– 07/01/18
	Vacant	– 07/01/19

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: 6 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 four (4) members must reside in the City and three (3) members 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: 2 expiring terms

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
	Mathew Cain, own real property in city	03/15/16 – 07/01/19, P+1

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

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 - 07/01/17, 2
	Robbie Shields, Lake Wales Soccer Club	09/19/11 - 07/01/17, 2
	Patty McKeeman, Lake Wales Pram Fleet	09/19/11 - 07/01/17, 2
	Deborah Rheiner/Linda Kimbrough, PAL	09/19/11 - 07/01/17, 2
	Helen Petersen, Green & Gold Foundation	09/19/11 - 07/01/17, 2
	Norm Rainey, Tennis Program	09/19/11 - 07/01/17, 2
	John Abel, YMCA/Softball	09/19/11 - 07/01/17, 2
	Clark Heter, YMCA	10/17/11 - 07/01/17, 2
	Mimi Hardman, Historic Lake Wales Society	09/19/11 - 07/01/17, 2
	Curt, Boys & Girls Club	09/19/11 - 07/01/17, 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 Trustee

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: 1 expired term

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 - 04/01/20, 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: None

Current Members:	Joe Elrod, 5th Trustee	02/03/15 - 09/30/19
	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.