

**CITY COMMISSION
REGULAR MEETING
OFFICIAL AGENDA
August 16, 2016
6:00 p.m.**

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

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. ROLL CALL
5. MAYOR
 - 5.I. Presentation Of Certificates Of Appreciation To The Lake Wales HS Band, Lake Wales HS JROTC, And De Ette Lahr-Bees (Individual Volunteer) For Their Hard Work And Dedication To The Success Of The 2016 National Parachute Championships At Lake Wales Municipal Airport On May 27-29th, 2016.
6. PRESENTATION/REPORT
 - 6.I. Code Enforcement Progress Report By Kathy Bangley, Director Of Planning & Development
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: August 2, 2016, Regular Meeting

Documents:

[2016-08-02REG.PDF](#)
 - 8.II. Purchase Authorization – Grove Construction

The City Commission will consider authorizing staff to expend funds to Grove Construction for the resurfacing and striping of the Kirkland Gym/Little Theater parking lot.

Documents:

[MEMO_GYM_PARKING.PDF](#)
[QUOTE_GROVE_CONST.PDF](#)
 - 8.III. Edward Byrne Memorial State And Local Law Enforcement Assistance Grant

Approval of this item will allow the police department to submit for and receive grant

funding then purchase safety equipment, police mountain bikes, mobile thermal printers and audio/video equipment in FY16/17.

Documents:

[MEMO - JAG-C 16-17.PDF](#)
[FISCAL IMPACT STATEMENT.PDF](#)
[16-17 JAG-C GRANT SUMMARY.PDF](#)
[16-17 JAG-C STANDARD CONDITIONS.PDF](#)
[JAG-C APPLICATION 16-17.PDF](#)

9. OLD BUSINESS

- 9.I. Ordinance 2016-10, Amendment To Ordinance 2005-44, Lake Wales Airport Authority – 2nd Reading & Public Hearing

Documents:

[MEMO-2ORD2016-18 AMENDMENT TO AIRPORT AUTHORITY ORDINANCE.PDF](#)
[ORD2016-10-AIRPORT ORTHORITY ORDINANCE AMENDMENT.PDF](#)

- 9.II. Ordinance 2016 –13, Annexation: 6905 US Highway 27 - 2nd Reading And Public Hearing

Ordinance 2016-13 proposes the annexation of approximately 2.3 acres located at 16905 US Highway 27 and contiguous to the incorporated City limits.

Documents:

[CC MEMO 2ND R 16905 US HWY 27.PDF](#)
[ORDINANCE 2016-13 16905 US HWY 27.PDF](#)
[ATTACHMENT A 2016-13.PDF](#)

- 9.III. Ordinance D2016-03, CPA/Zoning: 16905 US Highway 27 - 2nd Reading & Public Hearing

The proposed amendment will designate land use and zoning for approximately 2.3 acres of property located at 16905 US Highway 27.

Documents:

[16905 US HWY 27 - CPA 2ND R AND PH.PDF](#)
[ORD D2016-03 - 16905 US HIGHWAY 27.PDF](#)
[ATTACHMENT A D2016-03.PDF](#)

10. NEW BUSINESS

- 10.I. Resolution 2016-18, Amendments To The Section 3 And Affirmative Action Policy And Equal Employment Opportunity Plan

In order to receive CDBG funds certain policies need to be amended including our Section 3 and Affirmative Action Policy and our Equal Employment Opportunity Plan. Resolution 2016-18 approves the modification of these policies to comply with the grant requirements

Documents:

[MEMO - RESOLUTION 2016-18.PDF](#)
[RES2016-18 REVISED CDBG POLICIES AND PROCEDURES.PDF](#)
[REVISED LW AFFIRMATIVE ACTION PLAN.PDF](#)
[REVISED EEO POLICY 2016.PDF](#)

10.II. Resolution 2016-19, State Revolving Funds Loan Application For SR 60 West Utilities Expansion

Approval of Resolution 2016-19 gives authorization for staff to submit and for the Mayor to sign the loan application for the SR 60 West Utilities Expansion to extend the water lines to the airport and to the end of the service area on SR 60 W.

Documents:

[MEMO - SRF WATER APPLICATION FOR SR 60 W EXPANSION.PDF](#)
[RES2016-19.PDF](#)
[RES2016-19, EXHIBIT A.PDF](#)
[LEGALOPINION SRF DW530320.PDF](#)
[SRF APPLICATION DW530320.PDF](#)

11. CITY MANAGER

11.I. Tracking Report

Documents:

[TRACKING.PDF](#)

11.II. Social Media Tracking Report

Documents:

[SOCIAL MEDIA TRACKING.PDF](#)

11.III. City Commission Meeting Calendar

Documents:

[COMMISSION MEETING SCHEDULE, 08-16-16.PDF](#)

11.IV. Other Meetings & Events Calendar

Documents:

[MEETING AND EVENT CALENDAR.PDF](#)

11.V. Information: Boards, Commissions, Committees & Authorities

Documents:

[BOARD INFORMATION-8-16-16.PDF](#)
[BOARD VACANCIES.PDF](#)
[CITY CODE, SEC. 2-26.PDF](#)
[BOARD APPLICATION.PDF](#)
[BOARDS-OTHER MEETING SCHEDULE.PDF](#)

12. CITY COMMISSION COMMENTS

13. MAYOR COMMENTS

(The staff memos are incorporated into the official record)

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

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

Appeals concerning decisions on issues requiring a public hearing:

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

The meeting of the Lake Wales City Commission was held on August 2, 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

Dr. Jim Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None. Commissioner Perez arrived at the meeting 6:19 p.m.

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

5. MAYOR

6. PRESENTATION/REPORT

Agenda Item 6.I. Presentation: Citrus Connection Transportation System, Update on Routes And Services – Executive Director Tom Phillips & Director of Government Affairs Erin Killebrew

Agenda Item 6.II. Presentation: U.S. Air Force Auxiliary, Civil Air Patrol Cadet Program – Presentation by Capt. Anthony P. Pitman, CAP, Squad Commander, Winter Haven Airport

7. COMMUNICATIONS AND PETITIONS

Robert Connors, secretary of the Lake Wales Museum Association, gave an update on the progress made at the Depot Museum. He introduced the newest director on the board and introduced a group of students from the Lake Wales High School who approached them at their most recent board meeting regarding the possibility of restoring the Caboose at the Depot Museum. They commenced a fund raising drive and looking for sponsors and donors to help raise the money needed for that project which will cost about \$7,500 in materials. The new director on the board told about the activities going on to restore the caboose and what other groups are assisting. Mr. Connors said a fund is set up within the Lake Wales Museum Association account earmarked for the caboose project and that they have \$200,000 budget laid out for all the other things they need to do too such as educational programs and landscaping projects. From that fund, they will match the first \$1,000 raised for the caboose project. He said the caboose is a great tourist attraction for Lake Wales and they hope to have meetings at the Depot Museum in the future.

The Commission commended the Lake Wales Museum Association and Monica Drake-Pierce for what they are doing at the Depot Museum. Deputy Mayor Thornhill said he would donate \$500 right now if his fellow Commissioners each donated \$100 toward the restoration of the caboose and if they all do that, he would donate an additional \$500. The City Manager said they can give the money to the City Clerk and she would make sure the museum association got the money. Mr. Connors said to make checks out to "Lake Wales Museum Association, Inc."

Travis Wathen, resident and City employee, said he applied for appointment on a City board and was told that because he is an employee he is not eligible to serve. He has a youth association in Lake Wales where

he coaches basketball etc. and has a tournament that will be held at the end of this month, nothing like it in Florida held before. He asked that the City make a way for City employees to serve on its committees without there being a conflict of interest. Mr. Fields said we would look into it and that revisions are being made to allow other people to serve.

8. CONSENT AGENDA

**Agenda Item 8.I. Approval of Minutes: July 13, 2016, Budget Workshop
July 19, 2016, Regular Meeting**

**Agenda Item 8.II. Award Master Consulting Agreement for Professional Engineering Services
and Approval of Task Order #1 and Task Order #2**

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding a contract for professional engineering services and Task Order #1 & #2, related to the Lake Wales Municipal Airport Runway 6-24 rehabilitation and extension project.

RECOMMENDATION

Staff recommends that the City Commission take the following action(s):

1. Award the bid for professional engineering services to a firm for the rehabilitation and extension of runway 6-24 at the Lake Wales Municipal Airport.
2. Approve Task Order #1: Runway 6-24 Rehabilitation in the amount of \$139,200.00
3. Approve Task Order #2: Runway 6-24 Extension in the amount of \$242,950.00

BACKGROUND

Hoyle, Tanner & Associates, Inc. currently has an agreement with the City for professional engineering services related to the airfield improvements project for the Lake Wales Municipal Airport. These services included the design and construction phase to rehabilitate Airport Road, rehabilitate and realign taxiway A, runway 6-24 safety improvement and the design update for the environmental assessment, mitigation, permitting, and related activities necessary to bid the runway 6-24 rehabilitation and extension project.

Although Hoyle, Tanner & Associates, Inc. has provided the for mentioned services for the airfield improvements project, to meet the requirements of Florida Statute 287.055 Section 4(a) (b), both state that for projects in excess of two million dollars, the city is required to go out for competitive bidding. The statute also requires that there be a minimum of three firms bid in order for the bid to be considered a competitive selection.

On April 25, 2015 the City of Lake Wales advertised an Invitation to Bid that the City was seeking proposals for qualified professional engineering services related to the Lake Wales Municipal Airport Runway 6-24 rehabilitation and extension.

A mandatory pre-bid meeting was held on July 10, 2016 at 10:00 a.m. and bids were opened on Wednesday, May 25, 2016 at 2:00 p.m.

Hoyle, Tanner & Associates, Inc. was the only company that submitted a proposal for these services therefore, the city was required re-advertise.

FISCAL IMPACT

This project will be funded in the FY 16/17 budget

OPTIONS

The City Commission has accepted grant funding from FDOT and FAA for this project.

[End Agenda Memo]

Agenda Item 8.III. Award Dickerson Florida the Construction Contract for the Rehabilitation and Extension of Runway 06-24 at the Lake Wales Municipal Airport

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding Dickerson Florida, Inc. the construction contract for \$3,793,429.05 for the rehabilitation and extension of runway 06-24 at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Award Dickerson Florida, Inc. the construction contract for the rehabilitation and extension of runway 06-24 at the Lake Wales Municipal Airport in the amount of \$3,793,429.05 (Schedule A: \$2,604,776.45 to extend, mark and light runway 06-24 and taxiway alpha; Schedule B: \$1,138,652.60 to rehabilitate runway 06-24; and Schedule C: \$50,000.00 for portable runway closure markers).

BACKGROUND

In November 2015 the city approved task order #17 with Hoyle, Tanner and Associates for professional services to perform environmental assessment, mitigation, permitting, design updates and related activities necessary to bid the Runway 06-24 rehabilitation and extension project at the Lake Wales Municipal Airport.

On Monday, April 18, 2016 notice was given that the City of Lake Wales was seeking a qualified contractor to extend, mark, and light runway 06-24 and taxiway alpha and rehabilitate runway 06-24 at the Lake Wales Municipal Airport. A mandatory pre-bid meeting was held on April 27, 2016 and bids were opened on Tuesday, May 16, 2016.

Bids were as follows:

Dickerson Florida, Inc.	\$3,793,429.05
O-A-K Florida, Inc.	\$4,693,937.62
Ranger Construction	\$4,085,883.71

FISCAL IMPACT

- 24 hours/day service and breakdown support
- Maintenance reporting
- Access to and service from Polk County Fleet's entire network of maintenance facilities
- City Fire Apparatus maintenance by EVT certified technicians

The Polk County Fleet Management Division provides the City with a fixed-rate fee schedule for maintenance services prior to the beginning of each fiscal year. These fees are based on historical equipment repair costs incurred by Polk County Fleet Management throughout the previous year.

Prior to the agreement with Polk County Fleet Management, the City operated its own Fleet Maintenance Department. A twelve year summary of the City's total fleet maintenance costs are outlined below:

Fiscal Year Actual (Pre-County Contract)	Salaries	M&R Vehicles	Operating Supplies Vehicles	M&R Vehicles Refurbishment	Fleet Operating Budget	Total
2004/2005	137,477	72,127	4,537	0	20,179	234,320
2005/2006	110,969	155,834	30,848	4	21,703	319,358
2006/2007	100,978	168,051	38,952	5,932	27,379	341,292
2007/2008	131,822	185,353	49,251	5,665	143,894	515,985
2008/2009	152,472	186,492	46,052	7,440	35,735	428,191
5 Year Average	126,744	153,571	33,928	3,808	49,778	367,829
Fiscal Year Actual (Post-County Contract)		M&R Fleet Contract	Operating Supplies Vehicles/M&R Fleet Non-Contract	M&R Vehicles Refurbishment	Fleet Operating Budget	Total
2009/2010	N/A	308,076	10,860	7,792	41,270	367,998
2010/2011	N/A	210,577	30,974	2,669	19,893	264,113
2011/2012	N/A	250,391	16,255	200	13,393	280,329
2012/2013	N/A	272,083	33,605	0	15,198	320,886
2013/2014	N/A	289,656	22,000	0	15,387	329,069
2014/2015	N/A	283,252	19,900	0	15,941	319,093
2015/2016	N/A	295,050	22,300	0	14,165	331,515
2016/2017						

	N/A	324,851	22,300	0	17,083	364,234
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8 Year Average	N/A	279,242	22,274	1,333	19,053	321,902
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Staff solicited a proposal from Vector Fleet Management, a private-sector company that provides a similar service to Polk County Fleet Management, for cost comparison purposes. Their proposal was \$554,380 annually.

OTHER OPTIONS

The City Commission may choose not to enter into this agreement and 1) direct staff to develop a request for proposal for fleet maintenance services or 2) direct staff to assume the responsibility of our own fleet maintenance services.

FISCAL IMPACT

The annual maintenance fee for FY2016/17 is \$324,851.

[End Agenda Memo]

Agenda Item 8.VI. Write-off Uncollectible Receivable Accounts

[Begin Agenda Memo]

SYNOPSIS

The City Commission is asked to authorize the write-off of uncollectible accounts receivables totaling \$48,297.26 for utility and solid waste services.

RECOMMENDATION

It is recommended that City Commission authorize the Finance Director to write-off a total of \$48,297.26 in 280 uncollectible accounts receivables for utility and solid waste services for the period of 10/01/14 through 9/30/15.

BACKGROUND

The Utilities Fund and General Fund list accounts receivable as an asset. These amounts are the total unpaid billing of utility and waste disposal services. These Funds also list an offsetting account called Allowance for Uncollectible Accounts, which is an estimate of uncollectible accounts based upon accounts receivable balances past 90 days old. The Allowance for Uncollectible Accounts is adjusted annually by an offsetting adjustment to bad debt expense. If the write-off is approved, each account's balance will be adjusted off and each account will be coded as a write-off. Applications for new service are checked against our current database. If the applicant has a coded write-off account in our system, the applicant must pay the old debt before new service is activated.

Open accounts prior to October 1, 2015 have been sent to Penn Credit, the collection agency for the City. Penn Credit will continue to attempt collection efforts relating to these accounts.

FISCAL IMPACT

Accounts receivables will be reduced by \$48,297.26 but this will have no impact on the City's bottom line because the amount has been accruing in the Allowance for Uncollectible Accounts.

[End Agenda Memo]

Agenda Item 8.VII. Florida's Natural Growers Foundation Grant

[Begin Agenda Memo]

SYNOPSIS

This is a grant application to the Florida's Natural Growers Foundation for \$1,500. The grant requires no match.

STAFF RECOMMENDATION

Staff recommends that the City Commission approve a grant application to the Florida's Natural Growers Foundation for money that will be allocated to developing a museum suitcase program. Museum suitcases are travelling exhibits that can be used off-site at schools and educators to support learning.

BACKGROUND

The Florida's Natural Growers Foundation provides organizations serving the Central Florida Citrus area an opportunity to apply for funding each year that supports education.

If our application is accepted, the grant money will be used to develop the necessary components of the museum suitcase. This includes objects, photographs, and documents; lesson plans and activities; and a teacher's manual. The Lake Wales Museum & Cultural Center will develop four museum suitcase themes:

- Early Lake Wales and Pioneering Families
- Pre-history Lake Wales
- Turpentine, Citrus, and Cattle in Lake Wales
- The Railroad comes to Lake Wales

There is no fiscal impact from this grant; there are no matching funds required.

OTHER OPTIONS

Do not apply for this grant

FISCAL IMPACT

See the Fiscal Impact Statement included in the agenda packet.

[End Agenda Memo]

Agenda Item 8.VIII. ICMAtv Video Agreement

[Begin Agenda Memo]

SYNOPSIS

The City of Lake Wales has been selected to be featured in a program on small cities that will be shown at the ICMA conference in September. This agreement with ICMA TV for \$17,500 is for the production of the video that will be shown at the conference. The cost will be split with the Chamber of Commerce / EDC.

RECOMMENDATION

Staff recommends that the City Commission approve the agreement.

BACKGROUND

The City of Lake Wales has been selected to be one of several small cities featured as a great example of "livability" at the annual ICMA Conference in September. This involves the production of a 5-6 minute video about Lake Wales. This program would air as part of the official ICMAtv Annual Conference programming and the video can be used afterwards for our own purposes.

The production of the video will result in 10 hours of footage, which can be used by the city for other purposes such as videos on economic development and tourism.

OTHER OPTIONS

Do not approve the agreement.

FISCAL IMPACT

Total cost is \$17,500. The Chamber / EDC has agreed to pay half the cost. The fiscal impact to the City would be \$8,750.

[End Agenda Memo]

Commissioner Gibson said he is concerned because one of the contracts on the Consent Agenda for approval was not given to the Commission until tonight. Mr. Fields explained the reason for the delay, which was due to the FAA procurement process mandated by the State. Teresa Allen, Assistant Public/Services Director said the deadline for providing the contract to FAA is tomorrow.

Deputy Mayor Thornhill made a motion to approve the Consent Agenda with the changes as noted for Agenda Item 8.II, awarding of the master consulting agreement for professional engineering services and approval of Task Order #1 and Task Order #2. Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

9. OLD BUSINESS

Agenda Item 9.I. Ordinance 2016-09, FY15'16 Budget Amendment #3 – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the third amendment of FY 15'16 Budget that was adopted on September 15, 2016, modified on February 16, 2016 Ordinance 2016-03, modified on April 16, 2016 Ordinance 2016-05.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-09 after second reading and public hearing.

The City Commission approved first reading of the ordinance on July 19, 2016. The advertisement requirement for second reading and public reading has been met.

BACKGROUND

Ordinance 2015-09 estimating revenues and appropriating funds for Fiscal Year 2015-16 was adopted by the City Commission September 15, 2015, modified February 16, 2016 by ordinance 2016-03, April 16, 2016 by ordinance 2016-05.

We are presenting Ordinance 2016-09 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

OTHER OPTIONS

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT

The fiscal impact is shown in Exhibit A and Exhibit B of Ordinance 2016-09.

[End Agenda Memo]

Finance Director Dorothy Ecklund reviewed Agenda Item 9.I.

City Clerk Clara VanBlargan read Ordinance 2016-09 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 AS AMENDED BY ORDINANCE 2016-03 AND ORDINANCE 2016-05 TO

MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2015-2016 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Gibson made a motion to adopt Ordinance 2016-09 after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-10, Amendment to Airport Authority Board Ordinance 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider amending Ordinance 2016-10, the Airport Authority ordinance.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-10 after first reading.

BACKGROUND

On September 29, 2005, the City Commission adopted Ordinance 2005-44 creating the Lake Wales Airport Authority. Since its adoption the City Commission has made modifications as follows:

- Ordinance 2005-48; December 6, 2005, expanded membership from five members to seven members
- Ordinance 2006-10; April 4, 2006, expanded membership requirement to include a City Commissioner as a non-voting member. Commissioner Pete Perez currently serves as that member.

- Ordinance 2007-07; March 20, 2007, added duties of oversight of airport operations, and the provision of input and advice to the City Manager in his capacity of Airport Manager

The Airport Authority meets monthly and at times the quorum requirement becomes an issue due to the lack of members or attendance on the Board. Ordinance 2005-44 that created the Airport Authority requires that at least four voting members be qualified electors of the City of Lake Wales but does not specify a requirement for the other members. Therefore, those members are appointed in accordance with the membership requirement in Chapter 2, Section 2-26(1)(a), which limits persons serving on City boards, commissions and committees to persons 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.

Although, the Airport Authority currently does not have vacancies it has encountered problems in the past with vacancies being filled in a timely manner due to the lack of applications received. The Board recently voted to recommend that the Commission expand its membership requirement to allow persons to serve on the Airport Authority that have general aviation experience and who are airport tenants regardless of where they live, inside or outside the City limits. Ordinance 2016-10 was prepared for that purpose and to also incorporate in the ordinance the membership requirement set forth in Chapter 2, Section 2-26(1)(a) of the Lake Wales Code of Ordinances.

In accordance with the authority granted by Sec. 4.04 of the City Charter, the Airport Authority Ordinance designated the City Manager as airport manager with the input and advice of the Airport Authority. However, for purposes of administration of the day to day operation of the airport and the enforcement of FAA rules the Airport Authority Ordinance allows a fixed base operator to be designated as airport manager. The City of Lake Wales no longer has a fixed base operator and the City Manager recently hired employee Alexander Vacha to take over the operations at the airport and designated him to be the airport manager. Adoption of Ordinance 2016-10 makes that change to the Airport Authority Ordinance and to Section 3-26 in the City's Code.

In accordance with 3.06 of the City Charter, it is the Mayor's duty to make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities. Approval of Ordinance 2016-10 makes that change in the Airport Authority Ordinance.

FISCAL IMPACT

No fiscal impact for this action.

OPTIONS

The City Commission can choose not to approve Ordinance 2016-10 or it can modify the recommended changes made in the ordinance.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-10 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING ORDINANCE 2005-44 KNOWN AS THE "LAKE WALES AIRPORT AUTHORITY" ORDINANCE AS AMENDED BY ORDINANCE 2005-48, ORDINANCE 2006-10 AND ORDINANCE 2007-07; EXPANDING MEMBERSHIP REQUIREMENTS; ALLOWING FOR AN AIRPORT MANAGER DESIGNEE; ALLOWING

FOR FILLING AUTHORITY VACANCIES IN COMPLIANCE WITH THE CITY CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 10.I.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-10 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.II. Ordinance 2016–13 Annexation, 16905 US Highway 27 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2016-13 proposes the annexation of approximately 2.3 acres located at 16905 US Highway 27 and contiguous to the incorporated City limits.

RECOMMENDATION

Staff recommends approval on first reading of Ordinance 2016-13, providing for the annexation of approximately 2.3 acres located at 16905 US Highway 27.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

BACKGROUND

Barbara Douglas, Jeremy Herndon, and Luther Judah, Jr, owners are requesting annexation into the corporate city limits of Lake Wales.

An ordinance assigning Zoning and Future Land Use Map designation is presented later on the agenda for Commission consideration.

“Attachment A” to the ordinance shows the property’s location. It is contiguous to the City Limits on its south boundary to unimproved property and to the west across US 27 to Longleaf Business Park.

Surrounding land uses:

North: County – A/RR Agricultural/Rural Residential

South: City – BPC Business Park Center

East: County – RS Residential Suburban

West: City – BPC Business Park Center

OTHER OPTIONS

Decline to annex the property.

FISCAL IMPACT

The annexation will add to the City’s tax roll.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-13 by title only:

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.3 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

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

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

[End staff agenda memo]

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-13 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill “YES”
Commissioner Howell “YES”
Commissioner Gibson “YES”
Commissioner Perez “YES”
Mayor Fultz “YES”

The motion carried 5-0.

Agenda Item 10.III. Ordinance D201603, CPA/Zoning, 16905 US Highway 27 - 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The proposed amendment will designate land use and zoning for approximately 2.3 acres of property located at 16905 US Highway 27.

RECOMMENDATION

Staff recommends that the City Commission approve, following a public hearing, a first reading of Ordinance D2016-03.

Notice requirements for a public hearing have been met.

The Planning and Zoning Board held a public hearing on July 26, 2016 and voted unanimously to recommend a change in land use designation on the subject property from Polk County Future Land Use designation A/RR Agricultural/Rural Residential to City of Lake Wales Future Land Use designation of BPC Business Park Center.

BACKGROUND

The ordinance proposes land use designation changes for approximately 2.3 acres of property located at 16905 US Highway 27 and owned by Barbara Douglas, et als. The property was annexed into the city by Ordinance 2016-13.

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

Surrounding land use designations:

- North: County – A/RR Agricultural/Rural Residential
- South: City – BPC Business Park Center
- East: County – RS Residential Suburban
- West: City – BPC Business Park Center

Proposed development impact:

The owner intends to connect to city sewer when it becomes available. Property is already on city water.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance D2016-03 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 2.3 ACRES OF LAND LOCATED ON US HIGHWAY 27 FROM POLK COUNTY

DESIGNATION A/RR AGRICULTURAL/RURAL RESIDENTIAL TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION BPC BUSINESS PARK CENTER AND ZONING DESIGNATION BP BUSINESS PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.III. Mr. Fields said we are seeing a lot of interest south of Hwy. 27 and south of SR 60. One of the big advantages we have in that we have wastewater service running down that way. At some point we will have a water line there and then we will get even more interest from property owners wanting to develop their property. Our policy is that in order to get water and sewer they have to annex into the City.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

[End staff agenda memo]

Commissioner Gibson made a motion to approve Ordinance D2016-13 after first reading and public hearing. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.IV. Appointments: Board of Zoning Adjustment and Appeals (BOA) / Library Board

[Begin Agenda Memo]

SYNOPSIS

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

RECOMMENDATION

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).

The Mayor is asked to make the appointments as deemed appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc.

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	- 07/01/19
Vacant, resident	- 07/01/19

Applying for Appointment: Ralph William Eberherhard, resident, term expiring 07/01/19

The Director of Planning & Development and the Board Chairman recommended the appointment of Ralph William Eberherhard.

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.

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: 1 vacancy (non-resident living in 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

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 - 07/01/21, P+1
Jacquie Hawkins, resident	06/21/16 - 07/01/18, 1
Margaret Swanson, resident	06/21/16 – 07/01/19, 1

Applying for Appointment: Jolene Kay Lake, outside, term expiring 07/01/2021
Glenda Morgan, outside, term expiring 07/01/2021

There is one vacancy on the Library Board and two applicants have applied to fill that vacancy, both of whom meet the membership requirement. Both are a resident of the unincorporated Greater Lake Wales area having a Lake Wales address.

Glenda Morgan has been a member of the Library Board since August 6, 1996. She served three consecutive five-year terms and was appointed to an additional five-year term that term expired on July 1, 2016. Ms. Morgan has applied for a fifth five-year term. The Library Board is not a regulatory board.

Sec. 2-26. Boards, commissions and committees organized under the code.

(3) *Limit on consecutive terms.*

(a) Except as provided in paragraph (b) below, no person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half ($\frac{1}{2}$) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms. This limit on consecutive terms may be waived for members of regulatory boards (i.e., planning and zoning board, board of appeals, code enforcement, etc.) with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term.

(b) There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

OPTIONS

None

FISCAL IMPACT

These are volunteer boards

[End staff agenda memo]

The Mayor appointed Ralph William Eberherhard to serve as a member to the Board of Zoning Adjustment and Appeals for a term expiring on 07/01/2019. Commissioner Howell made a motion consenting to the appointment made by the Mayor and Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

The Mayor explained that there are two people applying for appointment to the Library Board and one of them has served three consecutive terms. He then read the City ordinance governing qualifications and term limits. He said the ordinance limits the number of consecutive terms to three and since Ms. Glenda Morgan just completed three consecutive terms she is not eligible to serve an additional term. Until the ordinance is changed indicating how long a person has to sit off a board after serving three consecutive terms he cannot appoint a person that served three consecutive terms. The Mayor commended Ms. Morgan for her many years of service and urged that she re-apply as soon as there is another vacancy on the Library Board.

The Mayor appointed Jolene Kay Lake to serve on the Library Board as the non-resident member living in the unincorporated Greater Lake Wales having a Lake Wales address for a term expiring on 07/01/2021. The Commission consented to the appointment made by the Mayor.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

City Manager Kenneth Fields commented the following:

- There was an article in the EDC newsletter this week about the Lake Wales Municipal Airport and the great things that are happen there.
- The Central Florida Health Care got their CEO today and so they are ready for business.
- The route 27 corridor is becoming a hot development corridor. We are getting a lot of interest for retail along there in that area. He is looking forward to next year when we start developing a plan for the downtown to draw more interest for retail there.

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 Perez apologized for his late arrival to the meeting.

Commissioner Gibson said we have 20 boards, some of them are inactive, and some have vacancies and suggested streamlining the boards, commissions, committees, and authorities and consolidating those that serve a purpose and eliminating those that do not. It saves staff time in preparing for meetings because sometimes enough people do not show up to have a meeting. This will be a lot of work but this is where City administration and citizens work together. This organization serves in a leadership capacity for the larger community so we need to change the membership requirements in the ordinances to allow people living outside the community to serve and not only those inside the City limits because there is a lot of talent in the larger community. We can err toward community membership based on qualification and commitment. The membership requirements and rules need redoing for us to function properly. Commissioner Gibson distributed a list to the Commission that consisted of over 200 names that he said were the most admired and respected people in the community according to a survey he conducted in 2014 and in 2016 and that they are qualified to serve on a City board, commission, committee, or authority. The more participation the stronger we become.

Commissioner Howell said it is a good idea to have a list. The Mayor said the list is a good list, we might find qualified people from that list, and probably some of them have never been asked to serve due to the membership requirements set forth in the ordinances. Commissioner Gibson said we are not limited to the list for we already have good qualified people serving on the boards. The Mayor said we could probably use a list to help fill vacancies. He said we are already in the process of reaching out to the different communities around us trying to get them to annex which is one step in the right direction even if we cannot convince them to annex. Annexing will allow those people to vote in the City and help elect what Commissioners they would like sitting on the board so we need to look at different avenues in making that happen.

Mr. Fields said he applauds the idea of a comprehensive review of all the committees and changes do not happen overnight. Deputy Mayor Thornhill said the Commission discussed this issue in the past and one of the recommendations was to combine the Board of Adjustment and Appeals and Code Enforcement Board and another recommendation was to eliminate the Drug and Prostitution board. Ms. Bangley said after this meeting she only has one vacancy on the Board of Adjustment and Appeals because someone was just appointed to serve on that board. Within the last year, we opened up the membership of the Planning Board to allow three non-city residents to serve on the board who owned property within the City limits instead of just one. Some of the boards may sound by title that you can put them together because of the activity and what they are charged with but they may not actually fit together. State Statutes say who can sit on some of them as far as resident requirements are concerned and the board of adjustment and appeals is one of those boards. You must be a City resident to sit on that board and so she does not believe it is a change at this level. The Code Enforcement Board has done an incredible job but there is the option of going to a magistrate to eliminate trying to appoint people to serve on that board. However, that board has never had a membership problem.

Mr. Fields said we could revisit the membership requirements where we can and come back in the fall with a comprehensive list of what we can do and some recommendations to either consolidate or eliminate some of the boards. There is a possibility that the recreation commission and the bicycle board can be consolidated.

Commissioner Howell said it would be great if the people already serving on the boards will encourage other people to serve on them.

Deputy Mayor Thornhill said he is excited to read in the newspaper about the good things happening in Lake Wales like at the hotel and the Depot Museum and getting feedback from other cities about it.

13. MAYOR COMMENTS

The Mayor read a card from the TKD School of Excellence summer camp kids thanking the City for making their tour here at City Hall an excellent one for they dearly enjoyed themselves. He said there were a number of department heads that helped make that happen along with the City Clerk who put it all together and giving them snacks and the tour around City Hall. The Mayor thanked the school for the card. He also showed a card from Ms. Lynn Pertain, who took summer kids on a tour at the fire department, police department, and at City hall thanking everyone for the work they do to make them happy.

The meeting was adjourned at 7:39 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk Clara VanBlargan, MMC

MEMORANDUM

DATE: August 9, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: James Slaton, Public/Support Services Director

SUBJECT: Purchase Authorization – Grove Construction

SYNOPSIS: *The City Commission will consider authorizing staff to expend funds to Grove Construction for the resurfacing and striping of the Kirkland Gym/Little Theater parking lot.*

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Authorize staff to expend funds to Grove Construction in the amount of \$69,400 for the resurfacing and striping of the Kirkland Gym/Little Theater parking lot.
2. Authorize a budget amendment to transfer \$33,169 from various operating budget lines to the Capital Outlay Hardman Complex/Kirkland Gym budget line.

BACKGROUND

The subject parking lot has been deteriorating for many years and is an eyesore in the community. Additionally, the lack of organized striping or parking patterns causes congestion in the street during events at the gymnasium and the theater.

A total of \$42,000 was approved in the FY15/16 adopted budget for Kirkland Gym improvements. \$5,769 were used to purchase and install additional bleachers inside the gymnasium, leaving a balance of \$36,231 to resurface the gym's deteriorating parking lot.

In addition to the purchase authorization, staff is requesting a budget amendment in the amount of \$33,169 to cover the difference in the funding for this project. Staff has identified the following funding sources for the budget amendment:

1. \$17,093.25 transferred from M & R road repairs to C/O Hardman Complex/Kirkland Gym.
2. \$11,075.75 transferred from M & R sidewalk repairs to C/O Hardman Complex/Kirkland Gym
3. \$5,000 in proceeds from orange harvesting transferred to C/O Hardman Complex/Kirkland Gym.

In accordance with Sec. 2-417(d)(3) of the City's Purchasing Ordinance all purchases in excess of Category 1 (\$20,000) require City Commission approval before funds can be expended.

City staff advertised a request for sealed bids (ITB #15-396) for annual street, sidewalk and curbing maintenance and Grove Construction was awarded the contract by the City Commission on June 16, 2015.

OTHER OPTIONS

The City Commission may elect to defer this project.

FISCAL IMPACT

The total project cost is \$69,400, of which \$36,231 is appropriated for the project and the balance of \$33,169 will come from M&R road repairs (\$17,096.25), M&R sidewalk repairs (\$11,075.75), and \$5,000 from the sale of oranges on City-owned property.

ATTACHMENTS

Quote from Grove Construction

GROVE CONSTRUCTION

2340 Pleasant Hill Road
 Kissimmee, FL 34746

ESTIMATE

Date	Estimate #
1/6/2016	1624

Name / Address
City of Lake Wales 201 W. Central Avenue Lake Wales, FL 33853

Ship To
KIRKLAND PARKING LOT

Description	Qty	Cost	Amount	Markup	Total
S3 Recycled Asphalt - Asphalt Paving 1" Overlay	3,600	15.25	54,900.00	0.00%	54,900.00
Site Work - Striping	1	12,000.00	12,000.00		12,000.00
Plans - Striping layout plans / shop drawings	1	2,500.00	2,500.00		2,500.00
*****There is no Guarantee on "Bird Baths"*****		0.00	0.00		0.00
Total					\$69,400.00



Lake Wales Police Department

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

Memorandum

To: Honorable Mayor and City Commission
Via: Kenneth Fields, City Manager
From: Christopher Velasquez, Chief of Police
Date: August 10, 2016
Ref: Edward Byrne Memorial State and Local Law Enforcement Assistance Grant

SYNOPSIS

Approval of this item will allow the police department to submit for and receive grant funding then purchase safety equipment, police mountain bikes, mobile thermal printers and audio/video equipment in FY16/17.

RECOMMENDATION

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for and accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and purchase safety equipment, police mountain bikes, mobile thermal printers and audio/video equipment

BACKGROUND

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$10,300.00 and if approved would be included in the 2016/2017 budget.

The Police Department proposes to use the JAG-C funds toward the purchase four (4) GPS enabled radio microphones, four (4) fully equipped police mountain bikes, four (4) mobile thermal printers with accessories and one (1) complete audio/video recording system installed within an existing interview room. This equipment will be used to increase officer safety, enhance community interaction and positive relationships, improve efficiency and customer service and accurately document the interviews of victims, witnesses and suspects.

Matching funds are not required for this project; however any additional expenses can be covered with Police Forfeiture funds if necessary.

The costs of this equipment are as follows:

(4) GPS Radio Microphones -	\$2,000.00
(4) Police Mountain Bikes -	\$4,400.00
(4) Mobile thermal printers -	\$1,900.00
(1) Audio/video System -	\$2,000.00

OTHER OPTIONS

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

FISCAL IMPACT

The Finance Department has reviewed this application.

ATTACHMENTS

Edward Byrne Memorial Justice Assistance Grant Application.
Fiscal Impact Statement

STATEMENT OF FISCAL IMPACT
U.S. Department of Justice
Florida Department of Law Enforcement
Justice Assistance Grant
2017-JAGC
(Federal Fund – Equipment)

PREPARED BY

CITY OF LAKE WALES
FINANCE DEPARTMENT

Nature of Statement and Information Disclosed

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

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

- **Grant Application**
- **Agenda Memo**

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 Impact

Impacts on Revenue

The grant application amount is for \$10,300

Impacts on Expenditures

Estimated capital and operating costs relating to the vehicle include:

	<u>FY</u> <u>2016'17</u>
Capital Costs:	
(4) GPS Radio Microphones	\$ 2,000
(4) Polce Moutain Bikes	\$ 4,400
(4) Mobile thermal printers	1,900
(1) Audio/Video System	2,000
	<u>10,300</u>
Grant Funding	<u>(10,300)</u>
City Funding	<u>\$ -</u>

Any costs overruns would be borne entirely by the General Fund.

Future Fiscal Impacts

Impacts on Revenue

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

Impacts on Expenditures

The costs of repairs and maintenance would continue in future years. Any cost overruns or decisions to replace equipment would be borne entirely by the General Fund; however, the equipment could be scaled in scope to fit within possible future funding constraints.

Other Future Commitments

The City would be able to scale in scope future equipment based on funding constraints.

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
Accountant III
City of Lake Wales

Problem Identification

Law enforcement is a dangerous, demanding and complex profession. In order to provide the very best law enforcement services to our community, the Lake Wales Police Department is in need of equipment and enhanced technology. This equipment will increase officer safety, enhance police/community relations, improve customer service and ensure the successful prosecution of criminals.

The police canine officer faces a variety of dangerous situations on a daily basis. One of the most dangerous involves the tracking of suspects when they have fled from law enforcement. Many times, suspects utilize wooded areas, orange groves or similar challenging environments to flee and/or conceal themselves to avoid apprehension. When this occurs, the canine officer performs tracking duties by following the scent left behind by the suspect. During these activities, the exact location of the canine officer is imperative at all times. If an ambush occurred or an officer became injured during the track, support teams would have to respond and rescue the fallen officer. Furthermore, in order to effectively perform a track, a perimeter must be used to contain the suspect within a confined area. If the suspect travels outside the perimeter, it must be quickly modified with precise accuracy. Currently, the only means our canine teams have to communicate their exact location with is radio or cellular devices. This presents a dangerous situation for the officer and a serious challenge to support teams if the officer were to become lost or injured during a track.

Police and community relations in the City of Lake Wales are strong and genuine. Law enforcement officers interact daily with citizens and also engage in a multitude of events to build partnerships for a safer community. As a department however, we always strive to improve the relationships we have and the image we present to the public. The use of police mountain bikes is an effective means for patrolling special events and community activities while also building these relationships. Bicycle patrols provide citizens and visitors of Lake Wales the ability to interact with the police in a manner that is normally restricted when officers are in marked patrol cars. Additionally, bicycles are used to perform specialized patrols. Because of the unique perspective, bicycles can be utilized to increase both visibility and citizen contact or as a low profile police resource to deter criminal activity. Currently, the police department is limited in the number of properly equipped police mountain bikes to provide the amount of patrol we desire.

Law enforcement has become more technologically advanced over the years and more digital than ever before. Officers in the field complete reports, citations, driver exchange of information and a variety of other tasks using laptop computers. The use of computers greatly increases the accuracy, thoroughness and legibility of these documents. They also improve officer efficiency by reducing the amount of time spent completing them when compared to handwriting them. Although most of our officers have mobile vehicle printers in their vehicles, not all of them do at this time.

In police work, the thorough interview of victims, witnesses and suspects are crucial to the fairly and thoroughly ensure justice is served. Likewise, the accurate transmission of this information must occur in order to successfully prosecute individuals accused of violating the law. The Lake Wales Police Department currently utilizes digital voice recorders when conducting interviews. Although these recording devices capture audio, they do not capture the demeanor, actions or non-verbal communication that occurs during an interview. The ability to capture interviews with high quality audio/video recording equipment is a valuable resource the department currently does not have.

Project Summary

The police department will purchase four (4) GPS enabled radio microphones for our canine officers. These devices will function as a portable radio shoulder microphone, as well as transmit the officer's location to the Communications Section and assisting units on a computer generated map. This equipment will increase officer safety as well as improve the efficiency and effectiveness of police canines in a variety of situations.

The department will purchase four (4) police mountain bikes, fully equipped with front and rear lighting, emergency warning equipment, toe clips, luggage racks, bags and kick stands. These bicycles will provide an effective means for patrolling special events and activities while also enhancing community relationships. These bicycle patrols will provide citizens and visitors of Lake Wales the ability to interact with the police in a manner that is normally restricted when officers are driving marked patrol cars. Additionally, they will be used to perform specialized patrols to increase both visibility and citizen contact or as a low profile police resource to deter criminal activity

The police department proposed to purchase four (4) mobile vehicle printers with peripherals (cables, power adapter, and vehicle mounting hardware). This equipment will allow law enforcement officers, at the scene, to print out required documents and provide them to the involved parties. The printers will provide the documents in an accurate and legible format while improving uniformity, timeliness, and reducing the duplication of work. As a result, they will also improve customer service to the community.

The police department will purchase a complete, high quality audio/video recording system to accurately capture the interview of victims, witnesses and suspects. This system will include all cameras, microphones, cables mounting brackets and recording devices necessary, as well as installation in an interview room. This equipment will provide valuable information to law enforcement, prosecutors, defense attorneys and jurors during the investigation and prosecution of criminal offenses.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

STANDARD CONDITIONS

The State of Florida, Department of Law Enforcement (FDLE) is a recipient of federal JAG funds. FDLE, as the non-federal pass-through entity and State Administering Agency (SAA) for this program, subawards JAG funds to eligible units of government. All subawards made by FDLE to units of government under this program require compliance with the agreement and Standard Conditions upon signed acceptance of the subaward.

Upon approval of the application, or subaward, the following terms and conditions will become binding. As a unit of government, the subrecipient will maintain required state and federal registrations and certifications for eligibility under this program. For JAG-Countywide subawards, the designated County Coordinator for local units of government will submit documentation in accordance with Florida Administrative Code 11D-9 supporting the strategic planning for allocation of these funds. The subrecipient agrees to submit required programmatic and financial reports supporting eligible activities were completed in accordance with the grant and program requirements.

The Department will only reimburse subrecipients for authorized activities. The Department will not reimburse for costs incurred for any purpose other than those specified in the agreement. Failure to comply with provisions of this agreement, or failure to perform grant activities as specified in the agreement, will result in required corrective action up to and including financial consequences. A financial consequence may be imposed for non-compliance in accordance with 2 C.F.R. § 200 and these Standard Conditions, including but not limited to project costs being disallowed, withholding of federal funds and/or termination of the project.

GENERAL REQUIREMENTS

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

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

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

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

Public Law

Pub. L. No. 109-162, Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program: <http://www.gpo.gov/fdsys/pkg/PLAW-109publ162/pdf/PLAW-109publ162.pdf>

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

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

State of Florida Statutes

§ 215.971, "Agreements funded with federal or state assistance"

§ 215.985, "Transparency in government spending"

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

Simplified acquisition threshold means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. § 1908. As of the publication of this part, the simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation. (Also see definition of § 200.67 Micro-purchase.)

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

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

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

SECTION I: TERMS AND CONDITIONS

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

- 1.0 Payment Contingent on Appropriation and Available Funds** - The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subrecipients for incurred costs is subject to available federal funds.
- 2.0 System for Award Management (SAM)** - The subrecipient must maintain current information in SAM until it submits the final financial report required under this award or receives the final payment, whichever is later. This requires that the subrecipient review and update the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.
- 3.0 Commencement of Project** - If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report by letter to the Department the steps taken to initiate the project, the reasons for delay, and the expected start date.
 - 3.1** If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the Department explaining the implementation delay.
 - 3.2** Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subaward funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written adjustment to this agreement.
- 4.0 Supplanting** - The subrecipient agrees that funds received under this award will not be used to supplant state

or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

- 5.0 Personnel Changes** - Upon implementation of the project, in the event there is a change in Chief Officials for the Subrecipient or Implementing Agency or any contact information to include mailing address, phone number, email or title change, project staff must notify the SIMON help desk to update the organizational information in SIMON. Project director changes require a grant adjustment in SIMON.
- 6.0 Non-Procurement, Debarment and Suspension** - The subrecipient agrees to comply with Executive Order 12549, Debarment and Suspension and 2 C.F.R. § 180, "OMB Guidelines To Agencies On Government wide Debarment And Suspension (Non-procurement)". These procedures require the subrecipient to certify that it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.
- 7.0 Federal Restrictions on Lobbying** - Each subrecipient agrees to comply with 28 C.F.R. § 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subrecipient for award of federal contract, grant, or cooperative agreement.
- 8.0 State Restrictions on Lobbying** - In addition to the provisions contained above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this agreement.
- 9.0 Additional Restrictions on Lobbying** - The subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs.
- 10.0 "Pay-to-Stay"** - Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail", as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.
- 11.0 The Coastal Barrier Resources Act** - The subrecipient will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (Pub..L. No. 97-348) dated October 19, 1982 (16 U.S.C. §§ 3501 et seq.) which prohibits the expenditure of most new federal funds within the units of the Coastal Barrier Resources System.
- 12.0 Enhancement of Security** - If funds are used for enhancing security, the subrecipient agrees to:
 - 12.1** Have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken.
 - 12.2** Conduct such an assessment with respect to each such enhancement; and submit to the Department the aforementioned assessment in its Final Program Report.
- 13.0 Background Check** - Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of § 435 Fla. Stat. shall apply.
 - 13.1** All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to § 435, Fla. Stat., using the level 2 standards set forth in that chapter.
 - 13.2** All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited

to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile record checks through the Florida Department of Law Enforcement, and federal criminal record checks through the Federal Bureau of Investigation, and may include local criminal record checks through local law enforcement agencies.

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

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

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

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

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

SECTION II: CIVIL RIGHTS REQUIREMENTS

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

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

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

4.0 Equal Employment Opportunity Plans

4.1 A subrecipient or implementing agency must develop an EEO Plan if it has 50 or more employees and has received any single award of \$25,000 or more from the Department of Justice. The plan must be prepared using the online short form at www.ojp.usdoj.gov/about/ocr/eeop_comply.htm, must be

retained by the subrecipient or implementing agency, and must be available for review or audit. The organization must also submit an EEO Certification to FDLE.

- 4.2** If the subrecipient or implementing agency is required to prepare an EEO Plan and has received any single award of \$500,000 or more from the Department of Justice, it must submit its plan to the Department of Justice for approval. A copy of the Department of Justice approval letter must be submitted to FDLE. The approval letter expires two years from the date of the letter.
- 4.3** A subrecipient or implementing agency is exempt from the EEO Plan requirement if it has fewer than 50 employees or if it does not receive any single award of \$25,000 or more from the Department of Justice or if it is a nonprofit organization, a medical or educational institution, or an Indian Tribe. If an organization is exempt from the EEO Plan requirement, it must submit an EEO Certification to FDLE.
- 4.4** The subrecipient and implementing agency acknowledge that failure to comply with EEO requirements within 60 days of the project start date may result in suspension or termination of funding, until such time as it is in compliance.
- 5.0** In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to FDLE and to the Office for Civil Rights, Office of Justice Programs.
- 6.0** In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.
- 7.0** Subrecipients must include comprehensive Civil Rights/Nondiscrimination Provisions in all contracts funded by the subgrant recipient.
- 8.0** If the subrecipient or any of its employees, contractors, vendors, or program beneficiaries has a discrimination complaint, they may file a complaint with the subrecipient, with FDLE, or with the Office for Civil Rights. Discrimination complaints may be submitted to FDLE at Office of the Inspector General, Post Office Box 1489, Tallahassee, Florida 32302-1489, or online at info@fdle.state.fl.us. Discrimination complaints may also be submitted to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, Northwest, Washington, D.C. 20531, or by phone at (202) 307-0690.
- 9.0** The subrecipient must have procedures in place for responding to discrimination complaints that employees, clients, customers, and program participants file directly with the subrecipient.
- 10.0** The subrecipient must have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the subrecipient/implementing agency with FDLE or the OCR.
- 11.0** Any discrimination complaints filed with FDLE will be reviewed by FDLE's Inspector General and referred to the Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission, based on the nature of the complaint.
- 12.0** **Americans with Disabilities Act** - Subrecipients must comply with the requirements of the Americans with Disabilities Act (ADA) (Pub. L. No. 101-336), which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).
- 13.0** **Rehabilitation Act of 1973 (28 C.F.R. § 42(G))** - If the subrecipient has 50 or more employees and receives DOJ funding of \$25,000 or more, the subrecipient must take the following actions:
 - 13.1** Adopt grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. § 42(G), which prohibit discrimination on the basis of a disability in employment practices and the delivery of services.
 - 13.2** Designate a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. § 42(G).

- 13.3** Notify participants, beneficiaries, employees, applicants, and others that the subrecipient/implementing agency does not discriminate on the basis of disability.
- 14.0 Limited English Proficiency (LEP)** - In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at www.lep.gov. FDLE strongly encourages subgrant recipients to have a written LEP Language Access Plan.
- 15.0 Title IX of the Education Amendments of 1972 (28 C.F.R. § 54)** - If the subrecipient operates an education program or activity, the subrecipient must take the following actions:
- 15.1** Adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. § 54, which prohibit discrimination on the basis of sex.
- 15.2** Designate a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. § 54.
- 15.3** Notify applicants for admission and employment, employees, students, parents, and others that the subrecipient/implementing agency does not discriminate on the basis of sex in its educational programs or activities.
- 16.0 Equal Treatment for Faith Based Organizations** - The subrecipient agrees to comply with the applicable requirements of 28 C.F.R. § 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the recipient or a subrecipient must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. The subrecipient also understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from the award, or the parent or legal guardian of such students. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See www.ojp.gov/about/ocr/equal_fbo.htm.
- 17.0 Immigration and Nationality Act** - No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. § 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subrecipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

SECTION III: FINANCIAL REQUIREMENTS AND RESPONSIBILITY

1.0 Fiscal Control and Fund Accounting Procedures

- 1.1** All expenditures and cost accounting of funds shall conform to the Office of Justice Programs Financial Guide, the Common Rule, and OMB Uniform Grant Guidance (2 C.F.R § 200) as applicable, in their entirety.
- 1.2** Subrecipients must have written procedures for procurement transactions. Procedures must ensure that all solicitations follow 2 C.F.R. § 200.319 Competition.
- 1.3** The subrecipient is required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. As a subrecipient, you must have a financial management system in place that is able to record and report on the receipt, obligation, and

expenditure of grant funds. An adequate accounting system for a subrecipient must be able to accommodate a fund and account structure to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients.

- 1.4 All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- 1.5 All funds not spent in accordance with this agreement shall be subject to repayment by the subrecipient.

SECTION IV: SUBAWARD MANAGEMENT AND REPORTING REQUIREMENTS

1.0 Obligation of Subrecipient Funds - Subaward funds shall not under any circumstances be obligated prior to the effective date, or subsequent to the termination date, of the period of performance. Only project costs incurred on or after the effective date, and on or prior to the termination date of the subrecipient's project are eligible for reimbursement. All payments must be completed within thirty (30) days of the end of the subaward period of performance.

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

3.0 Trust Funds

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

3.2 The account may earn interest, but any earned interest must be used for program purposes and expended before the federal grant period end date. Any unexpended interest remaining at the end of the federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

4.0 Performance

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

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

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

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

- 5.2 Under no circumstances can transfers of funds increase the total budgeted award.
- 5.3 Requests for changes to the subaward agreement must be electronically signed by the subrecipient or implementing agency's chief official or the chief official's designee.
- 5.4 All requests for changes must be submitted in SIMON no later than thirty (30) days prior to grant expiration date.
- 6.0 Required Reports** - All reports must relate financial data to performance accomplishments. Subrecipients must submit both reports on the same reporting cycle.
- 6.1 Financial Expenditure Reports**
- 6.1.2 The subrecipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Project Expenditure Reports are due thirty (30) days after the end of the reporting period. In addition, if the subaward period is extended, additional Project Expenditure Reports shall be submitted.
- 6.1.3 All project expenditures for reimbursement of subrecipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCJG) through the SIMON (Subgrant Information Management Online).
- 6.1.4 All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
- 6.1.5 Before the "final" Project Expenditure Report will be processed, the subrecipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- 6.1.6 Reports are to be submitted even when no reimbursement is being requested.
- 6.1.7 The report must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.
- 6.2 Project Performance Reports**
- 6.2.1 Reporting Time Frames: The subrecipient shall submit Monthly or Quarterly Project Performance Reports in SIMON, hereafter known as the Department, within fifteen (15) days after the end of the reporting period. In addition, if the sub award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.
- 6.2.2 Failure to submit Quarterly Performance Reports that are complete, accurate, and timely may result in sanctions, as specified in Section IV 4.2, Performance of Agreement Provisions.
- 6.2.3 Report Contents: Performance Reports must include a response to all objectives included in your subaward. A detailed response is required in the narrative portion for yes/no performance objectives. The narrative must also reflect on accomplishments for the quarter and identify problems with project implementation and address actions being taken to resolve the problems. Additional information may be required if necessary to comply with federal reporting requirements.
- 6.2.4 Submission: Performance Reports may be submitted by the Project Director, Application Manager, or Performance Contacts.
- 6.3 Project Generated Income (PGI)** - All income generated as a direct result of a subgrant project shall be deemed program income. Program income must be accounted for and reported in SIMON in accordance with the OJP Financial Guide (Section 3.4).
- 6.3.1 **Required Reports** - the subrecipient shall submit Quarterly PGI Earnings and Expenditures Reports to the Department within thirty (30) days after the end of the reporting period covering subaward project generated income and expenditures during the previous quarter. If any PGI

remains unspent after the subaward ends, the subrecipient must continue submitting quarterly PGI reports until all funds are expended.

6.3.2 PGI Earnings and Expenditure reports must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.

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

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

SECTION V: MONITORING AND AUDITS

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

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

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

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

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

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

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

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

- 5.0 High Risk Subrecipients** - The subrecipient agrees to comply with any additional requirements that may be imposed during the grant performance period if FDLE's pre-award risk assessment or the U.S. Department of Justice determines the subrecipient is a high-risk grantee. Cf. 28 C.F.R. §§ 66, 70.
- 6.0 Reporting, Data Collection and Evaluation** - The subrecipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the Bureau of Justice Assistance in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by FDLE.
- 7.0 Retention of Records** - The subrecipient shall maintain all records and documents for a minimum of five (5) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons. The subrecipient shall comply with State of Florida General Records Schedule GS1-SL for State and Local Government Agencies: <http://dos.myflorida.com/media/693574/general-records-schedulegs01-sl.pdf> <http://dos.myflorida.com/media/693578/gso2.pdf>
- 8.0 Disputes and Appeals** - The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subrecipient shall proceed diligently with the performance of this agreement according to the Department's decision. If the subrecipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subrecipient's right to appeal the Department's decision is contained in § 120, Fla. Stat., and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under § 120, Fla. Stat.
- 9.0 Single Annual Audit**
- 9.1** Subrecipients that expend \$750,000 or more in a year in federal awards shall have a single audit or program-specific audit conducted for that year. The audit shall be performed in accordance with 2 C.F.R. § 200(F) Audit Requirements and other applicable federal law. The contract for this agreement shall be identified in the Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received, and funds disbursed. When applicable, the subrecipient shall submit an annual financial audit that meets the requirements of Florida Statutes 11.45, "Definitions; duties; authorities; reports; rules.;" 215.97, "Florida Single Audit Act"; Rules of the Auditor General; Chapter 10.550, "Local Governmental Entity Audits"; and Chapter 10.650, "Florida Single Audit Act Audits Nonprofit and For-Profit Organizations."
- 9.2** A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, including audit report and management letter findings. Incomplete audit reports will not be accepted by the Department.
- 9.3** Audits shall be completed by an Independent Public Accountant (IPA) and according to Generally Accepted Government Auditing Standards (GAGAS). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant. Subrecipients shall procure audit services according to § 200.509, and include clear objectives and scope of the audit in addition to peer review reports to strengthen audit quality and ensure effective use of audit resources.
- 9.4** The subrecipient shall promptly follow-up and take appropriate corrective action for any findings on the audit report in instances of noncompliance with federal laws and regulations, including but not limited to preparation of a summary schedule of prior audit findings and a corrective action plan. Subrecipient follow-up to audit findings must abide by requirements in 2 C.F.R. § 200.511.
- 9.5** Auditees must make copies available for public inspection and ensure respective parts of the reporting package do not include protected personally identifiable information. Records shall be made available upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- 9.6** Subrecipients that expend less than \$750,000 in federal awards during a fiscal year are exempt from the audit requirements of 2 C.F.R. § 200(F) for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by

the Chief Financial Officer, or designee, that the subrecipient is exempt. This notice shall be provided to the Department no later than June 30 following the end of the fiscal year.

- 9.7** If this agreement is closed without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- 9.8** The Federal Audit Clearinghouse is the repository of record for 2 C.F.R. § 200(F). Audits performed as a result of this requirement must be completed and submitted to the Federal Audit Clearinghouse within the earlier of thirty (30) calendar days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Submissions must include required elements described in Appendix X to Part 200 on the specified Data Collection Form (Form SF-SAC), and be signed by a senior level representative or chief official of the auditee. If the subrecipient opts not to authorize the Federal Audit Clearinghouse to make the reporting package publically available, the single audit report must be submitted directly to the Department. A scanned copy of the completed audit reports or a link to the electronic audit report should be sent via email to criminaljustice@fdle.state.fl.us or mailed to the following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489

SECTION VI: SUBAWARD PROCUREMENT AND COST PRINCIPLES

- 1.0 Procurement Procedures** - Subrecipients must use documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurement standards conform to applicable Federal law (2 C.F.R. §§ 200.317-200.326).
- 2.0 Federal Procedures** - All procedures employed in the use of federal funds for any procurement shall also be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", 2 C.F.R. § 200.318, "General procurement standards", and Florida law to be eligible for reimbursement.
- 3.0 Cost Analysis** - A cost analysis must be performed by the subrecipient if the cost or price is above the simplified acquisition threshold of \$150,000. Costs or prices based on estimated costs for contracts are allowable only if allowable under 2 C.F.R. § 200.405(e), "Cost Principles".
- 4.0 Allowable Costs** - Allowance for costs incurred under the subaward shall be determined according to the general principles and standards for selected cost items set forth in the Office of Justice Programs Financial Guide, 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"; and 2 C.F.R. § 200.405(e), "Cost Principles".
- 4.1** All procedures employed in the use of federal funds for any procurement shall be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", 2 C.F.R. § 200.420, "Considerations for selected items of cost"; and Florida law to be eligible for reimbursement.
- 4.2** Subrecipients eligible to use the "de minimis" indirect cost rate described in 2 C.F.R. § 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise FDLE Office of Criminal Justice Grants in writing of both its eligibility and election, and must comply with all associated requirements in the OMB Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).
- 5.0 Unallowable Costs** - Payments made for costs determined to be unallowable by either the Federal awarding agency or the Department, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements, 2 C.F.R. §§ 200.300, "Statutory and national policy requirements", through 200.309, "Period of performance."

- 5.1 Prohibited Expenditure List** - Subaward funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition.
<https://www.bja.gov/Funding/JAGControlledPurchaseList.pdf>
- 5.2 Controlled Purchase List** - Requests for acquisition of items on the Controlled Purchase List must receive explicit prior written approval from FDLE and BJA. If award funds are approved and used for the purchase or acquisition of any item on the Controlled Purchase List, the subrecipient must collect and retain certain information about the use of 1) the federally grant funded controlled equipment and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to FDLE and BJA upon request. No equipment on the Controlled Expenditure list that is purchased or acquired under this award may be transferred or sold to a third party without the prior approval and guidance from FDLE and BJA. Failure to comply with conditions related to Prohibited or Controlled Expenditures may result in prohibition from further Controlled Expenditure approval under this or other awards.
<https://www.bja.gov/Funding/JAGControlledPurchaseList.pdf>
- 6.0 Review prior to Procurement** - Subrecipients are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods/services. Subrecipients are also encouraged to use excess and surplus property in lieu of purchasing new equipment and property when this is feasible.
- 7.0 Sole Source** - If the project requires a purchase of services or equipment from a sole source, the subrecipient must complete the Sole Source Justification for Services and Equipment Form. If the subrecipient is a state agency and the cost is at least \$150,000, then the agency must submit a copy of the approval from the Department of Management Services (287.057(5) Fla. Stat.). Sole Source form must be signed by the subgrant recipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.
- 8.0 Unmanned Aerial Vehicles** - The recipient agrees that awarded funds may not be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any funding approved for this purpose would be subject to additional reporting, which would be stipulated by FDLE post award.
- 9.0 Personal Services** – Subrecipients may use grant funds for eligible personal services (salaries/benefits and overtime) and must maintain internal controls over salaries and wages. The following requirements apply to personal services paid with subgrant funds:
- 9.1 Timesheets** - Timesheets must be kept for all project staff whose hours will be charged to the project. The timesheets must be signed by the supervisor and clearly indicate hours spent on project activities.
- 9.2 Additional Documentation** - In accordance with Florida Statute § 215.971, the Florida Department of Financial Services may require documentation validation that personnel services were performed on project-related activities in accordance with the contract agreement.
- 9.3 Protected personally identifiable information** - The subrecipient shall take reasonable measures to safeguard protected personally identifiable information and other information the pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- 9.4 Overtime for Law Enforcement Personnel** - Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.
- 9.5 Employees Working Solely on a Single Federal Award** - For any position that works 100% of its time on a single federal award, the employee must certify that 100% of his or her time was spent working on that federal award. This requirement applies to both full time and part time positions regardless of the percentage of the position's salary that is charged to the grant. The certification must be signed by both

the employee and the employee's direct supervisor having firsthand knowledge of the work performed by the employee. The forms must be submitted semi-annually and may not be signed prior to the end of the reporting period. Certifications must be provided to cover the entire grant period

- 9.6 Maximum Allowable Salary** - No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the subrecipient whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year. (The salary table for SES employees is available at <http://www.opm.gov/oca/payrates/index.asp>.) A subrecipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
- 10.0 Contractual Services** - The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts as described in §200.318 General procurement.
- 10.1 Requirements for Contractors of Subrecipients** - The subrecipient assures the compliance of all contractors with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3711, et seq. at www.gpo.gov/fdsys/); the provisions of the current edition of the Office of Justice Programs Financial Guide (<http://ojp.gov/financialguide/DOJ/index.htm>); and all other applicable federal and state laws, orders, circulars, or regulations. The subrecipient must pass-through all requirements and conditions applicable to the federal grant award/subaward to any subcontract. The term "contractor" is used rather than the term "vendor" and means an entity that receives a contract as defined in 2 C.F.R. § 200.22, the nature of the contractual relationship determines the type of agreement.
- 10.2 Approval of Consultant Contracts** - The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when the consultant's rate exceeds \$650 (excluding travel and subsistence costs) per eight-hour day, or \$81.25 per hour. A detailed justification must be submitted to and approved by FDLE prior to obligation or expenditures of such funds. Approval shall be based upon the contract's compliance with requirements found in the Financial Guide, the Common Rule, and in applicable state statutes. The Department's approval of the subrecipient agreement does not constitute approval of consultant contracts. If consultants are hired through a competitive bidding process (not sole source), the \$650 threshold does not apply.
- 11.0 Travel and Training** - The cost of all travel shall be reimbursed according to the subrecipient's written travel policy. If the subrecipient does not have a written travel policy, cost of all travel will be reimbursed according to State of Florida Travel Guidelines § 112.061, Fla. Stat. Any foreign travel must obtain prior written approval.
- 11.1 BJA or FDLE Sponsored Events** - The subrecipient agrees to participate in BJA- or FDLE-sponsored training events, technical assistance events, or conference held by FDLE or BJA or their designees, upon FDLE's or BJA's request.
- 11.2 Expenses Related to Conferences, Meetings, Trainings, and Other Events** - The subrecipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>
- 11.3 Training and Training Materials** – Any training or training materials that has been developed or delivered with grant funding under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at www.ojp.gov/funding/ojptrainingguidingprinciples.htm
- 12.0 Publications, Media and Patents**
- 12.1 Ownership of Data and Creative Material** - Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the

Office of Justice Programs Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, and 2 C.F.R. § 200.315 “Intangible Property,” as applicable.

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

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

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

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

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

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

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

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

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

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

13.0 Confidential Funds and Confidential Funds Certificate - A signed certification that the Project Director or Implementing Agency Chief Official has read, understands, and agrees to abide by all conditions for confidential funds as set forth in the effective edition of the Office of Justice Programs Financial Guide is required for all projects that involve confidential funds. The signed certification must be submitted at the time of grant application. This certificate certifies the Project Director has read, understands, and agrees to abide by the provision in Section 3.12 of the Office of Justice Programs Financial Guide. This form must be submitted upon application if applicable. Confidential Funds certifications must be signed by the subrecipient or implementing agency Chief Official or an individual with formal, written signature authority for the Chief Official.

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

roster along with course completion certificates. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

15.0 Information Technology Projects

15.1 Criminal Intelligence Systems - The subrecipient agrees that any information technology system funded or supported by the Office of Justice Programs funds will comply with 28 C.F.R. § 23, Criminal Intelligence Systems Operating Policies, if the Office of Justice Programs determines this regulation to be applicable. Should the Office of Justice Programs determine 28 C.F.R. § 23 to be applicable, the Office of Justice Programs may, at its discretion, perform audits of the system, as per 28 C.F.R. § 23.20(g). Should any violation of 28 C.F.R. § 23 occur, the subrecipient may be fined as per 42 U.S.C. § 3789g(c)-(d). The subrecipient may not satisfy such a fine with federal funds.

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

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

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

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

16.0 Interoperable Communications Guidance

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

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

funding (plus the quantity purchased of each item) to FDLE once items are procured during any periodic programmatic progress reports.

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

SECTION VII: ADDITIONAL REQUIREMENTS

1.0 Ballistic Resistant and Stab Resistant Body Armor

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

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

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

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

3.0 National Environmental Policy Act (NEPA)

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

3.1.1 New construction

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

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

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

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

- 3.2 The subrecipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by the Bureau of Justice Assistance. The subrecipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed by the Department of Justice at www.bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.
- 3.3 For any of a subrecipient's existing programs or activities that will be funded by these subawards, the subrecipient, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with the Department of Justice in any preparation by the Department of Justice of a national or program environmental assessment of that funded program or activity.

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

- 4.1 General Requirement: The subrecipient agrees to comply with federal, state, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories. The subrecipient also agrees to complete a Methamphetamine Mitigation Plan (MMP) that includes the nine protective measures or components required by BJA and submit the plan to FDLE's Office of Criminal Justice Grants.
- 4.2 Specific Requirements: The subrecipient understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest. Therefore, the subrecipient further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subaward. In so doing, the subrecipient understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.
- 4.2.1 Provide medical screening of personnel assigned or to be assigned by the subrecipient to the seizure or closure of clandestine methamphetamine laboratories;
- 4.2.2 Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subrecipient to either the seizure or closure of clandestine methamphetamine laboratories;
- 4.2.3 As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
- 4.2.4 Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
- 4.2.5 Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;
- 4.2.6 Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
- 4.2.7 Monitor the transport, disposal, and recycling components of subparagraphs 4.4.5 and 4.4.6 immediately above in order to ensure proper compliance;

- 4.2.8** Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's 1) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and 2) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing federal and state requirements; and
- 4.2.9** Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can 1) respond to the potential health needs of any minor at the site; 2) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; 3) ensure immediate medical testing for methamphetamine toxicity; and 4) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity
- 5.0 National Historic Preservation Act** – The Act will assist the Department (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
- 6.0 Human Research Subjects** - Subrecipient agrees to comply with the requirements of 28 C.F.R. § 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
- 7.0 Global Standards Package** - In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the recipient to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Recipient shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: www.it.ojp.gov/gsp_grantcondition. Recipient shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
- 8.0 Disclosures**
- 8.1 Conflict of Interest** - The subrecipient and implementing agency will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Subrecipients must disclose in writing any potential conflict of interest to FDLE (the non-federal pass-through entity).
- 8.2 Violations of Criminal Law** - The subrecipient and implementing agency must disclose all violations of state or federal criminal law involving fraud, bribery or gratuity violations potentially affecting the sub award.
- 9.0 Uniform Relocation Assistance and Real Property Acquisitions Act** - The subgrant recipient will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which governs the treatment of persons displaced as a result of federal and federally-assisted programs.
- 10.0 Limitations on Government Employees Financed by Federal Assistance** - The subrecipient will comply with requirements of 5 U.S.C. §§ 1501-08 and 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
- 11.0 Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct** - The subrecipient must promptly refer to DOJ Office of Inspector General (OIG) and the Florida Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a claim for grant funds that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

- 12.0 Restrictions and certifications regarding non-disclosure agreements and related matters -**
Subrecipients or contracts/subcontracts under this award may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits, restricts or purports to prohibit or restrict, the reporting of waste, fraud or abuse in accordance with law, to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information.
- 13.0 Funds to Association of Community Organizations for Reform Now (ACORN) Unallowable -**
Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
- 14.0 Text Messaging While Driving -** Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), and § 316.305, Fla. Stat., the subrecipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this subaward and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
- 15.0 DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database -** If JAG program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS), by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ FY 2012 DNA Backlog Reduction Program, available at <https://www.ncjrs.gov/pdffiles1/nij/sl001062.pdf>. In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS (the National DNA Database operated by the FBI).
- 16.0 Environmental Requirements and Energy -** For subawards in excess of \$100,000, the subrecipient must comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. §§ 1857(h)), section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 C.F.R. § 15). The subrecipient must comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871), if any.
- 17.0 Other Federal Funds -** The subrecipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this award, and those awards have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this award, the subrecipient will promptly notify, in writing the grant manager for this award, and, if so requested by OCJG seek a budget modification or change of project scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Subgrant Recipient

Organization City of Lake Wales

County: Polk

Chief Official

Name: Eugene Fultz

Title: Mayor

Address: 201 West Central Avenue

City: Lake Wales

State: FL **Zip:** 33853-1320

Phone: 678-4182 **Ext:** 225

Fax:

Email: efultz@cityoflakewales.com

Chief Financial Officer

Name: Dorothy Ecklund

Title: Finance Director

Address: Post Office Box 1320

City: Lake Wales

State: FL **Zip:** 33859-1320

Phone: 863-678-4182 **Ext:** 257

Fax: 863-678-4634

Email: decklund@cityoflakewales.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Implementing Agency

Organization City of Lake Wales Police Department
County: Polk

Chief Official

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

Project Director

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

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project

General Project Information

Project Title: LAKE WALES EQUIPMENT PURCHASE PROGRAM
Subgrant Recipient: City of Lake Wales
Implementing: City of Lake Wales Police Department
Project Start Date: 10/1/2016 **End:** 9/30/2017

Problem Identification

Law enforcement is a dangerous, demanding and complex profession. In order to provide the very best law enforcement services to our community, the Lake Wales Police Department is in need of equipment and enhanced technology. This equipment will increase officer safety, enhance police/community relations, improve customer service and ensure the successful prosecution of criminals.

The police canine officer faces a variety of dangerous situations on a daily basis. One of the most dangerous involves the tracking of suspects when they have fled from law enforcement. Many times, suspects utilize wooded areas, orange groves or similar challenging environments to flee and/or conceal themselves to avoid apprehension. When this occurs, the canine officer performs tracking duties by following the scent left behind by the suspect. During these activities, the exact location of the canine officer is imperative at all times. If an ambush occurred or an officer became injured during the track, support teams would have to respond and rescue the fallen officer. Furthermore, in order to effectively perform a track, a perimeter must be used to contain the suspect within a confined area. If the suspect travels outside the perimeter, it must be quickly modified with precise accuracy. Currently, the only means our canine teams have to communicate their exact location with is radio or cellular devices. This presents a dangerous situation for the officer and a serious challenge to support teams if the officer were to become lost or injured during a track.

Police and community relations in the City of Lake Wales are strong and genuine. Law enforcement officers interact daily with citizens and also engage in a multitude of events to build partnerships for a safer community. As a department however, we always strive to improve the relationships we have and the image we present to the public. The use of police mountain bikes is an effective means for patrolling special events and community activities while also building these relationships. Bicycle patrols provide citizens and visitors of Lake Wales the ability to interact with the police in a manner that is normally restricted when officers are in marked patrol cars. Additionally, bicycles are used to perform specialized patrols. Because of the unique perspective, bicycles can be utilized to increase both visibility and citizen contact or as a low profile police resource to deter criminal activity. Currently, the police department is limited in the number of properly equipped police mountain bikes to provide the amount of patrol we desire.

Law enforcement has become more technologically advanced over the years and more digital than ever before. Officers in the field complete reports, citations, driver exchange of information and a variety of other tasks using laptop computers. The use of computers greatly increases the accuracy, thoroughness and legibility of these documents. They also improve officer efficiency by reducing the amount of time spent completing them when compared to handwriting them. Although most of our officers have mobile vehicle printers in their vehicles, not all of them do at this time.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project

In police work, the thorough interview of victims, witnesses and suspects are crucial to fairly and thoroughly ensure justice is served. Likewise, the accurate transmission of this information must occur in order to successfully prosecute individuals accused of violating the law. The Lake Wales Police Department currently utilizes digital voice recorders when conducting interviews. Although these recording devices capture audio, they do not capture the demeanor, actions or non-verbal communication that occurs during an interview. The ability to capture interviews with high quality audio/video recording equipment is a valuable resource the department currently does not have.

Project Summary (Scope of Work)

The police department will purchase four (4) GPS enabled radio microphones for our canine officers. These devices will function as a portable radio shoulder microphone, as well as transmit the officer's location to the Communications Section and assisting units on a computer generated map. This equipment will increase officer safety as well as improve the efficiency and effectiveness of police canines in a variety of situations.

The department will purchase four (4) police mountain bikes, fully equipped with front and rear lighting, emergency warning equipment, toe clips, luggage racks, bags and kick stands. These bicycles will provide an effective means for patrolling special events and activities while also enhancing community relationships. These bicycle patrols will provide citizens and visitors of Lake Wales the ability to interact with the police in a manner that is normally restricted when officers are driving marked patrol cars. Additionally, they will be used to perform specialized patrols to increase both visibility and citizen contact or as a low profile police resource to deter criminal activity

The police department proposed to purchase four (4) mobile vehicle printers with peripherals (cables, power adapter, and vehicle mounting hardware). This equipment will allow law enforcement officers, at the scene, to print out required documents and provide them to the involved parties. The printers will provide the documents in an accurate and legible format while improving uniformity, timeliness, and reducing the duplication of work. As a result, they will also improve customer service to the community.

The police department will purchase a complete, high quality audio/video recording system to accurately capture the interview of victims, witnesses and suspects. This system will include all cameras, microphones, cables mounting brackets and recording devices necessary, as well as installation in an interview room. This equipment will provide valuable information to law enforcement, prosecutors, defense attorneys and jurors during the investigation and prosecution of criminal offenses.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project

Section Questions:

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

Answer: 0

Question: What is the name of the jurisdiction(s) your agency provides service to. (e.g., City of Miami, Orange County, State of Florida)

Answer: City of Lake Wales

Question: What is the combined population of the jurisdiction(s) your agency provides services to (according to the most recent census)?

Answer: 15011

Question: What is the address of the location being used to provide services for this project?

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

Question: Describe your agency. (e.g., non-profit, community based, government)

Answer: Government

Question: Have you verified that the subgrantee has an active and current registration in SAM.gov?

Answer: Yes

Question: What is the Operating Capital Outlay threshold used by the subgrantee? If the implementing agency is a sheriff's office, indicate the sheriff's office's threshold instead.

Answer: \$500.00

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

Answer: No

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

Answer: No

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

Answer: No

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

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

General Performance Info:

Performance Reporting Quarterly

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

State Purpose Area: 1G - General Questions

Objectives and Measures

Objectiv General Questions - General Questions for All Recipients

Measure: General 01

Will your organization be using the crimesolutions.gov website during the grant period regardless of JAG funding? Crimesolutions.gov provides information on several crime reduction and prevention programs and practices.

Goal: Yes

Measure: General 02

Will your organization be using the The National Training and Technical Assistance Center (NTTAC) during the grant period, regardless of JAG funding? The NTTAC serves as BJA's training and technical assistance center. You can find resources, tools, webinars, and TTA support on a variety of criminal justice issues and initiatives.

Goal: No

Measure: General 03

Will your organization be using the NCJP.org website during the grant period, regardless of JAG funding? NCJP.org contains resources to support strategic planning, program development, and implementation of evidence-based policy and practice.

Goal: No

Measure: General 04

Will your organization be using the Evidence-Based Policing Matrix during the grant period regardless of JAG funding? The Evidence-Based Policing Matrix provides information on evidence-based practices for law enforcement.

Goal: No

Measure: General 05

Will your organization be using the What Works in Reentry Clearinghouse during the grant period regardless of JAG funding? The clearinghouse provides research on the effectiveness of reentry programs and practices.

Goal: No

Measure: General 06

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Will your organization be using Research to Practice during the grant period regardless of JAG funding? Research to Practice promotes the dissemination of research on drug courts to practitioners and policymakers.

Goal: No

Measure: General 07

Will your organization be using any other resources during the grant period regardless of JAG funding? If yes, please describe them.

Goal: No.

Measure: General 08

During the grant period, will your agency conduct or sponsor (with or without JAG funds) a survey or focus group of citizens on any of the following topics? Enter all that apply from the following list: Public satisfaction with police services; public satisfaction with prosecution services; public satisfaction with public defender/indigent defense services; public satisfaction with courts; public perceptions of crime/disorder problems; personal crime experiences of citizens; none of the above; unsure/don't know.

Goal: Attending community meetings: as requested
Distributing bulletins: as needed
Attending community events: as requested
Attending neighborhood watch group meetings: as needed

Measure: General 09

During the grant period, which of the following community activities will your organization be involved in, with or without JAG funds and how often will they each occur (yearly, monthly, etc.)? Choose from the following list: Hosting community meetings; attending community meetings; distributing a newsletter, e-mail, or other bulletin; attending community events; conducting social media activities; conducting outreach to minority populations; other (please describe)

Goal: Citizens Police Academy - Yearly
VOICE Academy - Yearly
Internships for Cadet Program - as needed
K-12 School Programs - Yearly

Measure: General 10

Law Enforcement Agencies ONLY: In which of the following ways has your agency fostered community involvement in the last year? Enter all that apply from the following list: Citizen Review Board or other review board with citizen representation, Citizen's Police Academy, Internships for university or high school students, Volunteer Program, Auxiliary police officer program, Police Cadet Program, k-12 school programs, Youth Athletic Programs, Other (please Describe), None of the above, Unsure/Don't know.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Goal: Citizens Police Academy
Internships for Cadet Program
K-12 School Programs

Measure: General 11

Identify the goal(s) you hope to achieve with your funding. If you have multiple goals, describe each goal separately.

Goal: Increase officer safety, enhance police/community relations, improve customer service and ensure the successful prosecution of criminals.

Measure: General 12

Are the subrecipient and implementing agency aware that they will be required to report on the status of the identified goals during each reporting period?

Goal: Yes.

Measure: General 13

Describe any barriers you may encounter which may prevent you from achieving your identified goal(s).

Goal: N/A

Measure: General 14

Are you aware that the Office of Criminal Justice Grants encourages recipients to report on any noteworthy accomplishments, success stories, or program results that they would like to showcase?

Goal: Yes.

Measure: General 15

What major activities are planned for each of your goals listed in question 12?

Goal: The Lake Wales Police Department does not have any activities planned for each goal as of this date.

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

Objectives and Measures

Objectiv Equipment - Questions for all recipients purchasing Equipment, Supplies, and Technology Enhancements.

Measure: Equipment 1

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

Goal: Yes.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

General Financial Info:

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

Financial Reporting Frequency for this Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000357

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$1,900.00	\$0.00	\$1,900.00
Operating Capital Outlay	\$8,400.00	\$0.00	\$8,400.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$10,300.00	\$0.00	\$10,300.00
Percentage	100.0	0.0	100.0

Project Generated

Will the project earn project generated income No

Application for Funding Assistance

Florida Department of Law Enforcement
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Section 4: Financial (cont.)

Budget Narrative:

\$ 1,900.00 = Four (4) Thermal printers with mounting brackets, cables, and power adapters at approximately \$475.00 each.

\$ 2,000.00 = Four (4) GPS enabled portable radio shoulder microphones with programming at approximately \$500.00 each.

\$ 2,000.00 = One (1) Audio/video recording system at approximately \$2,000.00.

\$ 4,400.00 = Four (4) Fully equipped police mountain bicycles at approximately \$1,100.00 each.

\$10,300.00 Total

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

Section Questions:

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

Answer: No

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

Answer: Competitive bids.

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

Answer: N/A

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

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 5: Standard Conditions

Insert Standard Conditions Page here.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 6: Signatures

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

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

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

Signature _____

Typed Name and Title: _____

Date: _____

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

Typed Name of Subgrant _____

Signature _____

Typed Name and Title: _____

Date: _____

**Implementing Agency
Official, Administrator or Designated Representative**

Typed Name of Implementing _____

Signature _____

Typed Name and Title: _____

Date: _____

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 7: Certifications and Authorizations

Insert Certifications and Authorizations here.

MEMORANDUM

July 18, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Clara VanBlargan, City Clerk

RE: Ordinance 2016-10, Amendment to Ordinance 2005-44, Lake Wales Airport Authority – 2nd Reading & Public Hearing

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2016-10 after second reading and public hearing.

The City Commission approved Ordinance 2016-10 after first reading on August 2, 2016. Advertisement requirement for second reading and public hearing has been met.

BACKGROUND

On September 29, 2005, the City Commission adopted Ordinance 2005-44 creating the Lake Wales Airport Authority. Since its adoption the City Commission has made modifications as follows:

Ordinance 2005-48; December 6, 2005, expanded membership from five members to seven members

Ordinance 2006-10; April 4, 2006, expanded membership requirement to include a City Commissioner as a non-voting member. Commissioner Pete Perez currently serves as that member.

Ordinance 2007-07; March 20, 2007, added duties of oversight of airport operations, and the provision of input and advice to the City Manager in his capacity of Airport Manager

The Airport Authority meets monthly and at times the quorum requirement becomes an issue due to the lack of members or attendance on the Board. Ordinance 2005-44 that created the Airport Authority requires that at least four voting members be qualified electors of the City of Lake Wales but does not specify a requirement for the other members. Therefore, those members are appointed in accordance with the membership requirement in Chapter 2, Section 2-26(1)(a), which limits persons serving on City boards, commissions and committees to persons 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.

Although, the Airport Authority currently does not have vacancies it has encountered problems in the past with vacancies being filled in a timely manner due to the lack of applications received. The Board recently voted to recommend that the Commission expand its membership requirement to allow persons to serve on the Airport Authority that have general aviation experience and who are airport tenants regardless of where they live, inside or outside the City limits. Ordinance 2016-10 was prepared for that purpose and to also incorporate in the ordinance the membership requirement set forth in Chapter 2, Section 2-26(1)(a) of the Lake Wales Code of Ordinances.

In accordance with the authority granted by Sec. 4.04 of the City Charter, the Airport Authority Ordinance designated the City Manager as airport manager with the input and advice of the Airport Authority. However, for purposes of administration of the day to day operation of the airport and the enforcement of FAA rules the Airport Authority Ordinance allows a fixed base operator to be designated as airport manager. The City of Lake Wales no longer has a fixed base operator and the City Manager recently hired employee Alexander Vacha to take over the operations at the airport and designated him to be the airport manager. Adoption of Ordinance 2016-10 makes that change to the Airport Authority Ordinance and to Section 3-26 in the City's Code.

In accordance with 3.06 of the City Charter, it is the Mayor's duty to make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities. Approval of Ordinance 2016-10 makes that change in the Airport Authority Ordinance.

FISCAL IMPACT

No fiscal impact for this action.

OPTIONS

The City Commission can choose not to approve Ordinance 2016-10 or it can modify the recommended changes made in the ordinance.

ATTACHMENTS

Ordinance 2016-10

ORDINANCE 2016-10

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING ORDINANCE 2005-44 KNOWN AS THE "LAKE WALES AIRPORT AUTHORITY" ORDINANCE AS AMENDED BY ORDINANCE 2005-48, ORDINANCE 2006-10 AND ORDINANCE 2007-07; EXPANDING MEMBERSHIP REQUIREMENTS; ALLOWING FOR AN AIRPORT MANAGER DESIGNEE; ALLOWING FOR FILLING AUTHORITY VACANCIES IN COMPLIANCE WITH THE CITY CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Ordinance 2005-44 known as the "LAKE WALES AIRPORT AUTHORITY" Ordinance, as amended by Ordinance 2005-48, Ordinance 2006-10 and Ordinance 2007-07 is hereby amended to read as follows:

Section 1. Pursuant to section 189.4041, Florida Statutes, this Ordinance serves to create a dependent special district as set forth therein and constitutes the codification of all Ordinances relating to the Lake Wales Airport Authority. It is the intent of the City Commission in enacting this Ordinance to provide a comprehensive Ordinance for the authority, including prior authority granted to the authority by the City's prior enactments and any additional authority granted by this Ordinance, the dependent special district presenting the best alternative to any of the City's prior enactments concerning the Lake Wales Airport. It is further the intent to preserve all authority powers and authority.

Section 2. Ordinances 82-9, 84-13, 86-1, 96-02, and 2004-19, Lake Wales Code of Ordinances, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Lake Wales Airport Authority is re-created and the charter for the authority is re-created and reenacted to read:

Section 1. This Ordinance shall be known and may be cited as the "Lake Wales Airport Authority Ordinance."

Section 2. There is hereby created an authority to be known as the Lake Wales Airport Authority which shall be a body politic and corporate. The Lake Wales Airport Authority is hereby constituted a public instrumentality and the exercise of said authority of the powers conferred by this Ordinance shall be deemed and held to be the performance of essential governmental functions.

Section 3. (1)(a) The Lake Wales Airport Authority shall exercise its powers and jurisdiction over the property now known as the "Lake Wales Airport," as follows:

The Northeast 1/4 and the East ½ of the Northwest 1/4 of Section 9, Township 30 South, Range 27 East, Polk County, Florida.

AND

The South ½ of the Northwest 1/4 of the Southwest 1/4, West of the Peace Creek Drainage Canal, and the Southwest 1/4 of the Southwest 1/4 lying West of the Peace Creek Drainage Canal, in Section 3, Township 30 South, Range 27 East, Polk County, Florida.

AND

The East 3/4 of the South 1/2, lying South of the railroad, less begin 2001.38 feet South of the Northwest corner of the Northeast 1/4 of the Southwest 1/4 run east 830 feet, Northwesterly 786.49 feet, North 30° 17' East 415 feet, North 24° 9' 6" West 736.21 feet, South 60° 57' 14" West 834.25 feet, South 1435.28 feet to the Point of Beginning, and less the West 3 feet thereof, and less the West 30 feet of the Northeast 1/4 of the Southwest 1/4, North of railroad and West of the Airport Road in Section 4, Township 30 South, Range 27 East, Polk County, Florida.

(b) All of that property now owned by the City of Lake Wales and known as the Lake Wales Airport shall be under the jurisdiction of the Lake Wales Airport Authority, subject to any reservations or restrictions of record or existing leases, including but not limited to the Fixed Base Operator's Franchise Agreement approved by the Lake Wales City Commission on October 31, 1995, and subject to the restriction that none of said property may be sold or in any way encumbered at any time without the consent of the City of Lake Wales by and through its City Commission.

(2) The Lake Wales Airport Authority is authorized to exercise its powers over 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.

Section 4. (a) The Lake Wales Airport Authority shall be governed by a board of seven (7) members known as the Lake Wales Airport Authority Board. At the expiration of each term, a successor shall be appointed to fill such vacancies for terms of three (3) years each, except the initial terms of the members shall be staggered so as to provide three (3) vacancies at the end of the initial first year, two vacancies at the end of the initial second year, and two (2) vacancies at the end of the initial third year. A City Commission member shall serve as a non-voting member of the said Board. The non-voting City Commission member may serve for the duration of his or her term as City Commissioner to serve in the same manner. Vacancies in office shall be filled by appointment of the Mayor with the advice and consent of the city commission ~~said city commission~~ for the remainder of the unexpired term. All such appointments after the initial ones provided for in this Ordinance shall be selected by the City Commission from a list of applicants for any such vacancy or vacancies. At least four voting members of the board shall be qualified electors of the City of Lake Wales. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, or are airport tenants, with general aviation experience. Should the said City Commission be unable by a majority vote to select a successor from the original list submitted to it by said board, the board shall submit to said City Commission an additional list containing additional applicants for the vacancy or vacancies. Upon the reconsideration, the City Commission may select from the initial or replacement list. The original list shall be submitted to said City Commission within 10 days from the expiration of the term of any member of said authority, and within 20 days from the resignation, death, or removal for cause of any member of said authority. During any vacancy or vacancies for any reason or reasons, the remaining members of said board shall constitute said board with full power and authority to act as though there were no vacancy in the membership of said board. Members shall receive reimbursement for verified travel and other expenses as shall be provided for by general policy of the City of Lake Wales governing service on its voluntary boards. Four members shall constitute a quorum for meetings and an affirmative vote of a majority of the members present shall be necessary for any action taken by the authority.

(b) The seven (7) longest tenured members of the Airport Advisory Committee created by Ordinance 96-02 are hereby designated to serve as the Board for a period of up to ninety (90) days to allow appointment of a successor Board in accordance with the provisions of this ordinance.

Section 5. The Lake Wales Airport Authority shall select one of its members as chair of the authority and another of its members to act as secretary of the authority, both of whom shall serve as such at the pleasure of the authority, and the authority may select such other members for such offices as it deems necessary.

Section 6. 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 or her 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 this Ordinance 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 therefor.

Section 7. The City of Lake Wales, a Florida municipal corporation, acting through its duly elected City commission, is hereby authorized to make grants of money to the Lake Wales Airport Authority and to lease, lend, grant, or convey to the Lake Wales Airport Authority, with or without consideration, real and personal property, or such sums of money for operating expenses as may be deemed necessary by the said City for the use by the authority for any of its corporate purposes; provided, however, that if the approval at an election by the freeholders, who are qualified electors of the City of Lake Wales, shall be required by the State Constitution, such election shall be called, noticed, and conducted and the results thereof determined and declared, in the manner required by general law.

Section 8. No contracts for the construction, repair, or alteration of any facility or part of the same, or the purchase of equipment, services, or supplies involving an expenditure of more than \$10,000, shall be awarded by the authority unless the authority advertises for sealed bids at least once a week for 2 consecutive weeks and such contract is awarded to the lowest responsible bidder. However, the authority may reject all bids.

Section 9. The Lake Wales Airport Authority, as hereby created, is authorized and empowered to enter into contracts with any individual, corporation, political subdivision, or agency of the state, and the United States of America, and to enter into operating contracts and/or leases for facilities owned by said airport authority and any and all other contracts for furthering the business, operation, and maintenance of said facilities as hereinbefore provided, including the right to lease any or all of such facilities and appurtenances to individuals, corporations, or government entities. The authority is further authorized to fix and revise from time to time rate, fees, and other charges for the use of and for the services furnished or to be furnished by any facilities owned or operated by the authority. Such rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times to pay the cost, including salaries, for maintaining, operating, and repairing the airport facilities owned or operated by the authority, including reserves for such purposes, and to pay the principal or interest on all bonds or revenue certificates issued by the authority under the provisions of this Ordinance as the same shall become due and payable and to provide reserves therefor. Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the use of or for the services furnished or to be furnished by any such facilities which shall not be subject to revision except in accordance with their terms.

Section 10. (1) The authority is hereby authorized to issue, at one time or from time to time, bonds or revenue certificates of the authority for the purpose of paying the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any of its facilities. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or

dates, and shall bear interest at such rate or rates as may be determined by the authority, not exceeding the maximum rate of interest on bonds allowed by the state, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and the manner of execution of the bonds, including any interest to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until such delivery. Notwithstanding any of the other provisions of this Ordinance or any recitals in any bonds issued under the provisions of this Ordinance, all such bonds shall be deemed to be negotiable instruments under the laws of the State of Florida. The bonds may be issued in coupon or registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than the maximum rate of interest on bonds allowed by the state, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds at more than the maximum rate of interest on bonds allowed by the state, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

(3) The resolution providing for the issuance of bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional bonds as the authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

(4) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

(5) Bonds may not be issued under the provisions of this Ordinance without obtaining the prior consent of the City Commission.

(6) Bonds issued by the authority under the provisions of this Ordinance shall not be deemed to

constitute a debt of the City of Lake Wales or a pledge of the faith and credit of the City, but such bonds shall be obligations of the authority payable solely from the funds herein provided therefor, and a statement to that effect shall be recited on the face of the bonds.

(7) The maximum rate of interest on bonds allowed by the state is determined pursuant to the provisions of section 215.84, Florida Statutes.

Section 11. (1) In the discretion of the authority, each or any issue of bonds may be secured by a trust agreement by and between the authority and a corporate trustee, which may be made by a trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any airport facilities of the authority but shall not convey or mortgage any such facilities, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any such facilities, the fixing and revising of rates, fees, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may Ordinance as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds, or to pledge such securities as may be required by the authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the authority may deem reasonable and proper for the security of the bondholders. The authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any airport facilities to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

(2) All pledges of revenues under the provisions of this Ordinance shall be valid and binding from time to time when such pledges are made. All such revenues so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise, against the authority, irrespective of whether such parties have notice thereof.

Section 12. All moneys received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer to whom, or bank, trust company, or fiscal agent to which, such moneys shall be paid shall Ordinance as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulation as the resolution or trust agreement may provide.

Section 13. Any holder of bonds issued under the provisions of this Ordinance or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to extend the rights herein given as may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the

performance of all duties required by this Ordinance or by such resolution or trust agreement to be performed by the authority or by any officer thereof, including the fixing, charging, and collecting of rates, fees, and charges for the use of or for the services and facilities furnished by any airport facilities.

Section 14. The authority is hereby authorized to issue from time to time refunding bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The authority is further authorized to issue from time to time bonds of the authority for the combined purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and paying all or any part of the cost of acquiring or constructing any additional facilities or of any improvements. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same, shall be governed by the foregoing provisions of this Ordinance insofar as the same may be applicable.

Section 15. The Lake Wales Airport Authority, as hereby created, shall have no power or authority to bind or commit the City of Lake Wales, a Florida municipal corporation, in any manner directly or indirectly and the City of Lake Wales shall not be liable or responsible in any manner for any of the debts, liabilities, obligations, Ordinances, or omissions of the Lake Wales Airport Authority, or any of its officers or employees. All persons dealing with the said authority are hereby charged with full notice of this limitation of its powers.

Section 16. As a dependent special district, the Lake Wales Airport Authority will comply with the applicable financial reporting requirements of Chap.189, Fla.Stat. and shall maintain acceptable books of account reflecting all income and expenditures and said books shall be open to reasonable public inspection. In addition, the Lake Wales Airport Authority Board shall prepare on or before the first of each year a budget and no money shall be spent or obligations incurred by the board or authority except in accordance with the terms of said budget. An audit of the affairs of the Lake Wales Airport Authority shall be conducted annually by a certified public accountant and shall, at the option of the authority or the City of Lake Wales, be submitted to the Finance Director for his or her review by March of each year. Within 2 weeks after completion of said audit, the authority shall cause to be published once in a newspaper published and circulated in the City of Lake Wales a notice that the audit is available for public inspection at the Lake Wales Airport Authority's office.

Section 17. The Lake Wales Airport Authority shall, with the consent of the City Commission of Lake Wales, evidenced by resolution of said Commission, exercise any powers relating to aviation conferred upon municipalities by general law, including the provisions of chapter 332, Florida Statutes, or the Federal Aviation Administration.

Section 18. 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.

Section 19. This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, whether general, special, or local. The issuance of bonds or refunding bonds under the provisions of this Ordinance shall comply with the requirements of any other law applicable to the issuance of bonds.

Section 20. The Lake Wales Airport Authority is authorized from time to time to issue revenue certificates of the authority to fund its operations, acquisitions, construction, or reconstruction, or the improving, enlarging, or equipping of its functions and facilities, under this Ordinance. Revenue certificates shall pay no more than the maximum interest payable upon bonds issued by the state. The interest rate paid may vary provided that it does not exceed the maximum paid by the state. Revenue certificates may pledge only the revenues generated by one or more of the authority's facilities or improvements and shall not be an obligation of the state or the City of Lake Wales.

Section 21. (1) The Lake Wales Airport Authority is authorized to budget and use the funds accruing to it from auxiliary enterprises, gifts, and concessions for promotion and public relations, including expenditures for hospitality of business guests, and industry recruitment (including funds for travel, meals, and lodging at the actual expense, rather than the otherwise legally established per diem rates).

(2) The accrual and expenditures of said funds shall be considered part of the authority's budget and shall be answerable to the provisions as stated in section 16 of this Ordinance.

SECTION 2. Chapter 3, AIRPORT, Lake Wales Code of Ordinances is hereby amended to read:

Sec. 3-26. Definitions.

Airport Authority. The board created pursuant to Section 4. (a) of Ordinance 2005-44 as amended by Ordinance 2005-48 with duties and responsibilities of oversight of airport operations for the purpose of providing input and advice to the city manager in his or her capacity as airport manager.

Airport Manager. In accordance with the authority granted by Sec. 4.04 of the City Charter, the City Manager shall be the airport manager with the input and advice of the Airport Authority. However, for purposes of administration of the day to day operation of the airport and the enforcement of FAA rules and regulations, ~~a fixed base operator may be designated~~ the City Manger may appoint a designee to serve in the capacity of airport manager.

SECTION 3. 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 herein.

SECTION 4. This Ordinance shall become effective immediately upon adoption.

CERTIFIED AS TO PASSAGE AND ADOPTION this ____ day of August 2016.

ATTEST:

Eugene Fultz, Mayor
City of Lake Wales, Polk County, Florida

City Clerk

MEMORANDUM

August 9, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Planning Director

RE: Ordinance 2016 –13 Annexation – 2nd Reading and Public Hearing
16905 US Highway 27

Synopsis: Ordinance 2016-13 proposes the annexation of approximately 2.3 acres located at 16905 US Highway 27 and contiguous to the incorporated City limits.

Recommendation:

Staff recommends adoption on second reading of Ordinance 2016-13, providing for the annexation of approximately 2.3 acres located at 16905 US Highway 27.

City Commission approved Ordinance 2016-13 following a first reading on August 2, 2016.

Background:

Barbara Douglas, Jeremy Herndon, and Luther Judah, Jr, owners are requesting annexation into the corporate city limits of Lake Wales.

An ordinance assigning Zoning and Future Land Use Map designation is presented later on the agenda for Commission adoption.

“Attachment A” to the ordinance shows the property’s location. It is contiguous to the City Limits on its south boundary to unimproved property and to the west across US 27 to Longleaf Business Park.

Surrounding land uses:

North: County – A/RR Agricultural/Rural Residential

South: City – BPC Business Park Center

East: County – RS Residential Suburban

West: City – BPC Business Park Center

Other options: Decline to annex the property.

Fiscal Impact: The annexation will add to the City’s tax roll.

Attachments:

Ordinance 2016 – 13 with Attachment A

ORDINANCE 2016 – 13
(Annexation – 16905 US Highway 27)

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.3 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1 The corporate territory of the City of Lake Wales in Polk County, Florida, is hereby extended to include approximately 2.3 acres of territory located at 16905 US HWY 27 in Section 14, Township 30 South, Range 27 East, as shown on “Attachment A” hereby made part of this ordinance, and specifically described as follows:

PID # 27-30-14-000000-042090 **2.3 acres**
S ½ of SE ¼ of SE ¼ of SW ¼ lying E of HWY less R/W for US 27

SECTION 2 All of the public property, lots, easements, streets, roads, and public right-of-way, now located and dedicated, acquired, platted or conveyed to the public in the territory described in Section 1, shall be transferred to the City of Lake Wales without consideration for the same uses as originally conveyed.

SECTION 3 All ordinances of the City of Lake Wales and all laws heretofore passed by the legislature of the State of Florida, relating to and which now or hereafter constitute its charter, shall apply to and have the same force and effect in all of the territory described in Section 1 of this ordinance as if all of such territory had been part of the City of Lake Wales at the time of the passage and approval of such laws and ordinances.

SECTION 4 All of the area to be annexed shall be entitled to the same rights and benefits as those, which exist in the City of Lake Wales upon the effective date of annexation.

SECTION 5 If any portion or portions of the ordinance shall be declared to be invalid, the remaining portion shall have the same force and effect, as though, such invalid portion or portions had not been included.

SECTION 6 This ordinance shall become effective, and the territory shall be considered annexed, immediately upon passage by the City commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016

Mayor/Commissioner, City of Lake Wales

ATTEST:

City Clerk

ORDINANCE 2016-13
ATTACHMENT "A"
(2.3 Acres – 16905 US HWY 27)



MEMORANDUM

August 9, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance D2016-03, CPA/Zoning: 2nd Reading and Public Hearing
16905 US Highway 27

SYNOPSIS

The proposed amendment will designate land use and zoning for approximately 2.3 acres of property located at 16905 US Highway 27.

RECOMMENDATION

Staff recommends that the City Commission adoption, following a second reading and public hearing of Ordinance D2016-03.

Notice requirements for a public hearing have been met.

The City Commission approved Ordinance D2016-03 after first reading and public hearing on August 2, 2016. Following the adoption of the ordinance it will be submitted to DEO for the State's small scale expedited review process.

BACKGROUND

The ordinance proposes land use designation changes for approximately 2.3 acres of property located at 16905 US Highway 27 and owned by Barbara Douglas, et als. The property was annexed into the city by Ordinance 2016-13.

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

Surrounding land use designations:

North: County – A/RR Agricultural/Rural Residential

South: City – BPC Business Park Center

East: County – RS Residential Suburban

West: City – BPC Business Park Center

Proposed development impact:

The owner intends to connect to city sewer when it becomes available. Property is already on city water.

ATTACHMENTS

Ordinance D2016-03 with Attachment A.

ORDINANCE D2016-03
(CPA/Zoning 16905 US Highway 27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 2.3 ACRES OF LAND LOCATED ON US HIGHWAY 27 FROM POLK COUNTY DESIGNATION A/RR AGRICULTURAL/RURAL RESIDENTIAL TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION BPC BUSINESS PARK CENTER AND ZONING DESIGNATION BP BUSINESS PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1 The Future Land Use Map (FLUM) of the Comprehensive Plan and the Zoning Map are hereby amended to change the land use designation on approximately 2.3 acres of property, owned by Barbara Douglas, Jeremy Herndon, and Luther Judah LLC and annexed by Ordinance 2016-13, as follows:

2.3 acres located at 16905 US Highway 27, Lake Wales, FL

Polk County Future Land Use Map designation A/RR Agricultural/Rural Residential to City of Lake Wales Future Land Use Map designation BPC Business Center and City of Lake Wales Zoning map designation BP Business Park.

The property and land use designations are shown on "Attachment A," hereby made part of this ordinance.

SECTION 2 The applicability and effect of the Lake Wales Comprehensive Plan, as amended, shall be as provided by the Local Government Planning and Land Development Regulations Act, Section 163.3215, Florida Statutes, and this ordinance.

SECTION 3 If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4 Certified copies of the enacting ordinance, the City of Lake Wales comprehensive Plan and any amendment thereto, and the Lake Wales Code of Ordinances shall be located in the Office of the City Clerk of Lake Wales. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 5 This amendment shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining the amendment in compliance.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016.

Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:

City Clerk

MEMORANDUM

DATE: August 2, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Jennifer Nanek, Assistant to the City Manager

RE: Resolution 2016-18, Amendments to the Section 3 and Affirmative Action Policy and Equal Employment Opportunity Plan

SYNOPSIS

In order to receive CDBG funds certain policies need to be amended including our Section 3 and Affirmative Action Policy and our Equal Employment Opportunity Plan. Resolution 2016-18 approves the modification of these policies to comply with the grant requirements

RECOMMENDATION

Staff recommends approval of Resolution 2016-18 confirming that the City of Lake Wales has modified the Section 3 and Affirmative Action Policy and Equal Employment Opportunity Plan to enhance our CDBG application.

BACKGROUND

In April 2016, the City of Lake Wales submitted an application to the Department of Economic Opportunity (DEO) for a Community Development Block Grant to help with the C Street Sewer project. After a site visit in June DEO staff informed city staff that some of our policies need to be updated. Some of these include the Section 3 and Affirmative Action Policy and Equal Employment Opportunity Plan.

OTHER OPTIONS

Do not approve Resolution 2016-18 and lose possible funding of our CDBG grant.

FISCAL IMPACT

None

ATTACHMENTS

Resolution 2016-18
City of Lake Wales Section 3 and Affirmative Action Policy (Exhibit "A")
City of Lake Wales Equal Employment Opportunity Plan (Exhibit "B")

RESOLUTION 2016-18

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CERTAIN POLICIES AND PROCEDURES RELATING TO THE CITY'S APPLICATION FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, the City of Lake Wales has submitted an application for a Small Cities Community Development Block Grant in the FFY 2015 funding cycle and wishes to apply in future funding cycles;

WHEREAS, the success of the City's application is enhanced if certain policies and procedures have been amended by the governing body of the City of Lake Wales;

WHEREAS, the amendment of certain of these policies and procedures is important to the citizens of the City of Lake Wales regardless of the City's success in obtaining a Small Cities Community Development Block Grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA that the following policies have been amended:

1. City of Lake Wales Section 3 and Affirmative Action Policy (Exhibit "A")
2. City of Lake Wales Equal Employment Opportunity Plan (Exhibit "B")

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Florida at its regular meeting on August 16, 2016.

Eugene Fultz, Mayor
City of Lake Wales, Florida

ATTEST:

Clara VanBlargan, MMC, City Clerk

Exhibit "A"

CITY OF LAKE WALES SECTION 3 AND AFFIRMATIVE ACTION POLICY

The City of Lake Wales is committed to eliminating discrimination based upon race, color, religion, sex, national origin, age, familial status, genetics, or handicap. This local government will comply with the requirements of all applicable state and federal equal opportunity laws, regulations and executive orders. In federal or state funded projects this may include: Florida Small and Minority Business Act, Title VI of the federal Civil Rights Act of 1964, as amended, Title VIII of the federal Civil Rights Act of 1968, as amended, Executive Order 12559, the federal Age Discrimination Act of 1975, Section 109 of the Housing and Community Development Act of 1974, as amended, Executive Order 11063, Executive Order 11246, Executive Order 11375 and 12086, Section 3 of the Housing and Community Development Act of 1968, and others.

Notice of the policy will be placed in plain sight on job location for the benefit of interested parties and all contractors and sub-contractors so notified. All Equal Opportunity Posters will be displayed as required.

Implementation

The Director of Human Resources is appointed as Equal Opportunity Officer. Duties include coordinating local efforts in recruiting employees and soliciting bids, resolving complaints, and submitting required reports.

Employment

This local government will encourage the employment of local residents and those who are female and/or of a minority racial/ethnic classification. This will be accomplished through the following procedures.

- 1) Current employees will be encouraged to improve their job skills and qualification through training and education. Such improvements are to be considered for employee promotion.
- 2) All employment opportunities will be publicly advertised, including the equal opportunity employer designation. This is to provide an adequate opportunity for qualified individuals to apply for employment and to assure an adequate pool of qualified applicants (including minorities) from which to hire.
- 3) When appropriate, notification of employment opportunities will be issued to organizations such as local schools, employment services, minority organizations, and social service agencies that may refer qualified individuals for employment consideration.
- 4) Recruitment practices, including those described in paragraphs 2 and 3 will be conducted in an effort to include qualified minorities and females in all levels of responsibility and departments of government, in percentage of the population and/or available workforce.
- 5) When applicants are equally qualified, preference will be given to hiring minorities and females in furtherance of the goal expressed in paragraph 4.
- 6) The City has adopted and will implement the Equal Employment Opportunity Plan attached to this policy as "Exhibit 1."
- 7) The City shall protect existing employees and persons that apply for job vacancies that have been advertised by the City from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the basis of race, color, religion, sex, national origin, disability, age, or genetics.

Establishment of Quantifiable Goals

The City of Lake Wales will strive to maintain a minority employment percentage level for its staff that is the same as or higher than the percent of minorities residing within Polk County, based on the minority percentage information utilized by the Florida Small Cities Community Development Block Grant program for scoring grant applications. For the Federal Fiscal Year ~~2003~~ 2015, the Small Cities CDBG program has identified Polk County as having a minority population of ~~18.17~~ 20.1%.

Statistically, it may be difficult for the local government work force to totally mirror the Polk County percentage due to unique or specific needs, sample size differences, and other similar contributing factors. However, the City of Lake Wales is committed to providing employment opportunities to all of its citizens.

If a stated goal has been attained and one employee leaves the City of Lake Wales' employ either voluntarily or involuntarily, the City of Lake Wales is not obligated to select another candidate of the same minority/majority status if that candidate is not the most qualified. In such an event, the stated goals would automatically be waived in the best interest of the City of Lake Wales and the effort to attain goals would be renewed with the next available vacancy.

Goals and procedures established herein may be waived or amended by official vote of the full City Commission with results duly recorded in the City Commission Meeting minutes.

Procurement of Goods and Services

This local government will encourage the utilization of local, minority- and female-owned, and small businesses. This will be accomplished through the following procedures.

1. Quotes for small purchases will be solicited from local businesses, when the required goods and/or services can be obtained economically from local sources.
2. Lists of local minority and female-owned businesses will be maintained for use in soliciting quotes and bids. State or other directories of minority and female-owned business will be utilized in seeking bids when local competition is inadequate.
3. Requests for bids and proposals for services or goods will be advertised locally, although it may also be necessary to advertise some projects over a broader geographic area in order to obtain adequate competition.
4. Where applicable, federal equal opportunity affirmative action language will be included in contracts and requests for bids.
5. Contractors will be informed of equal opportunity affirmative action obligation requirements to insure their compliance.
6. The City will solicit certified minority and women owned businesses from the list of certified minority and women owned businesses maintained by the Florida Department of Management Services.
7. Where applicable, federal equal opportunity affirmative action language will be included in contracts and requests for bids.
8. Contractors will be informed of equal opportunity affirmative action obligation requirements to insure their compliance.
9. The City shall protect employees of all contractors that work for the City and prospective City contractors by requiring the contractors to affirm that they will refrain from actions

that result in the discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics.

10. In situations where a prime contractor intends to use one or more sub-contractors to successfully complete a City sponsored project, the City shall require prime contractors to solicit minority & women owned firms as sub-contractors and provide documentation to the City that the solicitation has taken place.

Adopted in regular session of the City of Lake Wales City Commission on _____, 2016.

CITY OF LAKE WALES

Eugene Fultz, MAYOR

ATTEST:

Clara VanBlargan, MMC, CITY CLERK

"Exhibit B"

City of Lake Wales
201 W. Central Avenue
P.O. Box 1320
Lake Wales, Florida 33853
(863) 678-4182

Equal Employment Opportunity Plan
Amended August 16, 2016

INTRODUCTION

What is Affirmative Action?

With the passage of the Equal Employment Opportunity Act of 1972, all states and local governments became subject to the provisions against discrimination in employment in the Civil Rights Act of 1964. This act is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Justice.

It has become apparent that passive non-discrimination is not enough to assure equal job opportunity for all persons. The effects of many years of discrimination and under-utilization of minorities and women still exist. Consequently, in recognition of this problem and in response to the requirements of many federal programs, local governments, such as the City of Lake Wales, are taking voluntary steps to insure Equal Employment Opportunity through development of Affirmative Action Programs.

An effective Affirmative Action Program not only benefits those who may have been denied equal opportunity up to this time, but also benefits the City of Lake Wales with qualified women and minorities. Local governments are now meeting the problem head-on through positive Affirmative Action initiatives.

Affirmative Action is a comprehensive effort by an employer to:

1. Identify all barriers in the personnel management system which limit the ability of applicants and employees to reach their full potential, regardless of race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, genetics or status as a disabled or Vietnam Era Veteran.
2. Eliminate these barriers in a timely, coordinated manner.
3. Develop any special programs necessary to accelerate the aforementioned.
4. To maintain harmony and good spirits in the workforce, so as to keep the high standard of quality work in force to which the people of the City of Lake Wales are accustomed.

PREFACE

The concepts of Equal Employment Opportunity and Affirmative Action are intended to promote fair and equitable personnel practices within the City of Lake Wales. As such, the City continues a long standing commitment to the philosophies of EEO.

Equal Employment Opportunities can be defined as the method used by the City to identify and eliminate all barriers within the personnel management system which limit the ability of minority and female employees to reach their full potential. This EEO program is based on the desire to provide equitable opportunities for employment and conditions of employment to all employees regardless of race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, or status as a disabled or Vietnam Era Veteran.

The Equal Employment Opportunity Program identifies specific goals, objectives and a plan of action for the City to conform with Title VII of the Civil Rights Act of 1964, as amended in 1972, the Florida Civil Rights Act of 1992, the Age Discrimination in Employment Act of 1967 and all other relevant federal and state civil rights laws and funding agency guidelines.

The City's Affirmative Action Plan is divided into two separate areas. The first addresses EEO elements and includes analytical data for the Year 2003 to assess equal employment operations in such areas as hiring, discipline, lateral transfers, and promotions. The second section addresses Affirmative Action issues such as analysis of the current workforce by EEO Job Category, determines the extent of under-utilization, if any, of minorities and women, presents reasonable goals to correct the under-utilization and establishes measurable objectives to meet those goals.

This program does not establish quotas or lower minimum performance levels for entry level positions and promotional opportunities to correct any instances of under-utilization. However, it is designed to create a "level playing field" in which women and minorities can achieve their full potential based on equal employment opportunities.

Equal Employment Opportunity Policy

It is the policy of the City of Lake Wales to afford equal employment opportunity to all applicants and members without discrimination based on race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, or status as a disabled or Vietnam Era Veteran. Relevant personnel actions shall include, but are not limited to, the following:

- Application Process
- Testing
- Interviewing
- Hiring/Promotions
- Demotions
- Transfers
- Disciplinary Actions
- Retention
- Termination
- Rates of Pay or other Forms of Compensation
- Selection for Training

Recruiting, hiring, promoting and transferring will continue to have as an objective the securing of qualified individuals. All personnel actions such as transfers, layoffs, return from layoff, and the administration of City sponsored training and education programs, tuition assistance, social and recreation programs, and employee compensation and benefits will be administered without regard to race, color, religion, age, sex, national origin, handicap or disability, genetics marital status, or status as a disabled Vietnam Era Veteran.

The City shall protect existing employees and persons that apply for job vacancies that have been advertised by the City from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, age, sex, national origin, handicap or disability, genetics, marital status, or status as a disabled Vietnam Era Veteran.

The City shall protect employees of all contractors that work for the City and prospective City contractors by requiring the contractors to affirm that they will refrain from actions that result in the discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, age, sex, national origin, handicap or disability, genetics, marital status, or status as a disabled Vietnam Era Veteran.

The City of Lake Wales will maintain an atmosphere free from sexual harassment and intimidation. Managers, Directors, and Supervisors are responsible for taking appropriate action to assure that this is achieved.

This plan will be in effect for 24 months after the date printed below and reviewed at that time. After 12 months, the data continued with respect to employment figures will also be reviewed.

City of Lake Wales

Sandra D. Davis

Sandra D. Davis
Human Resources Director

Date: April 15, 2015

GOAL

To have a qualified workforce which, as closely as possible, represents the available area workforce.

OBJECTIVES

The following objectives are established to ensure equal employment opportunity for minorities and women:

- Equality of employment opportunity will be provided without regard to race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, or status as a disabled or Vietnam Era Veteran, or any other non-merit characteristic.
- During the course of recruiting, hiring, and training; making transfers, job assignments, and promotions; granting compensation and benefits; and, taking disciplinary action; all applicants and members will be evaluated solely upon their qualifications and merits.
- All advertisements for applicants, recruitment, transfers, promotions, training, compensation, benefits, terminations, and any other materials utilized in personnel actions will clearly state that the City of Lake Wales is an Equal Opportunity Employer.
- An organized, effective, and aggressive effort will be conducted to identify and eliminate the specific causes of any under representation of minorities and women in the work force and any employment practices which have an adverse impact on minorities and women.
 1. An annual analysis will be conducted to determine the extent to which minorities and women are under represented in employment categories.
 2. The specific causes of under representation will be identified and eliminated.
 3. Employment practices which have an adverse impact on minorities, women, and others protected by law, will be identified and eliminated.
- Employment practices which are based upon merit and other job-related criteria will be utilized.

- Applicant pools will be developed which contain substantial numbers of qualified minorities and women. These pools will be developed through special recruitment efforts and other appropriate measures to ensure sufficient numbers of these groups are included so as to reduce the potential for their under-representation in employment practices.
- Monitoring systems and procedures will be established to assure the effective operation of the Equal Employment Opportunity Program. Progress in meeting the goals of this program will be monitored and the program modified as needed.

EEO PROGRAM MANAGEMENT

The responsibility for implementing the City of Lake Wales's Equal Employment Opportunity Program rests with the Human Resources Director. The Human Resources Director is responsible for managing the day to day implementation and overall monitoring of the program's effectiveness. These responsibilities include:

- Internal and external dissemination of the Equal Employment Opportunities Program.
- Coordination of training to educate Department members on the concepts of the Equal Employment Opportunity Program.
- Determination, by job group, of the percentage of women, minorities, and other selected populations, who are currently available in the designated recruitment area.
- Analysis of the Department's work force by job group on an annual basis to determine areas of under-utilization.
- Establishment of goals, objectives, and a plan of action to address any under-utilization.
- Serve as the City's liaison with enforcement agencies, minority organizations, and the general public regarding inquiries about this Equal Employment Opportunity Program.
- Systematic ongoing review of the City's recruitment, selection, and promotional procedures to ensure adherence to the Equal Employment Opportunity Program.

DISSEMINATION OF POLICY

The steps that the City is taking to communicate its Equal Employment Opportunity Program include the following:

- Discussion of the policy during new employee orientation.
- Incorporation of an EEO clause into the Personnel Administration Policies Manual, employment applications, and position vacancy announcements.
- Posting of the policy along with job safety, minimum wage, and worker's compensation information.
- Provisions for the inspection of the Equal Employment Opportunities Program by anyone who makes such a request.
- Ensure that advertisement for Department activities, functions, or related programs contain reference to minority members. Photographs should incorporate the use of females and minorities.

DISSEMINATION OF PLAN

This EEO Program, including its supporting data, is a public document. One or more copies of this complete document will be kept on file in the Human Resources Department, and made available to interested persons upon request.

- A complete copy of this plan will be given to each responsible department director with instructions to review the plan and make its contents known to all employees within the department.
- All department directors will be fully advised of their duties and responsibilities with respect to this plan. Since this is the level at which all employee selections are made, they must be aware at all times of the goals for their department, and all selections must be made with this in mind.
- All external recruitment sources used by this City, will be informed of this City's non-discrimination policy. They will be requested to refer minorities and women for all positions with the City.
- City application for employment forms will be revised to include the statement.

"The City of Lake Wales is an Equal Employment Opportunity Employer. No person shall, on the basis of race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, or status as a disabled or Vietnam Era Veteran, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under jurisdiction of the government of the City of Lake Wales."

EEO POLICY STATEMENT

It is the policy of the City of Lake Wales Government to afford equal employment opportunity to all persons regardless of race, sex, creed, color, age, national origin, religion, handicap or disability, genetics, marital status, or status as a disabled or Vietnam Era Veteran, nor shall any employee be excluded from any benefits, training or programs in whole or in part sponsored by City employment because of race, sex, creed, color, age, national origin, religion, handicap or disability, genetics, marital status, or status as a disabled or Vietnam Era Veteran.

The City of Lake Wales will take Affirmative Action to:

- Recruit, hire and promote all job classifications without regard to race, creed, color, age, national origin, religion, handicap or disability, genetics, marital status, or status as a disabled or Vietnam Era Veteran or sex except where sex is a bona fide occupational qualification. Any employment decision will be made to further the equal opportunity principles.
- Ensure that all personnel actions and benefits will be administrated without regard to race, sex, creed, color, age, national origin, religion, handicap or disability, marital status, or status as a disabled or Vietnam Era Veteran.
- Ensure that all benefits and facilities are available to staff members on a non-discrimination basis.

It is the intention of this policy to achieve full participation by and acceptance of minorities and women in the various departments of City government. By following this plan, maximum benefits to all citizens of Lake Wales will be obtained.

The City shall protect existing employees and persons that apply for job vacancies that have been advertised by the City from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, age, sex, national origin, handicap or disability, genetics, marital status, or status as a disabled Vietnam Era Veteran.

The City shall protect employees of all contractors that work for the City and prospective City contractors by requiring the contractors to affirm that they will refrain from actions that result in the discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, age, sex, national origin, handicap or disability, genetics, marital status, or status as a disabled Vietnam Era Veteran.

The City will not discriminate against a qualified individual with a disability in the selection process, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. And will provide reasonable accommodation that does not cause an undue hardship.

ASSESSMENT OF EMPLOYMENT PRACTICES

As part of the annual revision to the City's Equal Employment Opportunity Program, the City will conduct an assessment of its employment practices. The intent of this assessment is to compare current employment practices with applicable laws and regulations.

These positions fall into seven basic categories:

1. Official/Administration
2. Professional
3. Technicians
4. Protective Services
5. Office/Clerical
6. Service Workers
7. Skilled Craft

RECRUITMENT

Position openings are advertised in all local papers, on the City's web page and in house for citizens that walk in to do business. The ads provide that the City is an "Equal Employment Opportunity Employer."

HIRING

Applicants for positions with the City submit an Employment Application. The applications are reviewed to determine whether the applicant meets the minimum requirements contained in the "Job Description." Those applicants possessing the required education and experience are then scheduled for an interview.

This applies to applicants of sworn positions who must be certified as meeting the minimum requirements as established by job descriptions.

All interviews are "content valid," i.e., they measure the knowledge, skills, and abilities necessary for the particular job.

At the end of the oral interviews, the interviewee who is ranked the highest is then offered the position, subject to the applicant's passing a physical exam (based upon the "essential job functions") and a drug screen. Where two applicants are equally well-qualified, and one is a minority, the City generally offers the position to the minority.

Entry-level positions are subjected to review prior to employment. The elements of the selection process are critical in determining whether an applicant can perform the essential job functions for the position. These additional phases of the selection process include:

- Background Examination – used to check important background elements of applicants such as Criminal Histories, driving records, and reference checks. Applicants with backgrounds that do not meet minimum acceptable levels, are eliminated from the selection process.
- Medical Examination – a validated physical examination involving medical procedures and drug screens is administered by a licensed physician to all applicants given a conditional job offer to determine if an applicant has any medical condition that would render the applicant unable to perform the job's essential functions.

PROMOTIONS

All employees have an opportunity to be "promoted." Promotional openings are posted in departments and interested employees must submit an application.

Selection procedures vary. For Police and Fire Departments a "valid" written examination/oral interview is utilized. The applicants are ranked, and the Department Head and the Human Resources Director generally chooses the highest-ranked employee, although he/she may choose any one of the top three. For other positions, applicants work records are reviewed, and all applicants are interviewed, using criteria designed to predict future job performance. The applicants are then ranked, and the highest-ranking employee is generally selected.

The selection procedures used by the City of Lake Wales are designed to assure that positions are equally accessible to all qualified persons, without regard to their race, sex, creed, color, age, national origin, religion, handicap or disability, genetics, marital status, or status as a disabled or Vietnam Era Veteran.

Promotions, terminations, disciplinary actions and other data were reviewed to identify any potential trends which could impact the City in terms of equal employment opportunities.

CURRENT CITY OF LAKE WALES WORKFORCE ANALYSIS

City wide underutilization analysis as of April, 2015
(see attachment table 2)

Officials/Administrators

The analysis demonstrates an underutilization of white males (-3.8), hispanic males (-1.1%), asian/pacific island males (-0.2%), american indian males (-0.2%), white females (-13.8%), hispanic females (.9) and asian/pacific females (-0.3%).

Professionals

The analysis demonstrates an underutilization of asian/pacific island males (-0.6%), american indians males (-2%), White females (-10.2%), hispanic females (-1.1%), asian/pacific island females (-0.5%).

Technicians

The analysis demonstrates an underutilization of asian/pacific island males (-0.1%), american indian males(-0.4%), black females (-0.5%), white females (-42.6%), and hispanic females (-0.3%), and american indian females (-0.1).

Protective Services

The analysis demonstrates an underutilization of white males (-14.5%), and, white females (-0.2), hispanic females (-.5%), and american indian females (-0.2%).

Clerical

The analysis demonstrates an underutilization of black males (-1.6%), white males (-16.9%), hispanic males (-0.5%), and Asian/Pacific Island females (-0.1), American Indian females.

Skilled Craft

The analysis demonstrates an underutilization of white males (-36.9%), asian/pacific island males (-0.4%), american indian males (-0.4%), hispanic females (-0.6%) and asian/pacific island females (-0.1%).

Service Maintenance

The analysis demonstrates an underutilization of black males (-7.3), asian/pacific island males (-0.3%). american indian males (-0.3%) black females (-17.4%), white females (-22.9%), hispanic females (-1.3%) asian/pacific island females (-0.6%) and american indian females (-0.4%).

CURRENT POLICE DEPARTMENT WORKFORCE ANALYSIS

Police department underutilization analysis as of April 2015.
(see attachment table 3)

Officials/Administrators

The analysis demonstrates an underutilization of hispanic males (-1.1%), asian/Pacific males (-0.2%), american indian (-0.2%), black females (-2.8%), white females (-38.8%) hispanic females (-0.9%), and asian/pacific females (-03%).

Technicians

The analysis demonstrates an underutilization of black males (-3.2%), hispanic males (-0.7%), asian/pacific island males (-0.1), american indians (-0.4%), black females (-5%), white females (-47.4%), hispanic females (-0.3%), and american indian females (-0.1%).

Protective Services

The analysis demonstrates an underutilization of white males (-10.5%), american indian males (-0.3%), black females (-2%), white females (-2%), hispanic females (-0.5%), and american indian females (-0.2%).

Clerical

The analysis demonstrates an underutilization of hispanic males (-0.1), white females (-14.8%) asian/pacific island females (-0.1%) and american indian females (-0.2%).

MEMORANDUM

August 10, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Sarah B. Kirkland, Utilities Director

SUBJECT: Resolution 2016-19, State Revolving Funds Loan Application for SR 60 West Utilities Expansion

SYNOPSIS: Approval of Resolution 2016-19 gives authorization for staff to submit and for the Mayor to sign the loan application for the SR 60 West Utilities Expansion to extend the water lines to the airport and to the end of the service area on SR 60 W.

STAFF RECOMMENDATION

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

1. Adopt Resolution 2016-19
2. Authorize City staff to submit and the Mayor to sign an application for the construction loan funding from the state revolving loan fund in an amount currently estimated to be \$2,825,770, which includes the base loan amount of \$2,797,793 plus estimated capitalized interest of \$27,977.

BACKGROUND

The state revolving loan fund provides loans for local government utility projects. The City's SR 60 West Utilities Expansion for the water line installation is an eligible project. The City has the opportunity to apply for a low interest loan through the State Revolving Fund for making these necessary improvements.

OTHER OPTIONS

Staff could be directed to go out on the open market for financing which would result in a higher interest rate than what is being offered by the Florida Department of Environmental Protection.

FISCAL IMPACT

Estimated debt service for the loan amount of \$2,825,770 (base loan \$2,797,793 plus estimated capitalized interest of \$27,977) would be \$170,416 annually over a twenty year repayment period.

ATTACHMENTS

Resolution 2016-19
Resolution 2016-19 Exhibit A
Letter of legal Opinion
State Revolving Fund Drinking Water Facilities Loan Application

RESOLUTION 2016-19

A RESOLUTION OF CITY OF LAKE WALES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates **Project No. DW530320** as eligible for available funding; and

WHEREAS; the City of LAKE WALES, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AS FOLLOWS:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The City of Lake Wales, Florida, is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are net water and sewer system revenues after payment of debt service on the Utility System Refunding Revenue Note, Series 2006 A, Utility System Note, Series 2006B, and other obligations as shown on Exhibit "A".

SECTION IV. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes.

SECTION VII. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION IX. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED this _____ Day of August 2016.

ATTEST

APPROVED AS TO FORM AND
LEGALITY

City Clerk Clara VanBlargan, MMC

City Attorney-Albert C Galloway

Mayor Eugene Fultz

**CITY OF LAKE WALES,
FLORIDA RESOLUTION
2016-19
EXHIBIT "A"**

UTILITY SYSTEM DEBT ISSUES

Debt Issue	Purpose
State Revolving Fund Loan - 5907P	Construction of Reclaimed Water Reuse Facilities
State Revolving Fund Loan - 59110	Construction of Reclaimed Water Reuse Facilities
State Revolving Fund Loan - 5912S	Construction of Sludge Dewatering Facilities
State Revolving Fund Loan - 5913P	Planning and Design of Wastewater Treatment Plant Expansion
State Revolving Fund Loan - 59140	Planning and Design of Wastewater Treatment Plant Rehabilitation and Expansion
State Revolving Fund Loan - 53030	Major Sewer Rehabilitation/Replacement C Street Phase 1
State Revolving Fund Loan - 530310	Major Sewer Rehabilitation/Replacement C Street Phase 2
Capital Improvement Revenue Note, Series 2003	Advanced Refund of Capital Improvements Bond for Infrastructure Improvements
Utility System Revenue Note, Series 2005	Construction of chlorine contact chamber and reuse facilities
Utility System Refunding Note, Series 2006A	Refund of outstanding 1996 Utility System Improvement Refunding Revenue Bonds
Utility System Revenue Note, Series 2006B	Construction of water and wastewater system improvements

August 16, 2016

Tommy Williams
Sr. Management Analyst
Division of Water Restoration Assistance
3900 Commonwealth Boulevard MS3505
Tallahassee, Fl. 32399-3000

Re: DW530320-City of Lake Wales
SR 60 Utility Expansion

Dear Mr. Williams:

I am the duly appointed City Attorney for the City of Lake Wales. The City proposes to borrow \$2,797,793 from the State Revolving Fund for water transmission systems for the State Road 60 Western Expansion. The loan will be secured by the net revenues of the City's water and sewer system and the pledged revenues are legally available to pledge. The City of Lake Wales has the legal authority to increase rates to ensure repayment of the loan.

The pledge on revenues is subject to a prior lien with the following issues:

- (1) SRF-5907P
- (2) SRF-59110
- (3) SRF-5912S
- (4) SRF-5913P
- (5) SRF-95140
- (6) SRF-53030
- (7) SRF-530310
- (8) Series 2003
- (9) Series 2005
- (10) Series 2006A
- (11) Series 2006B

Sincerely,

Albert C. Galloway
City Attorney

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**STATE REVOLVING FUND
DRINKING WATER FACILITIES**

LOAN APPLICATION



Florida Department of Environmental Protection
Bureau of Water Facilities Funding
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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LOAN APPLICATION

(1) **SUBMITTAL.** Submit the application and attachments to the Department of Environmental Protection, MS 3505, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) **COMPLETING THE APPLICATION.**

(a) This application consists of four parts: (I) ADMINISTRATIVE INFORMATION; (II) PROJECT INFORMATION; (III) FINANCIAL INFORMATION; and (IV) APPLICANT RESOLUTION, ASSURANCES, AND CERTIFICATION.

(b) All information provided on this application must be typed. Monetary amounts may be rounded to the nearest \$1,000.

(c) Attachments to be submitted are denoted with *italic print*. They are to be listed on Page 10.

(3) **ASSISTANCE.**

Bureau of Water Facilities Funding staff are available to provide assistance. Please call (850) 488-8163 or SUNCOM 278-8163.

PART I - ADMINISTRATIVE INFORMATION

(1) PROJECT SPONSOR APPLYING FOR LOAN. City of Lake Wales

Federal Employer Identification Number. 59-6000357

(2) AUTHORIZED REPRESENTATIVE. [Person formally authorized by the project sponsor to sign or attest to loan documents, including this application. If more than one, attach the information (*Attachment # _____*).]

Name Eugene Fultz Telephone 863-678-4182 ext 225

Title Mayor

Mailing Address 201 W Central Avenue, lake Wales, Florida 33853

(3) PRIMARY CONTACT PERSON. (Person to answer questions about this application.)

Name Sarah B. Kirkland Telephone 863-678-4182 ext 286

Title Utilities Director Fax # 863-678-4074

Employer City of Lake Wales

Mailing Address 201 W Central Ave. Lake Wales, Florida 33853

(4) ADDITIONAL PERSON(S) TO RECEIVE COPY OF DEPARTMENT CORRESPONDENCE. (If more than one, attach the information (*Attachment # _____*)).

Name Dorothy Ecklund Telephone 863-678-4182 ext 257

Title Finance Director Employer City of Lake Wales

Mailing Address 201 W Central Ave. Lake Wales, Florida 33853

(5) PROJECT NUMBER (identified on the Department's priority list). DW 530320

(6) LOAN AGREEMENT DATE. When do you expect to sign the Loan Agreement? 09/20/2016

(Allow time for Department preparation of agreement, applicant review, and local commission meeting if applicable.)

(7) PREAWARD COMPLIANCE. Has an *EPA Preaward Compliance Review Report* been submitted

for this project? Yes. No. If "yes", identify the date submitted to the Department 8/5/2016. If not, please complete and attach the EPA form. (*Attachment #* _____)

(8) FEDERAL EQUIVALENCY REQUIREMENTS. As a result of the federal funding of the State Revolving Fund Program for Drinking Water Facilities, there are federal requirements that must be met to enable financial assistance for any project. These requirements are identified under PART IV of this application.

PART II - PROJECT INFORMATION. Complete SUBPART A or SUBPART B as appropriate.

SUBPART (A): PRECONSTRUCTION LOAN INFORMATION.

(1) PRECONSTRUCTION ACTIVITIES. Attach a brief description of the scope of planning and design activities to be financed by this loan.

(2) PRECONSTRUCTION LOAN SCHEDULE.

(a) Provide proposed completion dates for the items below. (Please call Department staff to discuss time frames needed to complete required tasks.)

Water facilities plan adoption by the Project Sponsor. Completed

Engineering design. Completed

Certification of site availability (for construction and operation). To be determined

(b) Do you anticipate that a contractual agreement with another party will be necessary to implement the project? Yes. No. If "yes", list entities to be involved.

Contractor has not been determined-project is out for bid with a bid open date of September 15, 2016.

(3) PRECONSTRUCTION LOAN PROJECT COSTS. Is the cost information submitted for the priority list current? Yes. No. If "no", please explain and submit revised cost information (*Attachment #* _____) using the appropriate page of the Request for Inclusion on the Priority List for Drinking Water Facilities Form 62-552.900(1), F.A.C. Note that the disbursable amount (including the repayment reserve) will be limited to the priority list amount. Preconstruction loans are not available to finance the non-grant share of SRF preconstruction grants.

SUBPART B: CONSTRUCTION LOAN INFORMATION.

(1) CONSTRUCTION ACTIVITIES

(a) Attach a brief description of construction activities to be financed by this loan. Include a list of the construction contracts (by title) corresponding to the plans and specifications accepted by the Department

(*Attachment #* 1). Also provide a proposed "start date" and "completion date" for each contract.

(b) Attach a copy of the Department letter(s) accepting the plans and specifications and all addenda

(*Attachment #* 2).

(c) Does this project involve a contractual service agreement with other entities? Yes. No. If

"yes", attach a copy of the Department letter accepting the agreement. (*Attachment #* 3) Is the

agreement, as accepted by the Department, fully executed and enforceable? Yes. No. If

"no", please explain (*Attachment #* 4).

(d) Has the Department accepted a clear site title certification for the project? Yes. No. If "yes", provide evidence of such certification or its acceptance. (Attachment #) If "no", explain.

(Attachment # 5)

(e) Attach evidence that either a permit from the Department is not required to authorize project construction or that such authorization has been issued by the Department. (Attachment # 6)

(2) CONSTRUCTION LOAN PROJECT COSTS.

Is the cost information submitted for the priority list current? Yes. No. If "no", please explain and submit revised cost information (Attachment #) using the appropriate page of the Request for Inclusion on the Priority List for Drinking Water Facilities Form 62-552.900(1), F.A.C. Note that the disbursable amount (including the repayment reserve) will be limited to the priority list amount.

PART III - FINANCIAL INFORMATION

(1) PRINCIPAL AMOUNT OF THE LOAN. The requested amount of the loan, including capitalized interest (which is not disbursed), is \$2,825,770.00. The estimate of the capitalized interest is \$27,977. Note that the disbursable amount will be limited to the priority list amount and must be consistent with the information provided under **PART II** of this application. Also note that the capitalized interest is an inexact estimate, and it is subject to adjustment by the Department to reflect disbursement timing.

(2) LOAN TERMS AND REPAYMENT.

(a) If a construction loan involves a financially disadvantaged community, loans are amortized over 30 years, or less, with interest and principal paid semiannually. If a construction loan is not for a project to serve such a community, loans are amortized over 20 years, or less, with interest and principal paid semiannually. Preconstruction loans are amortized over not more than 10 years, with interest and principal paid semiannually. Do you want to repay the loan in less than the maximum amortization period?

Yes. No. If "yes", identify the number of years .

(b) Due to limitations on availability of State Revolving Fund revenues, a large (generally in excess of \$8 million unless the loan is to be made from the reserve for small communities in which case the amount generally would be in excess of \$1.5 million) loan amount may be provided in increments pursuant to the initial loan agreement and subsequent amendments as well Chapter 62-552, F.A.C. Each increment shall have a separate interest rate as established in the agreement or amendment providing that increment. If in doubt about whether the funding will be segmented, this matter should be discussed with Department staff.

(c) List all revenues that are to be pledged for repayment of this loan. (Note: Typically, water system or water and sewer system revenues are pledged, and the net revenues available for loan repayment must equal at least 1.15 times the annual debt service unless special reserves are locally funded. Rule 62-552.430, F.A.C., addresses pledged revenues and coverage requirements.

Water and sewer system revenues

(3) LOAN REPAYMENT RESERVE. The Applicant will be required to maintain a Loan Repayment Reserve Account to provide an interim remedy for any deficiency in pledged revenues. This reserve shall be no less than 0.03 times the total loan amount less the portion of the loan for capitalized interest and loan repayment reserve. Loan proceeds will be provided to establish the minimum (0.03) reserve.

(4) ADDITIONAL LOAN SECURITIZATION. If the project sponsor does not meet the requirements of Rule 62-552.430(4), F.A.C., for pledged revenue, loan repayment responsibility, default remedies, and debt service history, indicate which of the following securitization provisions the project sponsor is prepared to negotiate (describe each in *Attachment # _____*):

- (a) Additional escrowed loan repayment reserve. No X Yes _____
- (b) Letter of credit. No X Yes _____
- (c) Lien on tangible assets. No _____ Yes X
- (d) Personal or corporate obligation. No X Yes _____
- (e) Other equivalent securitization. No X Yes _____

(5) INFORMATION ON LIENS.

(a) Describe all debt obligations having a prior or parity lien on the revenues pledged for this Loan

(*Attachment # 7*); see the following example:

City Name, Florida, Water and Sewer System Revenue Bonds, Series 1996, issued in the amount of \$10,000,000, pursuant to Ordinance No. 93-104, as amended and supplemented by Ordinance No. 96-156.

(b) Using the *Schedule of Prior and Parity Liens* (page 7), provide debt service information on each prior and parity obligation. For the listed obligations, provide a copy of the ordinance(s), resolution(s), official statement(s), or pages thereof, setting forth the definitions, use of proceeds, debt service schedule, pledged revenues, rate covenants, provisions for issuing additional debt, provisions for bond insurance,

and debt rating (*Attachment # 8*).

(6) ACTUAL AND PROJECTED REVENUES.

(a) Complete the Schedule of Actual Revenues and Debt Coverage for Rate-Based System Pledged Revenues (page 8) for the past two fiscal years. Additional information may be required if deemed necessary by the Department to evaluate credit-worthiness of the applicant.

(b) Complete the Schedule of Projected Revenues and Debt Coverage for Rate-Based System Pledged Revenue (page 9), demonstrating the availability of pledged revenues for loan repayment. All projects expected to be implemented in the next five years are to be reflected into the need for projected revenues.

(7) LEGAL OPINION ON THE AVAILABILITY OF PLEDGED REVENUES. All sources must be supported by a written legal opinion (*Attachment # 9*) addressing the:

- (a) Availability of the revenues to repay the loan;
- (b) Right to increase rates at which revenues shall be collected to repay the loan; and
- (c) Subordination of the pledge if pledged revenues are subject to a prior or parity lien.

(8) RESOLUTION ESTABLISHING PLEDGED REVENUES. Provide a certified resolution or other documentation (*Attachment # 10*) of the formal action taken by the applicant that establishes the pledged revenues.

PART IV - APPLICANT RESOLUTION, ASSURANCES, AND CERTIFICATION

(1) RESOLUTION. Provide a certified resolution or other documentation (*Attachment # 11*) of the formal action taken by Applicant that:

- (a) Authorizes this application; and
- (b) Designates the Authorized Representative(s) to file the application, provide assurances, execute the loan agreement, and represent the Applicant in carrying out responsibilities (including that of requesting loan disbursements) under the loan agreement.

(2) ASSURANCES AND CERTIFICATION. The Applicant agrees to comply with the laws, rules, regulations, policies and conditions relating to the loan for this project. Specifically, the Applicant certifies that it has complied, as appropriate, and will comply with the following requirements in undertaking the project:

- (a) Complete all facilities recommended in the approved facilities plan.
- (b) The Archaeological and Historic Preservation Act of 1974, PL 93-291, and the National Historic Preservation Act of 1966, PL 89-665, as amended, regarding identification and protection of historic properties.
- (c) The Clean Air Act, 42 U.S.C. 7506(c), which requires conformance with State Air Quality Implementation Plans.
- (d) The Coastal Zone Management Act of 1972, PL 92-583, as amended, which requires assurance of project consistency with the approved State management program developed under this Act.
- (e) The Endangered Species Act, 16 U.S.C. 1531, et seq., which requires that projects avoid disrupting threatened or endangered species and their habitats.
- (f) Executive Order 11593, Protection and Enhancement of the Cultural Environment, regarding preservation, restoration and maintenance of the historic and cultural environment.
- (g) Executive Order 11988, Floodplain Management, related to avoiding, to the extent possible, adverse impacts associated with floodplain occupancy, modification and development whenever there is a practicable alternative.
- (h) Executive Order 11990, Protection of Wetlands, related to avoiding, to the extent possible, adverse impacts associated with the destruction or modification of wetlands and avoiding support of construction in wetlands.
- (i) The Fish and Wildlife Coordination Act, PL 85-624, as amended, which requires that actions to control natural streams or other water bodies be undertaken to protect fish and wildlife resources and their habitats.
- (j) The Wild and Scenic Rivers Act, PL 90-542, as amended, related to protecting components or potential components of the national wild and scenic rivers system.
- (k) The federal statutes relating to nondiscrimination, including: The Civil rights Act of 1964, PL 88-352, which prohibits discrimination on the basis of race, color or national origin; the Age Discrimination Act, PL 94-135, which prohibits discrimination on the basis of age; Section 13 of the Federal Water Pollution Control Act, PL 92-500, which prohibits sex discrimination; the Rehabilitation Act of 1973, PL 93-112, as amended, which prohibits discrimination on the basis of handicaps.
- (l) Executive Order 11246, Equal Employment Opportunity, which provides for equal opportunity for all qualified persons.
- (m) Executive Orders 11625 and 12138, Women's and Minority Business Enterprise, which require that small, minority, and women's business and labor surplus areas are used when possible as sources of supplies, equipment, construction, and services.
- (n) The Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended, which requires that projects be reviewed in accordance with state clearinghouse procedures.
- (o) The Amended Safe Drinking Water Act, PL 104-182, which sets forth requirements for public water systems.
- (p) The Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq., regarding protection and conservation of the coastal barrier resources.
- (q) The Farmland Protection Policy Act, 7 U.S.C. 4201 et seq., regarding protection of agricultural lands from irreversible loss.
- (r) The Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646, which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.

(s) Section 306 of the Clean Air Act, Section 508 of the Clean Water Act and Executive Order 11738, which prohibit manufacturers, firms, or other enterprises on the EPA's list of Violating Facilities from participating in the Project.

(t) Executive Order 12549, Debarment and Suspension, which prohibits any award to a party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal assistance programs.

(u) Minority and Women's Business Enterprise participation in project work using numerical goals, established by the U.S. Environmental Protection Agency, and to be set forth in the specifications for construction and materials contracts.

I, the undersigned Authorized Representative of the Applicant, hereby certify that all information contained herein and in the attached is true, correct, and complete to the best of my knowledge and belief. I further certify that I have been duly authorized to file the application and to provide these assurances.

Authorized Representative _____ Eugene Fultz
(signature) (name typed)

Signed this _____ Day of _____, 20 _____

Attachments

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ATTACHMENT #8

SCHEDULE OF PRIOR AND PARITY LIENS

List annual debt service beginning two years before the anticipated loan agreement date and continue at least fifteen fiscal years. Use additional pages as necessary.

# 1 SRF - 5907P		# 2 SRF - 59110		# 3 SRF - 5912S				
Coverage %	115%	Coverage %	115%	Coverage %	115%			
Insured (Yes/No)	No	Insured (Yes/No)	No	Insured (Yes/No)	No			
# 4 SRF - 5913P		# 5 SRF - 59140		# 6 SRF - 53030				
Coverage %	115%	Coverage %	115%	Coverage %	115%			
Insured (Yes/No)	No	Insured (Yes/No)	No	Insured (Yes/No)	No			
Fiscal Year	Annual Debt Service (Principal + Interest)						Total Non-SRF Debt Service w/ coverage	Total SRF Debt Service w/coverage
	#1	#2	#3	#4	#5	#6		
1	2013 ' 14	104,174	50,907	87,147	61,746	16,542	172,345	Continued
2	2014 ' 15	104,174	50,907	87,147	61,746	23,542	255,170	Continued
3	2015 ' 16	104,174	50,907	87,147	61,746	23,542	255,170	Continued
4	2016 ' 17	104,174	50,907	87,147	61,746	23,542	255,170	Continued
5	2017 ' 18	104,174	50,907	87,147	61,746	23,542	255,170	Continued
6	2018 ' 19	52,087	50,907	87,147	61,746	23,542	255,170	Continued
7	2019 ' 20		50,907	87,147	61,746	23,542	255,170	Continued
8	2020 ' 21		50,907	87,147	61,746	23,542	255,170	Continued
9	2021 ' 22		50,907	87,147	61,746	23,542	255,170	Continued
10	2022 ' 23			87,147	61,746	23,542	255,170	Continued
11	2023 ' 24			43,574	61,746	23,542	255,170	Continued
12	2024 ' 25				61,746	23,542	255,170	Continued
13	2025 ' 26				61,746	23,542	255,170	Continued
14	2026 ' 27				61,746	23,542	255,170	Continued
15	2027 ' 28				30,873	23,542	255,170	Continued
16	2028 ' 29					23,542	255,170	Continued
17	2029 ' 30					23,542	255,170	Continued
18	2030 ' 31					23,542	255,170	Continued
19	2031 ' 32					5,474	98,618	Continued
20	2032 ' 33							Continued
21	2033 ' 34							Continued
22	2034 ' 35							Continued
23	2035 ' 36							Continued
24	2036 ' 37							Continued
25	2037 ' 38							Continued

ATTACHMENT #7

ATTACHMENT #8

SCHEDULE OF PRIOR AND PARITY LIENS

List annual debt service beginning two years before the anticipated loan agreement date and continue at least fifteen fiscal years. Use additional pages as necessary.

# 7 SRF - 530310		# 8		# 9			
Coverage %	115%	Coverage %	115%	Coverage %	115%		
Insured (Yes/No)	No	Insured (Yes/No)	No	Insured (Yes/No)	No		
# 10		# 11		# 12			
Coverage %	115%	Coverage %	115%	Coverage %	115%		
Insured (Yes/No)	No	Insured (Yes/No)	No	Insured (Yes/No)	No		
Fiscal Year	Annual Debt Service (Principal + Interest)					Total Non-SRF Debt Service w/ coverage	Total SRF Debt Service w/coverage
	#7	#8	#9	#10	#11	#12	
1 2013 ' 14							566,790
2 2014 ' 15							670,089
3 2015 ' 16							670,089
4 2016 ' 17	357,612						1,081,343
5 2017 ' 18	357,612						1,081,343
6 2018 ' 19	357,612						1,021,443
7 2019 ' 20	357,612						961,543
8 2020 ' 21	357,612						961,543
9 2021 ' 22	357,612						961,543
10 2022 ' 23	357,612						903,000
11 2023 ' 24	357,612						852,891
12 2024 ' 25	357,612						802,781
13 2025 ' 26	357,612						802,781
14 2026 ' 27	357,612						802,781
15 2027 ' 28	357,612						767,277
16 2028 ' 29	357,612						731,773
17 2029 ' 30	357,612						731,773
18 2030 ' 31	357,612						731,773
19 2031 ' 32	357,612						530,960
20 2032 ' 33	357,612						411,254
21 2033 ' 34	357,612						411,254
22 2034 ' 35	357,612						411,254
23 2035 ' 36	357,612						411,254
24 2036 ' 37							-
25 2037 ' 38							-

ATTACHMENT #8

SCHEDULE OF PRIOR AND PARITY LIENS

List annual debt service beginning two years before the anticipated loan agreement date and continue at least fifteen fiscal years. Use additional pages as necessary.

# 1 Series 2003		# 2 Series 2005		# 3 Series 2006A			
Coverage %	110%	Coverage %	110%	Coverage %	110%		
Insured (Yes/No)	No	Insured (Yes/No)	No	Insured (Yes/No)	No		
# 4 Series 2006B		# 5		# 6			
Coverage %	110%	Coverage %		Coverage %			
Insured (Yes/No)	No	Insured (Yes/No)		Insured (Yes/No)			
Fiscal Year	Annual Debt Service (Principal + Interest)					Total Non-SRF Debt Service w/ coverage	Total SRF Debt Service w/coverage
	#1	#2	#3	#4	#5	#6	
1	2013 ' 14	50,447	137,019	804,608	165,047		1,272,833
2	2014 ' 15	50,553	68,509	801,415	165,039		1,194,068
3	2015 ' 16	31,864		801,127	165,030		1,097,823
4	2016 ' 17			803,462	165,021		1,065,331
5	2017 ' 18				165,011		181,512
6	2018 ' 19				165,001		181,501
7	2019 ' 20				164,991		181,490
8	2020 ' 21				164,982		181,480
9	2021 ' 22				164,972		181,469
10	2022 ' 23				164,962		181,458
11	2023 ' 24				164,952		181,447
12	2024 ' 25				164,942		181,436
13	2025 ' 26				164,931		181,424
14	2026 ' 27				164,919		181,411
15	2027 ' 28						-
16	2028 ' 29						-
17	2029 ' 30						-
18	2030 ' 31						-
19	2031 ' 32						-
20	2032 ' 33						-
21	2033 ' 34						-
22	2034 ' 35						-
23	2035 ' 36						-
24	2036 ' 37						-
25	2037 ' 38						-

SCHEDULE OF ACTUAL REVENUES AND DEBT COVERAGE FOR PLEDGED REVENUE

(Provide information for the two fiscal year proceeding the anticipated date of the SRF loan agreement)

	FY 2013'14	FY 2014'15
(a) Operating Revenues (Identify)		
<u>Charges for Services</u>	<u>6,649,026</u>	<u>6,999,861</u>
<u>Tower Leases</u>	<u>183,572</u>	<u>200,744</u>
(b) Interest Income	<u>7,496</u>	<u>6,783</u>
(c) Other Incomes and Revenues (Identify)		
<u>Impact Fees</u>	<u>345,328</u>	<u>307,801</u>
<u>Misc. Revenue</u>	<u>5,600</u>	<u>(4,189)</u>
(d) Total Revenues	<u>7,191,022</u>	<u>7,511,000</u>
(e) Operating Expenses (excluding interest on debt, depreciation, and other non-cash items)	<u>4,778,811</u>	<u>4,748,611</u>
(f) Net Revenues (f = d - e)	<u>2,412,211</u>	<u>2,762,389</u>
(g) Debt Service (including coverage) Excluding SRF Loans	<u>1,272,833</u>	<u>1,194,068</u>
(h) Debt Service (including coverage) for Outstanding SRF Loans	<u>566,790</u>	<u>670,089</u>
(i) Net Revenues After Debt Service (i = f - g - h)	<u>572,588</u>	<u>898,233</u>

Source:

Notes:

Effective October 1, 2015, the City increase utility rates by 14.5% for both water and sewer services.

**SCHEDULE OF PROJECTED REVENUES AND DEBT COVERAGE
FOR PLEDGED REVENUE**

(Provide information for the two fiscal year proceeding the anticipated date of the SRF loan agreement)

	FY 2015'16	FY 2016'17	FY 2017'18	FY 2018'19	FY 2019'20
(a) Operating Revenues (Identify)					
Charges for Services	7,540,000	7,690,800	7,844,616	7,962,285	8,081,720
Tower Leases	185,000	200,000	200,000	200,000	200,000
(b) Interest Income	6,480	21,500	21,500	21,500	21,500
(c) Other Incomes and Revenues (Identify)					
Impact Fees	175,000	250,000	250,000	250,000	250,000
Misc. Revenue	1,000	5,000	5,000	5,000	5,000
(d) Total Revenues	7,907,480	8,167,300	8,321,116	8,438,785	8,558,220
(e) Operating Expenses 1	4,998,588	5,098,560	5,200,531	5,304,542	5,410,632
(f) Net Revenues (f = d - e)	2,908,892	3,068,740	3,120,585	3,134,244	3,147,587
(g) Existing Debt Service on Non-SRF Projects (including coverage)	1,207,605	1,065,331	181,512	181,501	181,490
(h) Existing SRF Loan Debt Service (including coverage)	670,089	1,081,343	1,081,343	1,021,443	961,543
(i) Total Existing Debt Service Service (i = g + h)	1,877,694	2,146,674	1,262,855	1,202,944	1,143,033
(j) Projected Debt Service on Non-SRF Future Projects (including Coverage)					
(k) Projected SRF Loan Debt Service (including coverage)	-	-	423,460	423,460	423,460
(l) Total Debt Service (Existing and Projected) (l = i + j + k)	1,877,694	2,146,674	1,686,315	1,626,404	1,566,493
(m) Net Revenues After Debt Service (m = f - l)	1,031,198	922,067	1,434,270	1,507,840	1,581,095

Source:

Notes: (i.e. rate increases, explanations, etc.)

1. For existing and proposed facilities, excluding interest on debt, depreciation, and other non-cash items.
2. For the Wate and Sewer Hwy 60 Expantion Project.
3. The City's utility rate structure has an annual automatic increase based on June's annual CIP or two and one half (2.5) percent, whichever is greater. Effective Oct. 1, 2015,the City implimented 14.5% rate increase.

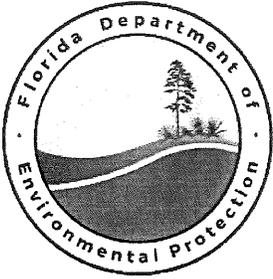
Attachment 1

Project Description

The project that will extend water and sanitary sewer lines from Henry Street through City easements to the Municipal Airport, down airport road to SR 60 then westerly to the intersection of SR 60 and North Acuff Road. The extension of the sewer force main and water main will provide a reliable method of sewage disposal and potable drinking water. Older drain fields can be unreliable when not tested and cleaned adequately and they can be problematical during seasonally wet times of the year when the water table is high. There is a new gravity collection area designed within the airport. The gravity system is designed so that the National Guard Armory, the FBO building, and a mobile home facility can easily eliminate their septic tank and drain fields and connect to the new system. These three facilities will immediately tie into the new system and eliminate their septic drain fields. An estimate of 6 additional facilities will eliminate their septic drain field in the future as more businesses connect to the new system. By extending the existing sewer force main and water main to the edge of the City's service area, the City can eliminate dependence, as much as possible on private septic tanks and drain fields and private wells for existing and new customers.

Estimated start date for construction would be November 2016 with a 270 day construction completion schedule.

ATTACHMENT #2



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

August 5, 2016

Ms. Sarah Kirkland, Utilities Director
City of Lake Wales
201 W. Central Avenue
Lake Wales, FL 33853

Re: DW530320 – City of Lake Wales
SR 60 Utility Expansion

Dear Ms. Kirkland:

The planning document entitled “SR 60 W Utility Expansion” revised March, 2016, is in conformance with the program requirements set forth in Chapter 62-552, Florida Administrative Code. The effective date of this acceptance is August 5, 2016.

The plans and specifications entitled “State Road 60 Utilities Extension” are in conformance with State Revolving Fund program requirements. These documents are also accepted effective August 5, 2016.

Please submit the bidding information for this contract to us for review. Upon receipt of complete bidding information, the Department will authorize the contract award. Construction disbursement requests cannot be processed until this authorization has been issued and the construction loan agreement has been executed. All addenda and change orders issued for this contract must also be submitted for our review.

If you have any questions or need further information, please call me at (850) 245-2966.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Goff".

Bryan Goff, P.E.
Project Manager
State Revolving Fund Program

BG/bg

www.dep.state.fl.us

ATTACHMENT #2

Attachment 3

The project has not been awarded as of yet. Once the project is awarded, the contract will be forwarded to the Department for approval.

Attachment 4

The project has not been awarded as of yet. Once the project is awarded, the contract will be fully executed and enforceable.

Attachment 5

Easements are still being acquired for the project. The order of taking is expected to happen in mid September. Once all easements have been acquired, a site certification acceptance will be requested from the Department.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

March 2, 2016

Notification of Acceptance of Use of a General Permit

Permittee:

Tom Moran
City of Lake Wales
201 W. Central Avenue
Lake Wales, FL 33853

Permit Number: 127318-150

Issue Date: March 2, 2016

Expiration Date: March 1, 2021

Project Name: City of Lake Wales SR 60 Utilities Extension

Water Supplier: Lake Wales

PWS ID: 6532234

Dear Mr. Moran:

On **February 4, 2016**, the Florida Department of Health Environmental Engineering received a "Notice of Intent to Use the General Permit for Construction of Water Main Extensions for PWSs" DEP Form No. 62-555.900(7)], under the provisions of Rule 62-4.530 and Chapter 62-555, Florida Administrative Code (F.A.C.). The proposed project consists of 12" potable water main approximately 4.6 miles westerly along SR 60 towards the limits of Lake Wales utility service area boundary. The utility mains are to be utilized by potential future development and existing customers along the route. The proposed 12" water main will connect to an existing 12" water main on Mulberry St and will dead end just east of the CSX Railroad on SR 60. Several directional bores and jack and bores are proposed. The water main also crosses under a stream.

Project Location: Polk

Based upon the submitted Notice and accompanying documentation, this correspondence is being sent to advise that the Department does not object to the use of such general permit at this time. Please be advised that the permittee is required to abide by Rule 62-555.405, F.A.C., all applicable rules in Chapters 62-4, 62-550, 62-555, F.A.C., and the General Conditions for All General Drinking Water Permits (found in 62-4.540, F.A.C.).

The permittee shall comply with all sampling requirements specific to this project. These requirements are attached for review and implementation. Pursuant to Rule 62-555.345, F.A.C., the permittee shall submit a certification of construction completion [DEP Form No. 62-555.900(9)] to the Department and obtain approval, or clearance, from the Department before placing any water main extension constructed under this general permit into operation for any purpose other than disinfection or testing for leaks.

Tom Moran
City of Lake Wales
Page 2 of 3

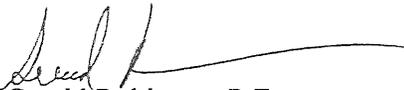
127318-150-DSGP-DEP

Within 30 days after the sale or legal transfer of ownership of the permitted project that has not been cleared for service in total by the Department, both the permittee and the proposed permittee shall sign and submit an application for transfer of the permit using Form 62-555.900(8), F.A.C., with the appropriate fee. The permitted construction is not authorized past the 30-day period unless the permit has been transferred.

This permit will expire five years from the date of issuance. If the project has been started and not completed by that time, a new permit must be obtained before the expiration date in order to continue work on the project, per Rule 62-4.030, F.A.C.

Should you have any questions, please contact me at (863) 519-8330 x 12135, or by email at Gerald.Robinson@flhealth.gov

Sincerely,



Gerald Robinson, P.E.
Professional Engineer III

Cc: Elisa Turner Harden, P.E. – Kimley-Horn and Associatesm, Inc.

File Copy: City of Lake Wales

Instructions for Clearing Water Mains

To obtain a clearance from this office, the following items must be submitted to the Department:

1) Clearance Form

Submission of a fully completed Department of Environmental Protection (DEP) Form 62-555.900(9) "*Certification of Construction Completion and Request for a Letter of Clearance to Place a Public Drinking Water Facility into Service.*"

2) Bacteriological Results

Copies of satisfactory bacteriological analyses taken from locations within the distribution system or water main extension to be cleared, in accordance with Rules 62-555.315 (6), 62-555.340 and 62-555.330, F.A.C. and American Water Works Association (AWWA) Standard C 651-92 as follows:

- *The endpoint of the proposed addition;*
- *Any water lines branching off a main extension;*
- *Every 1,200 feet of water main;*
- *Each location shall be sampled on two separate days (at least 6 hours apart) with sample point locations and chlorine residual readings **clearly indicated** on the report and/or drawings.*
- *Bacteriological sample results will be considered unacceptable if the tests were completed more than 60 days before the Department receives the results.*

3) Pressure Test Results

Copy of satisfactory pressure test results demonstrating compliance with AWWA Standard requirements.

Modifications

The permittee shall **submit written notification** to the Department before making modifications to the permitted project. The permittee may begin such changes seven days after providing notification unless they are advised otherwise by the department. Notification must include (a) *description of the scope and purpose*, (b) *location of the change*, and (c) assurance that the changes will comply with applicable requirements.

For further clarification contact:

Gerald Robinson
2090 E. Clower St., Bartow FL 33830
(863) 519-8330 ext. 12135
gerald.robinson@flhealth.gov

Attachment #7

CITY OF LAKE WALES UTILITY SYSTEM DEBT ISSUES

Debt Issue	Purpose
State Revolving Fund Loan - 5907P	Construction of Reclaimed Water Reuse Facilities
State Revolving Fund Loan - 59110	Construction of Reclaimed Water Reuse Facilities
State Revolving Fund Loan - 5912S	Construction of Sludge Dewatering Facilities
State Revolving Fund Loan - 5913P	Planning and Design of Wastewater Treatment Plant Expansion
State Revolving Fund Loan - 59140	Planning and Design of Wastewater Treatment Plant Rehabilitation and Expansion
State Revolving Fund Loan - 53030	Major Sewer Rehabilitation/Replacement C Street Phase 1
State Revolving Fund Loan - 530310	Major Sewer Rehabilitation/Replacement C Street Phase 2
Capital Improvement Revenue Note, Series 2003	Advanced Refund of Capital Improvements Bond for Infrastructure Improvements
Utility System Revenue Note, Series 2005	Construction of chlorine contact chamber and reuse facilities
Utility System Refunding Note, Series 2006A	Refund of outstanding 1996 Utility System Improvement Refunding Revenue Bonds
Utility System Revenue Note, Series 2006B	Construction of water and wastewater system improvements

Attachment #9

August 16, 2016

Tommy Williams
Sr. Management Analyst
Division of Water Restoration Assistance
3900 Commonwealth Boulevard MS3505
Tallahassee, Fl. 32399-3000

Re: DW530320-City of Lake Wales
SR 60 Utility Expansion

Dear Mr. Williams:

I am the duly appointed City Attorney for the City of Lake Wales. The City proposes to borrow \$2,797,793 from the State Revolving Fund for water transmission systems for the State Road 60 Western Expansion. The loan will be secured by the net revenues of the City's water and sewer system and the pledged revenues are legally available to pledge. The City of Lake Wales has the legal authority to increase rates to ensure repayment of the loan.

The pledge on revenues is subject to a prior lien with the following issues:

- (1) SRF-5907P
- (2) SRF-59110
- (3) SRF-5912S
- (4) SRF-5913P
- (5) SRF-95140
- (6) SRF-53030
- (7) SRF-530310
- (8) Series 2003
- (9) Series 2005
- (10) Series 2006A
- (11) Series 2006B

Sincerely,

Albert C. Galloway
City Attorney

Attachment #10

RESOLUTION 2016-19

“A RESOLUTION OF CITY OF *LAKE WALES*, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates **Project No. DW530320** as eligible for available funding; and

WHEREAS; the City of LAKE WALES, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AS FOLLOWS:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The City of Lake Wales, Florida, is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are net water and sewer system revenues after payment of debt service on the Utility System Refunding Revenue Note, Series 2006 A, Utility System Note, Series 2006B, and other obligations as shown on Exhibit “A”.

SECTION IV. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City’s responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is Section 166.111, Florida Statutes.

SECTION VII. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION IX. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED this _____ Day of August 2016.

ATTEST

APPROVED AS TO FORM AND
LEGALITY

City Clerk-Clara VanBlargan

City Attorney-Albert C Galloway

Mayor-Eugene Fultz

CITY OF LAKE WALES PROJECT TRACKING LIST 2015-2016					
PROJECT	BUDGET	COMMISSION	SCHEDULED	CURRENT	STATUS
NAME		APPROVAL	COMPLETION	STATUS	UPDATED
AIRPORT					
Runway Extension	\$5,300,000 - \$4,300,000	Yes - Construction Contract 8/2/16		Contract for Professional Engineering Services awarded to Hoyle Tanner and construction contract awarded to Dickerson Florida on August 2nd. Awaiting word on FAA funding. Begin Construction October 1st.	8/9/2016
RECREATION					
New park signage in all City parks	\$13,000		9/30/2016	All signs installed except for Kiwanis, which is back ordered, and will be installed on 9/1/2016	8/9/2016
SEWER SYSTEM					
C Street Project	\$6,695,751	yes -11/3/2015 phase 2 Grant Application on Feb 16, 2016		Grant application approved by commission on 2/16 and submitted April 25. DEO Site visit was on June 23rd. Will be notified if awarded grant. Construction of current phase is ongoing.	8/9/2016
Relocation of Water/Sewer Lines on HWY 27 near Vanguard	\$300,000	10/20/2015	9/30/2017	Permit has been approved. Starting construction in a few weeks	8/9/2016
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.	8/9/2016
Network Server Virtualization	\$40,000	4/6/2016	8/1/2016	The web server has successfully been transitioned into a production virtual environment. The remaining servers are still running in a virtual test environment.	8/9/2016
Live Streaming of Commission meetings	\$7,000		7/1/2016	We could not reach an agreement with the original provider we selected and are in the process of having the city attorney review the contract documents from another provider.	8/9/2016
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.	8/9/2016
Library Statistics (July)				Total Circulation Books-by-Mail: 58,085 Total Circulation BookMobile: 7,787 Total In-house circulation: 228,966 Total new borrowers: 1470 Total attendance at programs: 13,856 Computer users: 46,051 People Counter: 133,438	8/9/2016
COMPLETED PROJECTS					
Skate Park Improvements	\$50,000	7/15/2014	9/30/2015	This project is complete.	8/9/2016

ADA access and handicap parking installation at the soccer complex.	\$30,000		2/29/2016	Completed	8/9/2016
Airfield Improvements (Task Order #15)	\$161,000	yes - 7/2/13	9/30/2015	Final reimbursement received March 8. This Project is complete.	8/9/2016
Road Improvements (N Market ST & W. Central Ave.)	\$91,253	7/7/2015	8/17/2015	Project is completed.	8/9/2016
Cemetery			4/30/2015	Project complete	8/9/2016
Resurfacing of the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd.			10/31/2015	This Project is complete.	8/9/2016
Gym Floor Replacement	\$68,212	6/2/2015	9/30/2015	Project is Complete. Gym is reopened.	8/9/2016
ADA sidewalk access on 3rd street	\$15,000	5/3/2016	6/30/2016	Project is complete.	8/9/2016
Street Resurfacing	\$100,000	4/6/2016		Completed	8/9/2016
Electrical system upgrades to event area of Lake Wailes park	\$20,000			Project Complete	8/9/2016
Additional exercise stations in Lake Wailes park.	\$10,000			Project Complete	8/9/2016

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.	8/9/2016
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.	8/9/2016

Lake Wales Museum and Cultural Central	3/2/2015	Kenneth Fields	Thornhill	In the month of July, the Museum had: <ul style="list-style-type: none"> • 286 visitors • Of the 59 people who signed the guest registry 44% were from Lake Wales • 66% make up people from outside Lake Wales • The farthest location is Houston, TX 	8/9/2016
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		<ol style="list-style-type: none">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.	8/9/2016
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.	8/9/2016

SOCIAL MEDIA TRACKING REPORT			SINCE August 2, 2016 (Social media is now being archived)	
Name	Likes/Followers	Change	Top Posts	Comments
 Facebook	3,572	+18	August 5, Posted free haircuts for students flyer. 8 likes, w/ reach of 2,630	
			August 3 - Shared Chamber of Commerce's photos of Central FL Health care's new Lake Wales Center- a total of 10 likes, 1 comment w/ 5 tags and total reach of 330	
			August 3 - Shared Daily Ridge photo of K9 team Officer Joyner and Max. - 22 likes w/ reach of 407	
			August 3 - Shared Chamber of Commerce article on Airport - 13 likes and 538 people reached.	
 Twitter	835	+16	Top Media Tweet - #tbt.. Kenneth Fields became City Mgr 3 yrs ago. Here Mayor Fultz is introducing him at a reception in August 2013. 2 likes, 1 retweets 283 Impressions	@CityofLakeWales @BlackPearls8 supports #LakeWales Ken Fields!
(Commission meetings are Live tweeted)			Top Tweet - The parks dept is selling an old Chevy truck. Results for Lake Wales, FL 1 like, 1 retweet, 326 impressions	

SOCIAL MEDIA TRACKING REPORT			SINCE August 2, 2016 (Social media is now being archived)	
Name	Likes/Followers	Change	Top Posts	Comments
			Top Mention - by Scott Herndon #orangegrove in @cityoflakewales @visitcentralfl #florida @boktower instagram.com/p/BlpjToEhOoo/ 1 reply, 1 like, 1 retweet	
 Instagram	229	+10	Photos of Summer Luncheon - 4 likes each	
 LinkedIn	8	0	no posts	

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 – 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

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 changed its Tues. September 6th regular City Commission meeting to Wed. September 7th due to TRIM Requirements.)

City Commission Meetings – October 2016

Tues, October 4, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, October 18, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – November 2016

Tues, November 1, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, November 15, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – November 2016

Tues, December 6, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, December 20, 2016	Regular	6:00 p.m.	Commission Chambers

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; 1 st & 3 rd 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
Wed, August 17 th	2pm	Polk Regional Water Coop Board Meeting		Lake Myrtle Complex, 905 Lake Myrtle Park Rd, Auburndale 33823	
Monday, August 22 nd	3:30pm	LW Charter Schools Board of Trustees Meeting		Polk Avenue Elementary, Lake Wales	
Friday & Saturday August 26 th -27 th	9:00am	WBCBL 3on3 Tournament	Women's 3 on 3 and youth basketball Tournament	Lake Wailes Park	
Monday, September 26 th	3:30pm	LW Charter Schools Board of Trustees Meeting		Edward W. Bok Academy	
Thursday October 13 th	5:00pm	Homecoming Parade		Central Avenue	
Wed, October 19 th	2pm	Polk Regional Water Coop Board Meeting		Lake Myrtle Complex, 905 Lake Myrtle Park Rd, Auburndale 33823	
Monday, October 24 th	3:30pm	LW Charter Schools Board of Trustees Meeting		Dale R. Fair Babson Park Elementary	
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 2 nd - 3 rd , 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	Christmas Tree Lighting Ceremony		Municipal Administration Building
December 9 th , 2016	4-8:30pm	Make it Magical	Downtown Holiday Event	Downtown Lake Wales Stuart, Park, Marketplace
Wed, December 21 st	2pm	Polk Regional Water Coop Board Meeting		Lake Myrtle Complex, 905 Lake Myrtle Park Rd, Auburndale 33823

**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: **None**

Current Members: Charles Keniston, resident	03/06/12 - 07/01/18, 2
Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
Ryan Michalkiewicz, resident	06/21/16 - 07/01/19, 1
Charles N. Clegg, resident	07/19/16 - 07/01/19, 1
Eric Farewell, resident	08/18/15 - 07/01/18, 1
Dale Marks, resident	06/17/08 - 07/01/17, 3
Travis Burns, resident	07/19/16 - 07/01/17, P
Commissioner Perez, non-voting member	05/19/15 - 05/02/17, 1

Airport Manager (City Code Sec. 2-41(f)(5)) – Alexander Vacha, employee, City Manager appointed

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 serves 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: **5 regular vacancies, 3 alternate vacancies**

Current Members: Lorraine McIntosh, resident	06/15/10 – 07/01/19, 3
Roberto Maldonado, resident	07/17/12 – 07/01/17, 2
Vacant,	– 07/01/19
Vacant,	- 07/01/19
Vacant,	- 07/01/17
Vacant,	- 07/01/18
Vacant,	- 07/01/18
Vacant, Alternate	– 07/01/17
Vacant, Alternate	– 07/01/18
Vacant, Alternate	– 07/01/18

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 **[Inactive Board]**

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: 1 **Vacancy**

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
Ralph W. Eberhard, resident	08/02/16 - 07/01/19, 1
Vacant, resident	- 07/01/19

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: ***Vacant***, resident – 07/01/19
 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, resident

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 – 07/01/19, 2
 Vacant, resident – 07/01/19
 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. Sec. 2-73 (c), Nomination and Appointment: Each commissioner shall nominate a person who resides, owns property or operates 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, **except that the two citizen members appointed in accordance with Ordinance 2009-17 shall be afforded the opportunity to serve as appointees from their respective districts.** The nomination shall be confirmed by majority vote of the city commission. (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)**

Current Members:

Mark Bennett, chair (Seat 2 – District 19)	04/21/15 – 07/01/19, 2
Narvell Peterson, vice-chair (Seat 3–District 122)	12/07/10 – 07/01/17, P+3-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 CRA Citizen Advisory Committee shall provide advice and recommendations as needed to implement the CRA plan adopted by the City Commission. 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	- 12/01/16
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: **None**

Current Members: Lawrence (Larry) Bossarte, business owner 11/01/11 – 07/01/17, 2
 Diane Armington, owns property in the City 03/15/11 – 07/01/19, 3
 Leah Bartholomay, resident 05/06/14 – 07/01/18, P+1
 Erika B. Schindler, business owner 10/06/15 - 07/01/18, 1
 Christopher Lutton 06/21/16 - 07/01/18

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

Historic Preservation Board (City Code Sec. 2-182) – (inactive) The board consists of nine regular members. At least four (4) members must be residents of the City. Up to four (4) members may be non-residents but must own property within the City limits or hold an occupational license issued by the City as required by sec 2-26). One member shall be a member of the City Commission. Up to four ex-officio members who are not residents and do not meet the other requirements of section 2-26 may also serve on the Board provided they meet the professional qualifications requirement of paragraph (c) of sec. 2-182. Appointments shall be for three years or until their successors are qualified and appointed. The Commissioner member shall be appointed for the duration of his or her term on the City Commission. Ex-officio members shall be appointed for three years. (3 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **9 vacancies**

Current Members: None

Meetings (City Code Sec. 2-185(a)) – The board shall hold regular meetings, but no less than four (4) times per year.

Current Meeting Schedule: **Inactive Board**

Powers & duties (City Code Sec. 2-185) - Make recommendations on applications for nomination to National Register of Historic Places; conduct ongoing survey and inventory of historic buildings, areas and sites in the city; make recommendations to city commission on potential landmark sites in the city.

Reporting (City Code Sec. 2-185(b)) – The board shall, on a bi-annual basis, make a written report to the city commission on its activities.

Housing Authority (F.S. 421.04) – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **None**

Primary Duties: Manage and control the city's low-rent housing units.

Current Meeting Schedule: 3rd Wednesday @ 6:00 PM; Housing Authority

Current Members: Janice Snell, resident	04/17/12 – 07/01/18, 2
Eddy Rivers, resident	07/01/08 – 07/01/20, 3-F
Wanda Lawson, resident	06/18/13 – 07/01/17, 1
Mellissa Montgomery, resident of housing project	06/21/11 – 07/01/17, 2
Helen Walters, resident	11/04/14 – 07/01/18, 1
Albert Kirkland, Jr., Ex-officio	n/a
Commissioner Jonathan Thornhill, City Liaison	06/04/13 – 05/02/17

Lakes Advisory Commission (City Code Sec. 2-171; 2-172) - The commission consists of seven (7) members. City Manager or his designee serves as an ex officio member. At least six (6) members must reside in the City. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **6 residents; 1 non-resident with city utilities**

Meetings (City Code Sec. 2-173) - The Board shall meet at regular intervals, but in any event at least once each quarter. Meetings are called by the chairman. Special meetings are called by the Mayor.

Current Meeting Schedule: **Inactive Board**

Duties (Sec. 2-174) - Advise the City Commission on matters involving the restoration, preservation or maintenance of lakes and waterways found within the city; To seek and solicit and make applications for any grants or funds offered by any entity, public or private, if such funds could be used by the city in the preservation, restoration and maintenance of the lakes and waterways found in the city. Any decision to accept offered funds or grants shall remain within the city commission.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are **not** required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **None**

Current Meeting Schedule: 2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members: Jolene K. Lake, outside 08/06/96 – 07/01/21, 1
Donna Geils, resident 12/02/14 – 07/01/17, 1
Michalkiewicz, Brystal, resident 08/04/15 - 07/01/21, P+1
Jacquie Hawkins, resident 06/21/16 - 07/01/18, 1
Margaret Swanson, resident 06/21/16 – 07/01/19, 1

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: 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
Vacant – 07/01/19

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: **none**

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 – 07/01/19, 3
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 – 07/01/19, 2
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 Intern'tl 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: **none**

Current Members: Linda Kimbrough, resident	06/17/08 - 04/01/19, 3
Violeta Salud, resident	04/01/04 - 04/01/20, 5
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, 5 th 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.

TITLE	MEMBERS	VACANCIES	QUORUM
Airport Authority Board	7	0	4
Board of Zoning Adjustment & Appeals	5	1	3
Citizens & Police Community Relations Advisory Committee	3	1	2
Code Enforcement Board	7	2	4
CRA Citizen Advisory Committee	5	1	3
Historic District Regulatory Board	5	0	3
Housing Authority Board	5	0	3
Library Board	5	0	3
Planning & Zoning Board	7	0	4
Recreation Commission	13	2	6
Firefighters' Retirement Board	5	1	3
General Employees' Retirement Board	5	0	3
Police Officers' Retirement Board	5	0	3
TOTAL	77	8	

INACTIVE BOARDS:

- Bicycle/Pedestrian Advisory Commission
- Investment Committee
- Drug & Prostitution-Related Nuisance Abatement Board
- Enterprise Zone Development Agency
- Fire & Building Code Administration Board
- Historic Preservation Board
- Lakes Advisory Commission
- Parks & Community Appearance Advisory Board

Division 1. Generally

§ 2-26. Boards, commissions and committees organized under the code.

Several boards, commissions and committees have been organized pursuant to various provisions of the Code. The following general regulations apply to all of these boards, commissions or committees:

(1) *Residency.*

(a) Unless the ordinance creating a board, commission or committee provides otherwise or as provided in the following paragraph (b), membership on these boards, commissions and committees shall be limited to persons 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.

(b) The Lake Wales Library Board consists of five (5) members appointed by the city commission. Four (4) members shall be appointed as provided in paragraph (a) above. One (1) member may be a resident of the unincorporated Greater Lake Wales area or a resident of the City of Lake Wales provided that the Lake Wales Public Library is a member of the Polk County Library Cooperative and receives operating funds from the Polk County Board of County Commissioners. For the purposes of this paragraph, the term "resident of the unincorporated Greater Lake Wales area" shall mean "any resident outside of the City of Lake Wales having a Lake Wales mailing address."

(2) *Voter registration.* Membership on boards, commissions and committees shall be limited to persons who are legally registered to vote.

(3) *Limit on consecutive terms.*

(a) Except as provided in paragraph (b) below, no person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half ($\frac{1}{2}$) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms. This limit on consecutive terms may be waived for members of regulatory boards (i.e., planning and zoning board, board of appeals, code enforcement, etc.) with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term.

(b) There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

(4) *Limit on concurrent appointments.* No person shall serve on more than two (2) boards, commissions or committees at the same time with the following exceptions:

A. No person shall serve on more than one (1) pension board.

B. No person shall serve on more than one (1) regulatory board.

(5) *Appointment to regulatory boards.* All applicants seeking appointment to a regulatory board such as planning and zoning board, zoning board of appeals, code enforcement board, nuisance abatement board, and the like, shall be interviewed by the board chairman and the head of the department providing staff support to the particular board to ensure that the applicants understand the duties and responsibilities of the board, are capable of performing such duties and responsibilities and are willing to fulfill the requirements of serving on the board. Said interviews shall be open to the public. Following the interviews, the board chairman and department head shall provide the city commission with their recommendations for appointment.

(6) *Applications for appointment.* The city manager may, in his/her sole discretion, delay the forwarding of applications to the city commission until there are a sufficient number of applicants to fill all vacant positions on a particular board, committee or commission.

(7) *Nepotism.* Members of the immediate family of elected officials shall not be appointed to serve on a board, commission or committee. Members of the immediate family of a municipal officer shall not be appointed to serve on a board, commission or committee which relates to the area of responsibility of that municipal officer. Board, commission or committee members shall be required to resign if a member of the immediate family becomes an elected official or municipal officer with duties relating to business conducted by that board, commission or committee. Such members appointed before July 1, 1989, shall be permitted to serve until the expiration of their current term.

(8) *Attendance.* Absence from three (3) consecutive meetings of a board, commission or committee shall operate automatically to vacate the seat of that member, unless such absence is excused by that board, commission or committee by motion duly passed and recorded in the official minutes.

(9) *Sunset provision.* Inactive boards, commissions and committees may be discontinued by the city commission provided there is no statutory requirement that such board, commission or committee exists. Boards, commissions and committees shall be declared inactive if no meeting is called or no official business is conducted at least once in a twelve (12) month period.

(Code 1962, § 1-10; Ord. No. 89-14, § 1, 6-20-89; Ord. No. 2002-27, § 1, 10-15-02; Ord. No. 2004-20, § 1, 8-3-04; Ord. No. 2005-16, § 1, 5-3-05; Ord. No. 2006-19, § 1, 5-16-06; Ord. No. 2006-47, § 3, 12-5-06; Ord. No. 2008-07, § 1, 2-19-08; Ord. No. 2008-09, § 1, 3-18-08; Ord. No. 2008-27, § 1, 9-2-08; Ord. No. 2009-11, § 1, 5-5-09)

APPLICATION FOR APPOINTMENT TO CITY BOARD, COMMISSION OR COMMITTEE

City of Lake Wales, City Clerk's Office, P.O. Box 1320, Lake Wales, FL 33859-1320

Board/Commission/Committee _____

Applying for:

reappointment

new appointment

Yes Full-time	Yes Part-time	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

City Resident?

City Business Tax?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Yes, Florida	Yes, Other	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Registered Voter?

Own Property in City?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Name

Home Address	Home Phone
--------------	------------

Business Address	Business Phone
------------------	----------------

Employer	Occupation/Type of Business
----------	-----------------------------

If applicant is not a city resident or does not pay business tax to city, please provide physical address of property owned within the city limits.

Special knowledge or experience applicable to function of board/commission/committee
--

Other community involvement	<p>Fla. Statute 760.80 requires the City of Lake Wales to maintain and report the following information:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;"> Race/Ethnicity African-American <input type="checkbox"/> Asian-American <input type="checkbox"/> Hispanic-American <input type="checkbox"/> Native-American <input type="checkbox"/> Caucasian <input type="checkbox"/> </td> <td style="width: 40%; padding: 5px;"> Gender Male <input type="checkbox"/> Female <input type="checkbox"/> </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Physically Disabled? Yes <input type="checkbox"/> No <input type="checkbox"/> </td> </tr> </table>	Race/Ethnicity African-American <input type="checkbox"/> Asian-American <input type="checkbox"/> Hispanic-American <input type="checkbox"/> Native-American <input type="checkbox"/> Caucasian <input type="checkbox"/>	Gender Male <input type="checkbox"/> Female <input type="checkbox"/>	Physically Disabled? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Race/Ethnicity African-American <input type="checkbox"/> Asian-American <input type="checkbox"/> Hispanic-American <input type="checkbox"/> Native-American <input type="checkbox"/> Caucasian <input type="checkbox"/>	Gender Male <input type="checkbox"/> Female <input type="checkbox"/>				
Physically Disabled? Yes <input type="checkbox"/> No <input type="checkbox"/>					

I understand that I may be required to complete a Financial Disclosure Form in accordance with the requirements of Florida Law for every year during which I serve as an appointee. I further understand that refusal to file a required Financial Disclosure will result in my removal from the board/commission/committee to which I have been appointed.

_____ applicant initials

Have you ever been convicted of a felony? <input type="checkbox"/> Yes If yes, please explain on separate paper and attach to application. <input type="checkbox"/> No	applicant signature _____ date _____		
List 3 references who reside in the city:	If the applicant is not appointed at the next City Commission meeting scheduled for the purpose of making appointments, this application will be retained on file for 6 months. e-mail _____		
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">name _____</td> <td style="width: 30%;">phone _____</td> </tr> </table>		name _____	phone _____
name _____		phone _____	
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">name _____</td> <td style="width: 30%;">phone _____</td> </tr> </table>		name _____	phone _____
name _____	phone _____		
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">name _____</td> <td style="width: 30%;">phone _____</td> </tr> </table> Contact City Clerk's Office to schedule appointment with board chairman and board support staff.	name _____	phone _____	
name _____	phone _____		

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

3rd Thursday @ 5:00 p.m.; Commission Chamber

(Meeting time will be 5:30 p.m. if the Historic District Regulatory Board is meeting the same night in the Chamber at 5:00 p.m.)

Historic District Regulatory Board

3rd Thursday @ 5:00 p.m.; Commission Chamber (board does not meeting regularly)

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