



**AGENDA**  
**ARCADIA CITY COUNCIL**  
**CITY COUNCIL CHAMBERS**  
**23 NORTH POLK AVENUE, ARCADIA FL**  
**TUESDAY, APRIL 5, 2016**  
**6:00 P.M.**

**INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL**

**PRESENTATION**

1. Proclamation – Donate Life Month (Mayor Susan Coker)
2. Personnel Policy Manual (Linda Lowe – Human Resource Manager)

**CONSENT AGENDA**

3. City Council Minutes for March 15, 2016 (Penny Delaney – City Clerk)
4. Special Event Permit – Decorate a Pole Event – Arcadia Main Street (Terry Stewart – City Administrator)
5. Special Event Permit – Scarecrows on Oak Street Event – Arcadia Main Street (Terry Stewart – City Administrator)
6. Special Event Permit – Arcadia Main Street Wine Walk (Terry Stewart – City Administrator)
7. Special Event Permit – Arcadia Heritage Festival – Arcadia Main Street (Terry Stewart – City Administrator)
8. Special Event Permit – Super Jaripeo Bravio Event (Terry Stewart – City Administrator)

**ACTION ITEMS**

9. Ordinance No. 1013 – Amending Two (2) Parcels of Land (Parcel Number 25-37-24-0012-0220-0120 and Parcel Number 25-37-24-0012-0220-0125) totaling 0.5 acres located at 102 North Brevard Avenue and 110 North Brevard Avenue from the Zoning of City P-1 (Professional Office) to City B-3 (General Business Commercial District) - **First Reading** (Jeff Schmucker - Central Florida Regional Planning Council)
10. Tourist and Development Tax Committee Appointment (Mayor Susan Coker)
11. Approval of GovDeals.com as the City's Internet Surplus Items Auction Site (Terry Stewart – City Administrator)

**COMMENTS FROM DEPARTMENTS**

12. City Marshal
13. City Attorney
14. City Administrator

**PUBLIC** (Please limit presentation to three minutes)

**MAYOR AND COUNCIL REPORTS**

**ADJOURN**

*NOTE: Any party desiring a verbatim record of the proceedings of this hearing for the purpose of appeal is advised to make private arrangements therefore.*

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

# AGENDA No. 1



# *Proclamation*

**WHEREAS**, one of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

**WHEREAS**, more than 28,000 Americans receive a lifesaving organ transplant every year; and

**WHEREAS**, a new patient is added to the national patient waiting list for an organ transplant every 10 minutes; and

**WHEREAS**, over 121,000 men, women and children are currently on the national waiting list for organ transplantation, of which nearly 1100 are in the West and Southwest Florida area; and

**WHEREAS**, an average of 21 people die every day awaiting an organ transplant that does not come in time; and

**WHEREAS**, one organ, tissue and eye donor can save or enhance the lives of as many as 60 people; and

**WHEREAS**, everyone is a potential organ, eye and tissue donor and can register their wish to save lives through organ and tissue donation at [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or on their driver license;

**NOW, THEREFORE, I, SUSAN COKER**, Mayor of the City of Arcadia, Florida do hereby proclaim the month of April 2016 as

## ***DONATE LIFE MONTH***

in the City of Arcadia and encourage all residents to consider giving life through organ donation and to sign up on Florida's organ and tissue donor registry by visiting [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or when renewing their driver license or state identification card.

**SO DONE THIS 5<sup>th</sup> DAY OF APRIL 2016.**

ATTEST:

By:

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Susan Coker, Mayor  
City of Arcadia, Florida

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Penny Delaney, City Clerk

# AGENDA No. 2



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

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DEPARTMENT: Human Resources  
SUBJECT: Personnel Policy Manual

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RECOMMENDED MOTION:

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SUMMARY: At this time, the Manual is being presented for review only. Please note items in blue are changes recommended by labor attorney Brian Koji. Items in red are changes recommended by HR Manager Lowe and City Administrator Stewart.

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FISCAL IMPACT: \_\_\_\_\_  
 Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

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Department Head: Linda Lowe *LM* Date: 3/23/16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart *TS* Date: 3-23-16

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COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications



# Personnel Policy Manual

## CITY OF ARCADIA

Adopted: August 5, 1980

Adopted: September 20, 2011

Revised: July 1, 2013

Adopted: September 3, 2013

Revised: March 18, 2014

Adopted: March 3, 2015

Revised: March 01, 2016

Adopted:

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DEFINITIONS

ACCRUE: to increase as a matter of periodic gain

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DOMESTIC VIOLENCE: violence or physical abuse toward a spouse, domestic partner, family member or household member

OFF THE CLOCK WORK: work done by a worker outside of regular hours and for no pay

RESPONSE TIME: time that elapses between the notification of an event and the time of the person receiving notification to arrive at event

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## PREFACE

The information contained in this manual outlines the personnel policies and procedures for the City of Arcadia government. This information should not be interpreted as all inclusive, as forming a commitment that any individual policy will be absolutely applied in all circumstances, or as an expressed or implied employment contract or agreement.

The City may add, revoke, or modify policies from time to time. The Human Resources Department will make every effort to notify employees of such changes in a timely manner. **However, on occasion it may be necessary to implement and make effective such policy changes prior to distribution of the revised information.**

This manual is the property of the City of Arcadia, and a manual or electronic copy is provided to each employee. ~~assigned to each department director and supervisor rather than to the individual occupying the position. Upon separation from the City, the manual should be returned to the department director (or City Manager in the case of a department director) for redistribution to a new employee.~~

When the pronoun "he" is used throughout this manual its reference is generic and does not imply any sexual bias by the City of Arcadia or any of its employees.

## **CHAPTER 1 - PURPOSE**

The Arcadia City Council believes it to be in the best interest of the public and of most benefit to the employees of the City of Arcadia, herein referred to as the "City" to have established policies.

- That fair and equitable treatment of all employees will be maintained in all areas of personnel matters
- That the administration of city services will be conducted with integrity and concern for the individual employee
- That the public interest will best be served by having a personnel system which recognizes individual worth and applies objective and equitable policies, procedures and practices
- It shall be the policy of the Council to promote present employees within the organization whenever openings occur and there is a qualified employee to advance
- The Council encourages, when feasible, the advancement and training of present employees to prepare for the furtherance of career and personal goals
- The City will comply with the state and federal EEO statues and regulations.

### **1.10 REVISIONS**

Revisions or amendments to these policies may be initiated by the City Council, a City elected official or the City Administrator and will become effective upon adoption by the City Council.

### **1.15 CHARTER OFFICES**

These personnel policies apply to all employees of the City except where pre-empted by Florida Statutes or other state agency regulations. The City Marshal shall be responsible for the implementation, maintenance and legal compliance of the activities of the police department.

### **1.20 CITY ADMINISTRATOR**

The City Administrator, by City Code, is charged with the personnel affairs of the City.

## CHAPTER 2 - RECRUITMENT

### 2.10 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to provide equal employment opportunity to all people without regard to race, color, religion, national origin, ethnicity, gender, pregnancy, age, disabilityies, ~~or Vietnam Veterans~~veteran status, or marital status, and to promote the full realization of that policy through a positive, continuing program to be known as the City Affirmative Action Plan. The City is fully committed to assuring equal opportunity and equal consideration to all applicants and employees in personnel matters, including recruitment, selection, hiring, training, layoff or termination. In the implementation of this policy, the City will aggressively seek personnel for all job levels within the organization through upgrading and recruitment from minority group members. No questions in any application form, examination or other proceeding shall elude information not related to the position, the individual's qualifications for the position, or which is not otherwise as may be required by law for reporting purposes~~required or necessary for employment or reporting purposes~~.

~~Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance.~~ Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. Consistent with applicable law, the City will provide reasonable accommodations to disabled individuals to enable the individual to perform the essential functions of the position, unless the accommodation would result in undue hardship to the City.

### 2.15 POSITION VACANCIES

All position vacancies shall be advertised in such places as the local media on the City's Bulletin Board and City website. The legend "An Equal Opportunity Employer" and "A Drug-Free Work Place" shall appear on all advertisements. All announcements and advertisements shall also indicate that the City will give preference to eligible veterans and spouses.

Comment [BK1]: This is required by Fla. Stat. 295.065.

### 2.20 PROMOTIONS

The City Council believes it to be in the best interest of the City, the public and the career employees to promote present career employees within the organization rather than recruit new employees for higher level positions. When deemed to be in its best interests, the City will strive to promote from within where a current employee is determined to be the most qualified candidate. This policy shall be observed whenever advancement opportunities occur and there is a qualified employee in the City service. Satisfactory performance evaluations for the two most recent consecutive years shall be documented in the employees personnel file at the time of promotion or advancement.

Comment [BK2]: These changes are not required by law, but are recommended to allow the City the flexibility to choose the individual determined to be in the City's best interests for a given position.

### 2.25 TRANSFERS

The City Council encourages employee transfers, upon request and subject to Administrator approval, for the purpose of increasing job knowledge and skills in preparation for advancement and promotion.

### 2.30 TRAINING

The City Council encourages the furtherance of employee career goals through continued educational training. Consideration will be extended, when feasible and determined to be in the City's best interests, ~~in duty hours and other position requirements~~ to assist employees in their endeavors.

### 2.35 PERFORMANCE EVALUATIONS

Performance Evaluations will be done at least once a year. Evaluations will be done during that time in which personnel budget resources are being considered for the review period of the previous year. Department Heads shall rate and discuss the overall job performance with each employee. The performance evaluation evaluates quantity of work, quality of work, work habits and relationships with fellow employees and the public. If the employee is a Department Head or supervisor, his/her supervisory ability is also evaluated.

The employee may submit a written rebuttal statement as part of the evaluation, which shall then become a part of the complete evaluation form; and such statement shall remain in the employee's personnel file according to the State's retention schedule.

### 2.40 EXAMINATION

All appointment and promotion decisions shall be made by the department head, with the City Administrator's approval, on a job related merit basis. A written evaluation of applicant's knowledge, abilities and skills is to be performed and become part of the applicant's file. One or a combination of any or all of the following evaluation techniques may be used, if related for the position at issue:

- Physical skills tests.
- Written examination of job knowledge.
- Oral interview and evaluation of applicant's abilities.
- Objective evaluation of formal education, vocational training and work or other relevant experience as related to position requirements.
- A review of the individual's prior performance or disciplinary history.
- Any other evaluation technique or criteria relevant to the position at issue.

## CHAPTER 3 - CONSIDERATIONS FOR EMPLOYMENT

### 3.10 AUTHORITY

All non-exempt employees shall be selected by or at the direction of the appropriate Department Head. The City Council, as provided for within the City Charter, and through these personnel provisions shall have review and approval authority for the recruitment, hiring, disciplinary and other personnel actions for certain exempt, director-level positions. The positions of the following exempt classes are hereby indentified:

- City Administrator
- City Clerk
- Finance Director
- Golf Course Manager
- Planning Director
- Public Works Director
- Utilities Director
- Human Resources Manager

The City Council shall appropriate funds for personnel salaries as a part of the annual budgeting process. While the day-to-day work programming and staff organizational structure shall be the responsibility of the City Administrator and management team, the City Council shall establish the desired staff workforce allocation through the annual budget process. Any expansion or reduction of the City's workforce as depicted on the staffing roster shall require the approval of the City Council.

### 3.15 QUALIFICATIONS

- Employees shall be a U.S. citizen or legally authorized to work in the United States.
- Employees must not be less than eighteen years of age.
- Once a conditional job offer has been made, the prospective employee is provided the City Drug-Free Workplace Policy. Prospective employees who will be in safety sensitive positions or other similar "special needs" position will undergo a drug test at City expense. a drug-free work place certification is to be completed by each prospective employee. All appointments are made subject to a physician's statement that the applicant is physically able to perform the duties of the position and is drug free. The employee physical examination cost shall be borne by the City.

**Comment [I3]:** In speaking with Mr. Koji, this proposed changes will met the new laws. All position descriptions (as they are updated) will include language to identify the position as "safety-sensitive" or "special needs" positions.

**Comment [BK4]:** I am unsure if the employee is required to undergo a drug test or just complete a certification that they are drug free. If a drug test is required, I recommend we revise that policy as several courts have held that across-the-board drug testing of applicants is unlawful (except for safety-sensitive positions or other similar "special needs" positions). Let me know if you would like to discuss this drug testing issue in more detail, as it is a "hot topic" in employment law at the moment and there have been a number of recent lawsuits in this area.

**Comment [BK5]:** Unless the City has a position restricted by age, which is uncommon these days, I recommend taking this out.

### 3.20 STATUTORY REQUIREMENTS

When positions having state or federal mandated requirements of age, personal character, training, certification or other position related restrictions, they will be observed in the employment practices of the City. The City Marshal may impose additional requirements for police officers and civilian police department personnel, consistent with applicable law.

### 3.25 EMPLOYMENT OF RELATIVES (ANTI-NEPOTISM)

Florida Statutes, Chapter 112.3135(A)(1)(d), severely restricts the employment of relatives (in the same political sub-division) of public officials. "Public Officials" ~~being~~ are defined by law as including any employee with the authority to make recommendations for the appointment, employment, promotion, advancement, etc. The statutory definition of "relative" includes the immediate family as well as more remote kin. Compliance with the statute is mandatory and penalties are provided. The City Council confirms that the City will comply with the statute in its employment practices. There shall be no more than one (1) family member employed within a department, as defined in 112.3134(A)(1)(d) of the Florida Statutes. ~~After the effective date of this section it is the policy of the City that no two members of the same immediate family are to be employed within the same department.~~ Further, if two employees change their family relationship by marriage, adoption or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible or separated from City service.

**Comment [BK6]:** This seems redundant of the prior sentence.

### 3.30 PROBATIONARY PERIOD

All employees shall be hired subject to the satisfactory completion of a probationary period. Employment may be terminated during the probationary period without cause and with no appeal rights on the part of the employee, and with no accrued leave benefits payable. The initial probation period shall be ~~three (3) months 60 days~~ but may be extended up to a maximum of six (6) months at the discretion of the Department Head based on a written evaluation of the employee's initial 60-day performance ~~period within the initial three months~~. Certified Law Enforcement personnel shall serve a probation period as designated by the department head ~~in accordance with Florida Statutes or other state agency regulations~~.

### 3.35 PROBATIONARY PERIOD EVALUATION

All probationary employees to budgeted positions will be evaluated at least once prior to the appointee being classified as a budgeted employee. This evaluation shall be performed by the Department Head and/or Human Resource Manager. ~~A standard objective written form shall be used.~~ A satisfactory performance rating is required before budgeted appointment may be approved. A marginal or unsatisfactory performance evaluation during the probationary period shall be cause for ~~a 3 month~~ extension of the probationary period or dismissal at the discretion of the Department Head with the Human Resource Manager's and Administrator's approval.

**Comment [BK7]:** While a standardized form is OK, it is not required, nor recommended, that only objectively-measurable criteria be used. You can evaluate performance using subjective criteria, such as attitude, initiative, etc.

### 3.40 VETERAN'S PREFERENCE

~~Veterans, spouses of totally and permanently disabled veterans, and spouses of Missing in Action persons shall receive preference in employment and, in retention should a layoff occur. This preference is in compliance with "Veteran's Preference in Appointment and Retention in Employment" rule, Chapter 22VP-1 of the Florida Administrative Code. The City will provide eligible veterans and spouses with preference in appointment and retention, as set forth in Sections 295.065-295.09 of the Florida Statutes and Chapter 55A-7 of the Florida Administrative Code.~~

## **CHAPTER 4 - TYPES OF POSITIONS**

### **4.10 PROBATIONARY**

All new employees are appointed on a probationary basis and may be separated from service without cause at any time during the probationary period.

### **4.15 BUDGETED**

Employees who have satisfactorily completed the probation period shall accrue leave benefits from the original employment date.

### **4.20 TEMPORARY-SEASONAL**

Employees may be hired to meet a temporary need with approval of the City Administrator. City Council approval shall be necessary if funding amendments are required. Temporary/seasonal employees shall be for a maximum of six (6) calendar months. Temporary/seasonal employees shall not accrue paid leave benefits, paid holidays, rights of re-employment or any other protections. They are eligible to compete for vacant, budgeted positions in the City service, and if hired into a budgeted position will accrue benefits from the date of hire into that budgeted position. The Probationary period shall start from the date transferred to the budgeted position.

### **4.25 EMERGENCY**

Department Heads, with the approval of the City Administrator, may recruit and employ personnel to meet immediate needs involving public safety or welfare, such as disasters. Such appointments are temporary in nature and will be utilized until such time as normal operations are resumed. No benefits of any sort are attached to the positions. The City Council will be informed for the need and the appointments at the earliest opportunity and approve the actions taken. Routine employment procedures shall be waived for emergencies.

### **4.30 VOLUNTEERS**

Voluntary personnel are directly appointed and serve at the direction of the Department Head, with approval of the Administrator. No career protection or benefits are attached to these positions, however; the volunteers are expected to observe the conduct and ethics requirements of these Personnel Policies, and to comply with departmental rules, procedures and policies. Employees may not also serve as a volunteer performing the same or similar responsibilities for the City.

#### 4.35 FEDERAL-FUNDED POSITIONS

Federal funded positions are not designated as having budgeted status. These positions are subject to the Probationary Period as described above. These employees may compete for budgeted positions in the City service.

#### 4.40 EXCLUSIONS

Elected officials, members of appointive boards, professional consultants and contractors are not classified as employees of the City. Federal and State statutes and regulations mandate certain restrictions of conduct, ethics, political activity and financial disclosure of elected and appointed officials.

#### 4.45 EXEMPT EMPLOYEES

Exempt employees are those executive, professional, managerial, or administrative employees within the organization who are exempt from wage and hour law overtime compensation and minimum wage requirements ~~and are not paid overtime or compensatory time for hours worked over forty (40) hours in a seven (7) day period.~~

#### 4.50 NON-EXEMPT EMPLOYEES

Non-exempt employees ~~are support personnel~~ include all employees who are not classified as exempt and who are eligible for overtime ~~and or~~ compensatory time payment at the rate of one and one-half times the regular hourly rate for actual work required beyond forty (40) hours in a seven (7) day work week. Certified law enforcement officers with the Arcadia Police Department will receive compensatory time payment at the rate of one and on-half times the regular hourly rate for actual work required beyond forty-three (43) hours in an seven (7) day work week.

**Comment [BK8]:** If the Police Department has implemented a 7(k) work period whereby overtime accrues based on a work period other than the normal 7-day/40 hour week, I recommend we add a sentence to that effect here.

#### 4.55 OUT-OF-TITLE

Where approved by the City Administrator, #it shall be the policy of the City to compensate employees who take on the majority of the responsibilities of a higher level position for an interim or temporary period in a full or part-time capacity.

- When an employee is required to assume the majority of the responsibilities for a higher classification or pay grade for more than ~~five (5) 10~~ days, the employee shall receive a 5% pay increase ~~or the comparable pay grade for the job classification they are performing, whichever is higher. the comparable pay grade for the job classification~~. The Department Head shall notify the Human Resource Manager when an employee has assumed the additional responsibilities for more than ~~five (5) 10~~ days and the additional

**Comment [BK9]:** Shouldn't this also be changed to 10 days?

compensation shall be determined by the Human Resource Manager/designee, and approved by the Administrator.

- All interim or temporary assignments of this nature shall not last more than six (6) months. Interim or temporary assignments extending beyond the six (6) months must be approved by the City Council.
- The supplemental salary increase will be retroactive to when the employee assumed the additional duties and shall cease when the employee no longer provides the majority of the responsibilities of the higher level position in a full or part-time capacity or whenever the City Administrator decides that supplemental compensation is no longer warranted.
- When an employee is temporarily required to perform work in a lower classification or pay grade for a period of time, he/she shall receive his/her regular rate of pay for all such lower rate work performed.

## CHAPTER 5 - CONDITIONS OF EMPLOYMENT

### 5.10 WORKWEEK

The standard full time work week for all departments is forty hours. The standard full time work week for all certified law enforcement officers is forty-three hours.

**Comment [BK10]:** If the Police Department has implemented a different work period for overtime purposes, which is permitted by law, then we should note that here.

### 5.15 DEPARTMENT RULES AND REGULATIONS

Each Department Head in conjunction with the Human Resource Manager will formulate written rules concerning the operation of the department. The following areas may be considered:

- Hours of work, lunch and coffee breaks.
- Working relationships with the public.
- Working relationships with other employees.
- Cash handling, office security, files security.
- Safety rules and accident reporting.
- Trip authorization and sign out policy.
- Absence reporting.
- Leave approval procedures. (sick leave, emergency, etc)
- Personal activities during work time.

- Use of telephone and long distance calls.
- Use of City equipment, vehicles and supplies.
- Written report preparation, departmental forms and procedures.
- Overtime work may be required occasionally in emergency situations.
- Need for on-call rotation
- Exempt or non-exempt status

However, unless approved by the City Council or City Administrator, departmental rules shall not be inconsistent with these Personnel Policies. Where possible, departments should only implement department-specific rules in areas where there is a specific need unique to that department which is not covered by these policies, and such policies must only be implemented in coordination with the Human Resources Manager.

#### 5.16 TOBACCO POLICY

In compliance with the Florida Clean Indoor Air Act, the City prohibits smoking and any tobacco use in all indoor areas. All City vehicles and buildings are designated as tobacco and smoke free, including the use of electronic or vapor cigarettes. Tobacco use of any type will not be tolerated while conducting City business.

#### 5.17 DRESS AND APPEARANCE

Employees are required to maintain a professional appearance and attitude at all times. Traditional business attire continues to be appropriate in any City office. All clothing must be neat and pressed at all times. Dresses and skirts should be of appropriate length, not overly tight or revealing. Clothing which distracts from a business environment is not appropriate and would include jeans, Capri or cropped pants, shorts, tee-shirts, sweatshirts, athletic wear or foot wear and flip-flops. Each employee has a responsibility to ensure they project a professional image on behalf of the City.

Friday's will be considered "Business Casual" days and will afford the employees the opportunity to wear dark wash jeans and athletic footwear that is clean and in good repair. Faded or ripped jeans, Capri or cropped pants, shorts, tee-shirts, sweatshirts, or flip-flops will not be considered appropriate for these days.

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Employees outside the office setting will continue to wear issued uniforms at all times.

#### 5.20 OUTSIDE EMPLOYMENT

The work of the City will take precedence over any other occupational interests of employees. During regular hours of work or when on call, such outside employment shall not be detrimental to performance of City's work. No employee shall accept outside employment, either incidental, occasional or otherwise, where City time, equipment or materials is to be used, ~~or~~ where such employment or any part thereof is to be performed on City time, or where such employment conflicts with the best interest of the City as determined by the City Administrator.

All outside employment for salaries, wages, commissions and all self-employment is subject to the approval of the appropriate Department Head. The employee shall submit the request, in writing, furnishing all pertinent information. The Department Head and City Administrator may approve or disapprove, depending on the expected result in impact on the employee's City position and City operations. Permission granted may be withdrawn at any time if the City determines that the outside employment has or may adversely affect the if it is determined there has been an unfavorable result in the employee's work or the best interests of the City. Before approval is granted it will be necessary to assure there is no conflict of interest in the outside activity.

### 5.25 OVERTIME PAY

Overtime work may be required occasionally, and is mandatory when requested. It is the policy of the City that all work in the excess of 40 hours per week for non-exempt employees are compensated at the fringe benefit rate of one and one-half times the regular hourly rate of the employee. Paid leave time (i.e., vacation leave, sick leave, holidays not worked, etc.) is not considered to be hours worked for overtime purposes eligible for classification as overtime worked or accrued during the pay period, i.e., vacation leave, sick leave. This applies to all positions except Department Heads and professional level positions. Professional level positions shall include but not be limited to Administrative Supervisors, Police Department Personnel, Department Heads and other classifications in accordance with CFR §778. Prior approval for overtime work must be given by the Department Head and reported on the weekly time sheet of the employee. Failure to receive approval prior to working overtime will result in disciplinary action up to and including discharge from service.

Exempt employees are not entitled to overtime compensation, regardless of the number of hours worked. However, where specifically approved by the City Administrator, Overtime exempt employees may be afforded additional pay above their salaries in unique circumstances where pay may be paid to exempt employees, at their request, during natural or manmade disasters require exempt employees to work extraordinary hours over and above the hours normally expected. For salaried, exempt employees, it is the City's policy to comply with all applicable wage and hour laws and regulations, including the prohibition on certain deductions from the salary of exempt employees except where otherwise permitted by law. If an exempt employee believes that an improper deduction has been made to his or her salary, the employee must immediately report it to the Human Resources Manager. Reports of improper deductions will be promptly investigated and, if it is determined that an improper deduction was made, the deduction will be reimbursed.

**Comment [BK11]:** This recommended policy provides an additional defense if the City were sued under the FLSA by an exempt employee claiming an impermissible salary deduction.

### 5.30 TRAVEL REIMBURSEMENT

Allowable expenditures, as approved by the City Council, must be consistent with Florida Statutes and reimbursable at the prevailing CONUS rate.

- Employee requests are approved by their Department Head and City Administrator.
- Department Head requests are approved by the City Administrator.

### 5.35 TIME SHEETS

All non-exempt employees will sign a pay period time card and/or sheet. It is each employee's responsibility to clock in and clock out correctly. If you fail to clock in or clock out correctly, your Department Head must be notified immediately so that the error can be corrected. It is your responsibility to ensure that your time worked record includes all hours that you have worked. Each Department Head will review, certify, sign and be held responsible for turning in a correct time sheet of the department's employees. At no time may a non-exempt employee engage in any off-the-clock work, nor are Department Head's permitted to request or demand any off-the-clock work of non-exempt employees.

Falsifying your own time record or that of another employee is prohibited and is grounds for disciplinary action up to and including termination. You may not clock in or out for another employee.

**5.40 LEAVE REQUESTS** Leave Request Forms, properly executed for paid and unpaid leave time, must be submitted five working days in advance of the leave date or as otherwise approved by the Department Head. This applies to all employee leave requests except emergency situations.

### 5.45 SIGNATURE REQUIRED

No employee shall sign another employee's name to any time card, time sheets, leave request or any other personnel action form. Violation of this policy will result in disciplinary action up to and including discharge from service.

### 5.50 JOB INJURY

It is the policy of the City that immediate medical attention be given to an employee injured while at work. **ALL EMPLOYEE INJURIES**, however small, **MUST** be reported to the department head **AT ONCE**.

### 5.55 VEHICLE ACCIDENT REPORTS

ALL VEHICULAR ACCIDENTS regardless of resulting injury to employees or other people, and/or damage to public or private property, equipment or vehicles **MUST BE REPORTED IMMEDIATELY**. The Department Head shall investigate or cause to investigate all such occurrences where possible monetary claims may be made against the City, disciplinary action initiated or legal actions instituted. This policy applies equally to those employees who may be involved, witness or has direct knowledge of any such incident. An accident investigation form shall be completed and submitted to the Human Resource Manager.

*(Also see Chapters 17 Service Connected Injury & Chapter 24 Safety).*

### 5.60 ON-CALL PROCEDURES

Certain departments have a need to maintain an on-call employee to cover after hour repairs and other type emergencies. On call assignments, when requested, are considered mandatory and Department personnel must accept this duty on a rotating basis as a condition of their employment. Where possible, the City will strive to rotate such assignments. with tUnless

otherwise directed by the Department Head, the following conditions apply to on call assignments:

- Response time must be within 45 minutes of having received the call
- The employee must punch-clock in and out on their time card when called out
- Employees designated as on-call must refrain from any alcoholic consumption during their on-call rotation
- ~~Employee must remain within cell phone range to accommodate a maximum 45 minute response time.~~

Each employee designated as the on-call contact will be compensated ~~for one hour of their hourly rate of pay per day at the rate of two (2) hours of their current hourly rate of pay per day (24 hour period) while on call. If called in to work, the employee will be compensated for all time actually worked (including any overtime compensation if the time worked results in the employee working over 40 hours during the workweek) with a minimum of two hours being paid. Should the employee be called in to work the second (2<sup>nd</sup>) time in a twenty-four (24) hour period, the employee will be compensated for all time actually worked, with a minimum of two hours being paid. Should the employee be called in to work the third time in a twenty-four (24) hours period, the employee will be compensated only for all time actually worked. There will not be a minimum paid for the third (3<sup>rd</sup>) call in, in addition to a rate of one & one half times his/her normal rate of pay for hours worked in excess of forty hours.~~

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In the event the on-call employee requires additional assistance to repair or contain the problem associated with the call out, his/her Department Head-Director/Supervisor should be contacted.

Any infraction of these regulations shall result in forfeiture of all non-work minimum rates for that week, a written reprimand and three days suspension without pay, or, if circumstances warrant, additional discipline up to and including potential termination of employment.

#### 5.65 USE OF CITY VEHICLES

The City maintains vehicles that are assigned to the departments. The Department Director will assign the vehicles to the employees based on the positions in which they are employed. These vehicles remain the property of the City at all times and are not to be used by employees for personal business. At the end of the workday, these vehicles are to be parked in designated areas. These vehicles will not be considered a work vehicle and will not be driven to and from work.

## CHAPTER 6 - STANDARDS FOR CONDUCT AND ETHICS

Each employee is a representative of the City and should bear in mind that public taxes help pay their salaries and therefore they are expected to conduct themselves to reflect credit on the City and its work force.

### 6.10 CONFLICT OF INTEREST

No employee shall have a direct or indirect financial, personal, business or other interest that conflicts or appears to conflict with public duties and responsibilities or engage in a financial, personal, business or other transaction as a result of relying on information obtained through employment. Florida Statutes, Chapter 112.317 ~~and et~~ seq. provides penalties for conflict of interest violations.

### 6.15 CONSERVATION

All employees are expected to be aware of the need to conserve the fuel, equipment, supplies and energy resources of the City. Each department head shall make positive and continuing efforts to contain costs and reduce consumption. It shall be the responsibility of each employee to look for and implement conservation measures/energy savings wherever possible. Possibly the most important change an employee could bring to the workplace is a change of attitude regarding conservation. To reduce energy waste, employees must make energy conservation a priority. Once motivated, the employee should help motivate their fellow workers. Some ways to encourage energy conservation attitudes of others include:

- Set a good example by turning off lights and machinery when not in use
- Use CFL bulbs, natural lighting and desk lighting when possible
- Utilize electronic documents and mail whenever possible to conserve natural resources and printing supplies
- Following suggested heating and cooling practices.
- Display posters or slogans regarding energy conservation around the office or building as a reminder to others.
- Conserve resources by using a tablet for consecutive or daily notes, rather than repeatedly using one-time use "sticky-notes"
- Carpool to work, job sites or lunch. Plan trips to various locations in a systematic order so as not to waste fuel by backtracking
- Conduct energy conservation meetings from time to time so that others can contribute ideas which may help save energy dollars

### 6.20 GRATUITIES

No employee shall solicit or accept any valuable thing, regardless of its nature, in connection with City employment, from any person, partnership, corporation or their entity, that may tend to influence the employee in the performance of duties.

**6.25 PAYMENT FROM OTHER PUBLIC FUNDS**

No budgeted employee may receive additional compensation from the City for services rendered to other public or private organizations receiving City connected local, state and/or federal financial support.

**6.30 USE OF GOVERNMENT PROPERTY**

Employees are not allowed to use City property of any kind for personal use for any reason.

**6.35 USE OF TELEPHONES AND LONG DISTANCE CALLS**

Telephones shall be used for City business and emergency use only. Long distance calls should only be made by authorized personnel and for a legitimate business purpose.

*(Also see Chapter 25 Cellular Telephones and Other Portable Communication Devices)*

**6.40 ABSENCES FROM WORK / TARDINESS**

Any employee who is not at work during the approved hours shall be considered unexcused, unless such absence is approved by the Department Head. Tardiness, which is an unexcused absence from work, shall cause an employee to be penalized in quarter hour (15 minutes) increments for each fraction of such period absent. Repeated tardiness including extended lunch periods and unexcused absences is significant to operational effectiveness and is grounds for disciplinary action against the employee.

**6.45 USE OF GOVERNMENT INFORMATION**

No employee shall use or allow the use of official information gained through employment, which has not been made available to the general public, for furthering a private interest of any sort.

**6.50 EXPECTATION OF PRIVACY**

Florida has a very broad public records law, and communications, including anything sent to, from, or stored on the City's computer or server is subject to public disclosure. In addition, working for a public entity provides very little expectation of privacy. Employees should not bring, store, retain, or file personal information in a city office, vehicle or computer. Similarly employees should not send, store, retain, or file City information on a personal (home) computer as this may result in the personal (home) computer becoming subject to public disclosure along with all information contained therein.

**6.55 ~~SEXUAL HARASSMENT / DISCRIMINATION / HOSTILE WORK ENVIRONMENT~~ PROHIBITION OF INAPPROPRIATE DISCRIMINATION, HARASSMENT AND RETALIATION**

~~The City is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The City will not condone or tolerate illegal discriminatory behavior and specifically prohibits sexual harassment, discrimination, and creation of or participation in a hostile work environment in any form by any member of the City Council, Administration, staff, or employee. This includes sexual harassment and any other type of harassment or~~

**Comment [BK12]:** I recommend substituting the current policy with a more comprehensive anti-discrimination, harassment, retaliation policy.

~~discriminatory conduct based on race, color, national origin, religion, gender, marital status, age, citizenship or disability (protected class).~~

~~Employees shall not engage in conduct which violates this policy at any time during working hours or on City premises while off duty.~~

~~All administrative and Department Head personnel are expected to abide by the City's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced. Such conduct may result in disciplinary action up to and including termination of employment.~~

~~For purposes of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or promotion, (2) submission to or rejection of such conduct by an individual is used as a basis for employment or promotion/demotion affecting that individual, or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Further, the City's policy prohibits inappropriate and/or offensive conduct that may not be severe enough to satisfy the legal definition of sexual harassment.~~

~~Specifically, no person shall, and no person has the authority to, imply or state, either directly or indirectly, to any individual, that an individual's refusal to submit to sexual advances will adversely affect any term or condition of a person's employment or professional future. Moreover, no Councilmember, administrator, or Department Head employee shall or has the authority to promise or suggest, either directly or indirectly, that a person's submission to sexual advances will result in improvement as a condition of employment or promotion.~~

~~Other sexually harassing behavior, regardless of how conducted or communicated, even if done in the guise of humor, is also prohibited. Such behavior includes, but is not limited to, verbal abuse of a sexual nature (e.g. cat calls, sexual/sexist jokes, comments regarding a person's attire, body or reputation); offensive touching (e.g. brushing, grabbing, pinching); propositions; sexual flirtations; displaying lewd or graphic material; or displaying or discussing materials pertaining to males or females in a demeaning manner.~~

~~Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital status, age, citizenship or disability, and that for a reasonable person:~~

- ~~• has the effect of creating an intimidating, hostile, or offensive work environment; or~~
- ~~• has the effect of unreasonably interfering with an individual's work performance; or~~
- ~~• otherwise adversely affects an individual's terms and conditions of employment.~~

~~Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate~~

to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints. The City's general Complaint Procedure shall not be used to address such complaints.

Any employee who believes that a hostile work environment exists or that discriminatory or sexual harassment has occurred should immediately report the incident to the Human Resource Manager. The City takes all of these matters very seriously and will conduct a prompt investigation of all complaints and take appropriate action based upon that investigation. Any employee found to have engaged in any form of the above will be subject to appropriate disciplinary action, up to and including termination of employment. Absolute confidentiality cannot be guaranteed. However, every effort will be made to handle all complaints and investigations with as much discretion and confidentiality as circumstances permit. The City will not tolerate any retaliation against any employee for making a complaint, bringing inappropriate conduct to the City's attention, or for participating in an investigation of an alleged act of harassment.

The U.S. Equal Employment Opportunity Commission has issued guidelines which treat sexual harassment as illegal sex discrimination under the Civil Rights Act of 1964. The City agrees with the intent of these guidelines because effective relationships among elected officials, the Administrator, Department Head, and subordinate personnel must be based upon mutual respect.

Equal Employment Opportunity and Prohibition of Discrimination - The City is an Equal Opportunity Employer. It is the policy of the City to administer its employment practices without regard to race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, genetic information, marital status, veteran status or disability. This policy applies to all employment practices and personnel actions including, but not limited to, recruitment, screening, selection, hiring, training and development, determinations of pay and benefits, evaluation, scheduling, job assignments, promotion, transfer, demotion, layoff, discipline and dismissal.

Reasonable Accommodation for Disabilities - To the extent required by applicable law, the City will provide reasonable accommodations upon request to otherwise qualified individuals with a legally-cognizable disability unless the reasonable accommodation constitutes an undue hardship to the City or poses a direct threat of substantial harm to the health or safety of the individual or anyone else. Individuals who believe they need a reasonable accommodation should submit a request to the Human Resources Manager or City Administrator. The City reserves the right to request medical or other supporting documentation to the extent permitted by applicable law.

Prohibition of Inappropriate Harassment - The City is committed to maintaining a work environment free of harassment based upon race, color, creed, religion, national origin, ethnicity, age, sex (including gender), pregnancy, marital status, genetic information, veteran status or disability. The City will not tolerate the inappropriate harassment of any of its employees or any other individual who does business with the City. It is the affirmative responsibility of all personnel for maintaining a workplace that is free from harassment and intimidation.

The City is committed to promptly and thoroughly investigating all complaints of harassment as set forth in this policy. If, after a thorough investigation, it is determined that inappropriate harassment has occurred in violation of this policy, immediate and appropriate disciplinary action, up to potential discharge, will be taken to promptly end the harassment. Appropriate follow-up steps will also be taken where necessary to ensure that the harassment ceases and does not re-occur.

Improper harassment includes harassment on the basis of one's sex. Prohibited forms of sexual harassment includes, but is not limited to, offensive sexual advances, requests for sexual favors, unwelcome sexual propositions; sexual innuendo; sexually suggestive remarks; vulgar or sexually explicit comments, gestures, noises or conduct; sexually-oriented kidding, teasing or practical jokes; physical contact of a sexual nature such as brushing against another's body, pinching, grabbing, rubbing, hugging, poking or patting; publication or display of documents, objects, text, pictures, or graphics in the workplace that contain material that is of a sexual nature; and using the computer or other electronic equipment to access any content that contains material of a sexual nature.

In addition to inappropriate sexual harassment, the City also prohibits harassment on the basis of race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, genetic information, marital status, veteran status or disability. Any verbal or physical conduct of an offensive or harassing nature and which is based on or directed toward any individual based on any of these characteristics will not be tolerated. Prohibited conduct includes, but is not limited to:

- Derogatory, critical, offensive or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability.
- Any physical conduct taken against another individual because of his or her race, color, creed, religion, national origin, ethnicity, age, gender, pregnancy, marital status, veteran status or disability.
- Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics

Prohibition of Retaliation - Any individual who files a complaint under this policy or who participates in an investigation will be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation. An employee who believes he or she has been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint process outlined above. Any employee determined to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and including dismissal.

Complaint Procedure for Allegations of Discrimination, Harassment, or Retaliation - All personnel are responsible for ensuring compliance with the City's policies prohibiting discrimination, harassment, and retaliation, and for maintaining a workplace that is free of impermissible discrimination, harassment and retaliation. Any employee who experiences or witnesses impermissible discrimination, harassment, or retaliation has an affirmative obligation to report it to the City Administrator or the Human Resources Manager. If the impermissible discrimination, harassment, or retaliation continues after being initially reported, the employee is required to further report the matter to a member of the City Council or the City Attorney. Employees who witness impermissible discrimination, harassment or retaliation and fail to report it are subject to disciplinary action, up to and including dismissal.

Employees are not expected to report complaints to the person they believe is harassing them or discriminating or retaliating against them. However, in such cases, employees are expected to report the harassment to another employee identified above (City Administrator, Human Resources Manager, City Councilmember, or City Attorney).

Upon receiving a complaint of impermissible discrimination, harassment or retaliation, the City will promptly investigate the allegation and take any action deemed appropriate based upon the results of the inquiry. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The investigation may also entail reviewing pertinent documents, e-mail communications, pictures and/or any other relevant physical evidence. All investigations will be conducted in a fair and impartial manner.

Any employee found to have violated this policy will be subject to disciplinary action, up to and including dismissal. The City may also require remedial training concerning its policies and procedures relating to prohibited discrimination, harassment and retaliation, and may take any other measure determined to be necessary for the effective enforcement of this policy.

#### **6.56 WORK PLACE VIOLENCE POLICY**

The City seeks to provide a work environment free from violence or threats of violence against individuals, groups, or employees, or threats against City property-including domestic violence that may occur on our property. This policy requires that all individuals on City premises or while representing the City conduct themselves in a professional manner consistent with good business practices and in absolute conformity with non-violence principles and standards.

For purposes of this policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats or similar actions, attempted destruction, or threats to City or personal property; which occur in a City workplace, while using City resources, at a City work location, or while an individual is engaged in City business.

The City strictly prohibits use of violence or threats of violence in the workplace and views such actions very seriously. The possession of weapons in the workplace, threats, threatening or menacing behavior, stalking, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property will not be tolerated. Violations of this policy will lead to disciplinary actions up to and including termination of employment and the involvement of appropriate law enforcement authorities as needed.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City premises shall be removed from the property as quickly as safety permits, and may be asked to remain away from City premises pending the outcome of an investigation into the incident. People who commit these acts outside the workplace but which impact the workplace are also violating this policy and will be dealt with appropriately. The City reserves the right to respond to any actual or perceived acts of violence in a manner we see fit according to the particular facts and circumstances.

When threatening behavior is exhibited or acts of violence are committed, the City will initiate an appropriate response. This response may include, but is not limited to, evaluation by City Employee Assistance Professionals and/or external professionals, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person/persons involved.

No existing City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

#### **6.57 REPORTING PROCEDURE**

City personnel are responsible for notifying the designated management representative of any threats which they have witnessed, received, or have been told that another person has witnessed or received-including those related to domestic violence. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City controlled site or is connected to City employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the designated representative is not available, personnel should report the threat to their supervisor or another member of the management team.

The City understands the sensitivity of the information requested and has developed confidentiality procedures, which recognize and respect the privacy of the reporting employee(s). Consistent with the values of the City, people should take action in ways that maintain respect and dignity for individuals while acting in an accountable and swift manner to address the situation.

#### **RESTRAINING ORDERS OR DOMESTIC VIOLENCE INJUNCTION**

All individuals who apply for and obtain a protective or restraining order which lists City locations as being protected areas, must provide to the designated management representative a copy of the petition and order.

#### **DESIGNATED MANAGEMENT REPRESENTATIVE**

Title: City Administrator  
Department: Administration  
Telephone: 863-494-4114  
Location: 23 N. Polk Avenue, Arcadia, FL 34266

#### **6.58 DOMESTIC VIOLENCE AND THE WORKPLACE**

The City recognizes impact of Domestic violence on the workplace. Domestic violence is defined by the City as abusive behavior occurring between two people in an intimate relationship violence or physical abuse toward a spouse, domestic partner, family or household member. It may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and economic control.

The City is committed to heightening awareness of domestic violence and providing guidance for employees and management to address the occurrence of domestic violence and its effects on the workplace.

The City intends to make assistance available to employees involved in domestic violence. This assistance may include: confidential means for coming forward for help, resource and referral information, special considerations at the workplace for employee safety, work schedule adjustments, or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation (if available). In responding to domestic violence, the City will maintain appropriate confidentiality and respect for the rights of the employee involved.

The City intends to publish, maintain, and post in locations of high visibility, a list of resources for Department Heads and perpetrators of domestic violence.

The City will not deny job benefits or other programs to employees based solely on domestic violence related problems. When employees confide that a job performance or conduct problem is related to domestic violence, in addition to appropriate corrective or disciplinary action consistent with City policy and procedure, a referral for appropriate assistance should be made to the employee.

### 6.59 LEAVE OPTIONS FOR EMPLOYEES EXPERIENCING THREATS OF VIOLENCE

The City will make every effort to assist an employee experiencing threats of violence. If an employee needs to be absent from work due to threats of violence, the length of the absence will be determined by the individual's situation through collaboration with the employee and the Department Head with notification to the Human Resource Manager.

Employees and Department Heads are encouraged to first explore paid leave options that can be arranged to help the employee cope with the situation without having to take a formal unpaid leave of absence. Depending on circumstances, this may include:

- Arranging flexible work hours so the employee can seek protection, go to court, look for new housing, enter counseling, arrange child care, etc.
- Considering use of sick time, job sharing, **compensatory time**, paid leave, informal unpaid leave, etc., particularly if requests are for relatively short periods.

Under Florida law, employees who have been employed with the City for at least 3 months, are entitled to 3 days of unpaid leave (after exhaustion of paid leave) per year where the leave is required due to circumstances related to domestic violence. These circumstances include leave needed to seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence; to obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence; to obtain services from a victim-services organization including, but not limited to, a domestic violence shelter or program or a rape crisis center as result of the act of domestic violence; to make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or to seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.

### 6.60 SUGGESTED PROCEDURES FOR SAFETY AND PROTECTION OF EMPLOYEES EXPERIENCING THREATS OF VIOLENCE

#### EMPLOYEE

- Encourage the employee to save any threatening e-mail or voice-mail messages. These can potentially be used for future legal action, or can serve as evidence that an existing restraining order was violated.
- The employee should obtain a domestic violence injunction that includes the workplace, and keep a copy on hand at all times. The employee will provide a copy of the injunction to his/her Department Head and the Human Resource Manager.
- The employee should provide a picture of the perpetrator to reception areas and/or security.
- The employee should identify an emergency contact person should the employer

- be unable to contact the victim.
- If an absence is deemed appropriate, the employee should be clear about the plan to return to work. While absent, the employee should maintain contact with the appropriate Human Resource Manager.

**EMPLOYER**

- Arrange the victim to have priority parking near the building.
- Have calls screened, transferring harassing calls to security-or have the employee's name removed from automated phone directories.
- Limit information about employees disclosed by phone. Information that would help locate a victim or indicates a time of return should not be provided.
- Relocate the employee's workspace to a more secure area or another site.
- The employer should have trained EAP professionals or external professionals assist the employee with development of a safety plan

Work with local law enforcement personnel, and encourage employees to do so regarding situations outside the workplace.

**6.61 PROCEDURE FOR INVESTIGATING AND RESOLVING SUCH CLAIMS**

- ~~The City establishes the following procedure for investigating and resolving claims of unlawful harassment, including discrimination, sexual harassment, or other types of claims or problems dealing with improper personal behavior, which either has caused, or in the opinion of management, has the potential of causing disruption or interference with the operation of the City. All employees have been informed as to the City's policy concerning unlawful harassment. All management has been advised concerning improper personal involvement with others and behavior towards others. If the allegation or claim is against the City Administrator, then the investigation will be handled by the City Attorney or his designee.~~
- ~~Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Human Resource Manager. To the extent the City maintains an official form for the purpose of filing a charge under this section, such form must be used. Departmental directors, managers and supervisors are responsible for bringing any allegations or concerns related to potential cases of illegal discrimination or harassment to the immediate attention of the Human Resource Manager.~~
- ~~The Human Resource Manager will be responsible for evaluating all complaints under this policy and making the determination on whether or not an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the City Administrator will designate an appropriate person or persons who shall be responsible for conducting a prompt, thorough and objective investigation.~~
- ~~Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who~~

**Comment [BK13]:** I recommend this be replaced with the shorter, more flexible complaint procedure set forth above.

~~either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.~~

- ~~• Once an internal investigation has been concluded, the Human Resource Manager will review the investigator's written report with the City Administrator and appropriate senior staff, to include the department director(s) at interest and a representative of the City Attorney's Office. This panel will determine the remedial action to be taken, if required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.~~
- ~~• Once an investigation has been concluded, it shall be the responsibility of the department director at interest to implement the remedial actions which were determined by the review panel to be appropriate. The Human Resource Manager shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place or the illegal behavior is continuing.~~
- ~~• This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to utilize this internal procedure may under the law result in the loss of important legal rights.~~

#### **6.65 INFORMATION TECHNOLOGY / INTERNET**

The purpose of this policy is to define the appropriate use of the City's computer and network resources. It applies to access to the internet, the city network, and the use of City computer resources at any location from any device. The City authorizes the use of computing and network resources by City employees in connection with the transaction of official business and all use must be consistent with the intent and requirements of all City policies and carried out in an ethical, legal and responsible manner.

The City purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use beyond the licenses purchased by the City. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The City prohibits the illegal duplication of software and its related documentation.

The City's Information Technology contractor or staff will arrange for City-wide connections to the internet. He/she/they will maintain and administer the link to the internet and the internet client software. He/she/they will also monitor the connection, traffic levels, illegitimate access attempts and response times to optimize performance and notify management of problems requiring attention.

Use of the Internet from a City computer shall not:

- be used for on-line shopping unless the purchase of which is a legitimate business expense;
- be used to access or participate in personal social networking including but not limited to Facebook, MySpace, Twitter;
- be used for on-line dating sites including but not limited to eHarmony, Match.Com; or
- be used for on-line auctions such as eBay, Craigslist, etc.

Violation of this policy is grounds for disciplinary action up to and including termination.

#### **6.66 SOCIAL MEDIA AND NETWORKING SITES**

Social media and networking sites shall be defined by this policy as: various forms of discussion and information sharing technologies including social networks, blogs, video sharing, podcast, wikis, message boards and online forums. Social media applications include, but are not limited to, Google and Yahoo Groups, My Space, Facebook, You Tube, Flickr, Twitter, LinkedIn, and blogging (You Tube may be used for training purposes only).

The City recognizes that its employees may choose to participate in social media and networking sites. To the extent City employees choose to communicate on these sites, such participation shall not occur during a City employee's working hours. Unless specifically authorized by the Department Head, City employees are prohibited from using City equipment to access social media and networking sites. City employees using these sites should assume that information posted on these sites will become public information, and therefore should use these sites responsibly. Employees who participate in social media and networking site communications may not attribute any personal statements, opinions or beliefs to the City when engaging in such communication. Employees shall not post any material that would constitute harassment, hate speech, or libel; nor shall Employees use ethnic slurs, profanity, and personal insults or engage in conduct on the social media and networking sites that would not be acceptable in the City's workplace. City employees shall not create a social networking site to conduct City business unless specifically authorized by the City Administrator.

#### **6.70 EMAIL POLICY**

Email is the electronic transfer of information, typically in the form of electronic messages, memoranda and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system. Email is a convenient, preferred form of communication for many reasons, such as it does not disrupt a thought, work product, impending deadline or conversation; further it allows the recipient to read, research and respond at his/her convenience, it does not waste valuable resources on transitory type messages, and yet it provides a documented means of communication.

Email which is created or received by a city employee, councilmember, or members of advisory boards, committees and task forces (hereinafter referred to as "Users") in the transaction of city business is considered a public record and is subject to inspection and/or copying in

accordance with *Florida Statutes* Chapter 119 and is subject to applicable state retention laws and regulations, unless expressly exempted by law.

Email is for the use of Users in the performance of their respective positions. Therefore users should limit the use of their city email account to the transaction of official business. Specifically, unauthorized purposes include but are not limited to:

- Sending solicitations including but not limited to the sale of goods or services or other commercial activities not in connection with the transaction of official business of the city;
- Sending copies of documents in violation of copyright laws or licensing agreements;
- Sending information or material prohibited or restricted by government security laws or regulations;
- Sending information or material which may reflect unfavorably on the city or adversely affect the city's ability to carry out its mission;
- Sending information or material which may be perceived as representing the city's official position on any matter when the authority to disseminate such information has not been expressly granted;
- Sending confidential or proprietary information or data to persons not authorized to receive such information;
- Sending messages or requesting information or material that is fraudulent, harassing, obscene, offensive, discriminatory, lewd, sexually suggestive, sexually explicit, pornographic, intimidating, defamatory, derogatory, violent or which contains profanity or vulgarity, regardless of intent. Among those which are considered offensive are jokes, slurs, epithets, pictures, caricatures, or other material demonstrating animosity, hatred, disdain, or contempt for a person or group because of race, color, age, national origin, gender, religious or political beliefs, marital status, disability, sexual orientation, or any other classification protected by law;
- Sending or requesting information or material that promotes a religious or political view, cause, position, or action; or
- Sending or requesting personal email or activities such as shopping, auctions, gaming, gambling, or automated emails from non-city business entities

As with any business communication, there are guidelines and etiquette which should be employed in all electronic transmissions. First and foremost, please know that email is a public record and a business record subject to *Florida Statutes* and to civil and criminal laws.

Keep in mind the following when sending emails from an office computer (or other city-issued communicative device):

- Communications are subject to Florida's libel laws and privacy claims;
- Emails can and will be used as evidence in court, can be used to prove intent in a lawsuit and may be used against you in a lawsuit filed in another state;
- Forwarding an email may make a user liable for the content;
- There should be NO expectation of personal privacy protection with emails sent, received, or stored on a city computer. [The City reserves the right to search and](#)

review any and all emails sent, received, or stored on a city computer or using City equipment;

- Defamatory, hate speech, offensive sexual or racial emails do not receive First Amendment protection and are expressly prohibited from being sent from any City of Arcadia email account or communicative device;
- Emails which violate the health privacy (HIPAA) of others trigger liability for the City;
- Users may not use a personal email account in connection with the transaction of official City business;
- No exempt or confidential information shall be transmitted by email ;
- Emails are backed up by the city and can be retrieved as evidence should the need arise;
- Any email received in a personal email account which has a connection to the transaction of official city business must be promptly forwarded to the user's city email account;
- When sending an email, users should anticipate a stranger will read it;
- Emails, although not a formal business communication, should utilize proper grammar, spelling and sentence structure as they are representative of the City;
- Email should not be written in all caps, all bold or all underlined as this has been interpreted by the courts as being "reckless use";
- Do not use blind copies or postscripts when sending an email;
- Blogs or issued opinions have the potential for legal action;
- The subject line shall not be a fraudulent inducement to open the email;

The use of email is a privilege, not a right, and as such the privilege may be revoked at any time for any reason. Abuse of the privilege or violation of this policy is cause for disciplinary action up to and including termination for employees.

#### **6.75 CIVIL DISORDERS**

No employee shall participate in riot or civil disorder while on duty or while on City-owned property.

#### **6.80 GENERAL CONDUCT**

No employee shall engage in criminal, infamous, dishonest, immoral, or other conduct injurious or prejudicial to the City, work force or the general public while on duty or while on City-owned property.

#### **6.85 GAMBLING**

No employee shall participate in any gambling activity of any kind while on duty or while on City-owned property.

#### **6.90 DISTRIBUTION OR SOLICITATION**

Except where specifically required by law, ~~The~~ the distribution of literature, products, or other materials, or solicitation of any sort on City property by employees or others requires the

advance written approval of the City Council. The solicitation of newspapers, candy, child peddlers/salesmen accepted.

#### **6.95 FINANCIAL DISCLOSURE**

According to Florida Statutes, all elected officials and certain appointed personnel are required by law to file financial disclosure [documentation](#). It shall be the individual responsibility of all officials and appointed personnel to be familiar with Florida Statutes and financial disclosure requirements.

#### **6.96 CHILDREN IN THE WORKPLACE**

Due to safety concerns, children are not allowed to be in the workplace for extended periods of time. If a child or children come to visit the office where their parent works, the visit time should be scheduled at a time of the day when the office is not busy and should be of a short duration.

## CHAPTER 7 - POLITICAL ACTIVITY RESTRICTIONS

### 7.10 INTENT

The City Council believes it to be in the public interest and of governmental benefit to remove career employees from engaging in certain prohibited activities in the arena of partisan political activity of City elections. Florida Statutes, Section 104.31 imposes certain restrictions on the political activities of the state, county and municipal officers and employees. All City employees are permitted to hold membership in and support a political party or maintain neutrality. After work hours, employees may undertake active political roles, attend meetings, support candidates and work in campaigns, with the exceptions noted for City elective office candidacy.

**Comment [BK14]:** A broad prohibition would run afoul of the First Amendment.

### 7.15 PROHIBITION

- While on duty City employees shall not be solicited for contributions or any other sort of support or influence for any political party, office or candidate, either from other employees, superiors, elected officials or candidates.
- Partisan political discussions and partisan political activities are prohibited during duty hours.
- No person shall promise, attempt, or use political position, influence, or coercion in an effort to erode the impartial merit nature of the City work force by patronage or favoritism for past or future political influences or services.

### 7.20 CITY ELECTIVE OFFICE CANDIDACY

A City employee may be a candidate for an elective City office and if elected shall resign ~~in good standing~~ from the City service. The nature of the employee's resignation will be at the discretion of the City. (See Section 22.10)

*Also see Section 4.40.*

### 7.25 OTHER ELECTIVE OFFICE CANDIDACY

A City employee may be a candidate for and/or elected to public office other than the City, and may continue in City service subject to provisions of the Florida Statutes.

### 7.30 PENALTIES

Violations of these restrictions shall result in disciplinary action as determined by the City Administrator.

## CHAPTER 8 - PERSONNEL MANAGEMENT

### 8.10 GOAL

The position of the Human Resource Manager and a centralized Personnel Department shall be designated by the City Council to maintain direct communication, supervision and internal control. The responsibility of administration is delegated to the Human Resource Manager. The Human Resource Manager has the responsibility of implementing and maintaining City Council policies concerning personnel administration for the City. Other related additional duties may be assigned by the City Administrator as necessary to maintain good personnel procedures and practices.

### 8.15 OBJECTIVES

To promote and maintain fair, consistent and progressive employment practices in the career services of the City. To assure compliance with Federal and State statute requirements, regulations and City Council policies as well as City Ordinances.

### 8.20 HUMAN RESOURCE MANAGER

The position of the Human Resource Manager is authorized to direct or perform all duties related to the Personnel Department and other related work as assigned by the City Administrator. The duties shall include; but shall not be restricted to:

- Establish, maintain and secure all applicant information, employee personnel records, forms, payrolls, and related information, to maintain confidentiality of records and avoid EEO action, employee complaints or other censure, or litigation.
- Apply and monitor compliance with City Council or City Administrator policy decisions to assure uniform personnel practices in the City work force.
- Prepare status reports of compliance, with Equal Employment Opportunity Regulations, and Affirmative Action Plan with related support documentation.
- Investigate and analyze the operational effect of personnel policies and report any recommendations to the City Council or City Administrator.
- Perform research and analysis related to salaries, merit increases, fringe benefits, efficiency and related personnel matters.
- Develop and administer performance evaluation forms and procedures.
- Perform recruiting and screening of applicants.
- Devise training and safety programs.
- Undertake continued training to maintain and increase knowledge and ability.
- Monitor departmental disciplinary actions for fairness, objectivity and consistency.
- Process, investigate and report on employee injuries or accidents. Coordinate with the ~~Human Resource Manager~~ Workers Compensation carrier on all insurance reporting and payment related matters.

- Report periodically to the City Administrator on personnel administration.

### **8.25 PERSONNEL DEPARTMENT**

The Personnel Department shall operate under the direction and authority of the Human Resource Manager. The functions should include:

#### **APPLICANTS**

- Process vacancy advertisements and coordinate other recruiting methods to secure qualified applicants.
- Screen applications / applicants.
- Verify applicant qualifications.
- Process for medical examination.
- Assure employee selection complies with City Policies and Equal Employment Opportunity regulations.
- Maintain personnel applications in compliance with EEO requirements and Invasion of Privacy statutes with regard to files security and controlled access.
- Maintain application files.

#### **EMPLOYEES**

- Maintain individual employee personnel files containing application, medical examination and personnel action forms.
- Maintain files and indexes related to employee insurance and payroll records.
- Review and process personnel action forms for completeness, accuracy, signatures, approvals and compliance with established policy, including hiring, pay changes, promotions, overtime, disciplinary actions, leave requests, leave accrued and taken, etc.
- Process time sheets and related payroll support documentation for accuracy, completeness and policy compliance.
- Monitor Probationary Employee status, advise Department Head, initiate written evaluation process, and follow through for completion and decision.
- Maintain statistical records of consolidated leave taken by category and/or department for future scheduling and accounting.
- Prepare varied personnel action forms for review and approval by the Department Head.

### **8.30 PERSONNEL COMMITTEE**

A Personnel Committee may be constituted from time to time by the City Administrator to review, discuss, provide input and advise on matters relating to the personnel aspects of the City.

## **CHAPTER 9 - UNLAWFUL ACTS, PROHIBITIONS, AND PENALTIES**

### **9.10 INTENT**

Certain specific acts shall be considered unlawful in the administration and operation of the personnel system.

### **9.15 UNLAWFUL ACTS**

Unlawful Acts are:

- No person shall make any false statement, falsify any rating, report or in any manner commit or attempt to commit any fraud preventing the impartial execution of the policies set forth herein.
- No person shall directly, or indirectly, give, render, pay, offer, solicit, or accept any valuable consideration for any appointment, proposed appointment, promotion, or pending position appointment, whether or not the position exists.
- No Personnel Department employee or any other person shall act in such a way to defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment, nor furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the government's service.

### **9.20 PENALTIES**

The penalties provided for willful violation of any of the provisions of the personnel policies and procedures shall be determined by the Human Resource Manager. They include, but are not limited to:

- Discharge from service and forfeiture of annual and sick leave or other employee benefits.
- Ineligibility for appointment to or employment in a position for a specified period of time.
- Suspension without pay.
- Written reprimand

## CHAPTER 10 - EMPLOYMENT PROCEDURES

All persons to be considered for employment with the City shall follow the below prescribed steps:

### **10.10 SUBMISSION OF EMPLOYMENT APPLICATION AND/OR PERSONAL RESUME**

Employment application must be completed **in detail** before further employment consideration procedures will be conducted. Wherever possible, ~~Personal-personal~~ resumes should contain a minimum of three (3) references.

### **10.15 APPLICANT EMPLOYMENT QUALIFICATION**

Review of all above stages and determination of applicant qualification for City employment.

### **10.20 PRE-EMPLOYMENT INTERVIEW**

Discussion of applicant's skills, qualifications, work experiences to determine position vacancy qualifications.

### **10.25 REFERENCE INQUIRY AND PERSONAL HISTORY**

Written and/or oral check on applicant references. Also check on personal background for disqualifying factors.

### **10.30 POSITION VACANCY INTERVIEW**

As position vacancies occur, the respective Department Head shall review the applications on file as part of the recruitment process. Applicants shall be interviewed by the Department Head for position hiring determination. The Position Vacancy Interview shall include review of applicant's skills, qualifications, and work experiences; discussion of position vacancy and respective requirements, assignments and job description; explanation of salary and benefit program; overview of personnel rules and regulations and expectations, and review/discussion of other pertinent information as related to the applicant and the employability aspects with the City.

### **10.35 PHYSICAL EXAMINATION**

Persons selected for employment shall be subject to an employment physical and drug screen prior to beginning work with the City.

### **10.40 PAYROLL PROCESSING**

Upon satisfactory completion of the above listed steps, employees are processed for payroll, insurance and related employee benefits prior to first reporting date for work.

### **10.45 LEAVE REQUEST FORM**

A Leave Request Form is required to request use of any type of leave. Annual leave, pre-arranged Sick Leave (e.g. doctor's appointments, dental visits, etc), requests shall be submitted as far in advance as possible. Sick leave for illness or injury will require a completed Leave

Request Form once the employee has returned to work. An appointment card or note on medical facility letterhead will not suffice on its own, but may be attached to the Leave Request Form. In the case of jury duty or military leave, a copy of the jury summons or activation notice must be attached to the Leave Request Form.

## CHAPTER 11 - ANNUAL LEAVE

### 11.10 POLICY

It is the policy of the City to allow full time, budgeted employees vacation leave for personal relaxation and family enjoyment. Annual leave may be used for vacation, sickness (after sick leave is exhausted), or for any other reason approved by the City.

### 11.15 ELIGIBILITY

Employees classified as full-time, budgeted earn scheduled annual leave benefits. Volunteers and employees who are classified as part-time, temporary, seasonal, contract, or emergency employees do not receive paid annual leave benefits. Continuous service is calculated from the date of employment, with leave being accrued from that date. Employees must have completed their six months of service before paid annual leave is permitted to be used. Separation with less than six months of service will result in loss of annual leave benefits or payment.

### 11.20 ANNUAL LEAVE ACCRUAL RATES

For employees who are regularly-scheduled to work a minimum of 40 hours per week, paid annual leave accrues as follows:

<u>Length of Service</u>	<u>Accrual Rate</u>
Hire date through completion of 5 <sup>th</sup> year	.0463 per hour (8 hours per month/96 hours per year)
6 <sup>th</sup> year through completion of 10 <sup>th</sup> year	.0578 per hour (10 hours per month/120 hours per year)
11 <sup>th</sup> year and beyond	.0692 per hour (12 hours per month/144 hours per year)

### 11.25 SCHEDULING

Each Department Head shall cause to have prepared a department leave schedule for eligible employees of the department. Conflicts in desired dates among the employees shall be decided by the Department Head with due regard to the needs of the City. The Department Head may require any employee to postpone scheduled vacation leave if the work requires it.

*Also see Section 5.40*

### 11.30 MAXIMUM ACCUMULATION

~~Leave accrued under this policy shall not be considered earned until it is used by the employee and/or paid out pursuant to the eligibility criteria set forth in Section 11.35.~~

Maximum annual leave accumulation shall not exceed 240 hours at the end of each Calendar year. ~~It is the City's intent for all employees to have time off for rest and relaxation and employees are encouraged to take a yearly vacation. Hours in excess of 240 at the end of the calendar year will be forfeited by the employee. Employees who have reached the maximum annual leave accumulation shall not accrue any additional annual leave until he or she has used sufficient leave to bring the accumulated unused leave below the maximum.~~

### 11.35 PAYMENT FOR UNUSED ANNUAL LEAVE

In the following situations, payment shall be made for all unused annual leave, up to the maximum accumulation amount set forth in Section 11.30.

- Voluntary written resignation under circumstances where the City, in its sole discretion, deems the resignation to be in good standing and where the employee has provided at least two weeks' notice in advance of his or her resignation. The City's determination as to whether the employee was in good standing at the time of resignation shall not be subject to the grievance procedure or reviewable in any other manner. Illustrative circumstances where the employee will not be deemed to have resigned in good standing include, but are not limited to, circumstances where the employee resigned in lieu of discipline, while pending an investigation or other inquiry, after having been recently disciplined, after having received an evaluation which rated the employee less than "above satisfactory" on his or her most recent evaluation, and under any other circumstances where the City determines the employee's employment status to be in jeopardy.
- Layoff--See Section 22.15 for definition.
- Retirement from City service, so long as the retirement occurred as a result of a voluntary resignation/separation deemed by the City to be in good standing as set forth above.
- Death during employment, in which case payment shall be made to the spouse or family provided the employee was deemed by the City to be in good standing with the City at the time of his/her death as provided in Florida Statutes, Chapter 222.15.

Any annual leave not eligible for payout pursuant to the terms of this section shall be deemed forfeited.

**11.40 ACCURAL AND CONTINUOUS SERVICE**

Annual leave at the accrual rates set forth above shall only accrue for hours in which the employee is actually working or for hours in which an employee is on an authorized paid leave of absence.

Annual leave shall not accrue during any time in which the employee is on an unpaid leave of absence. However, any time spent by an employee on an authorized unpaid leave (such as military leave, unpaid FMLA leave, etc.) will be credited for purposes of determining the employee's length of service to be used in determining the applicable accrual rate to be used when the employee is not on unpaid status.

Budgeted employees who have been temporarily laid off (less than six months) and return are also credited for the time in determining the length of service for advancement to a higher accrual level.

## **CHAPTER 12 - SICK LEAVE**

### **12.10 POLICY**

Paid sick leave is a benefit extended to full time employees having completed their probationary period to provide the security of continued pay within certain limitations. Paid sick leave is provided for a genuine need of the employee and is not an automatic entitlement to days off with pay.

### **12.15 DEFINITION**

Sick Leave may be approved for any of the following:

- Illness, injury, incapacitation or quarantine of the employee or immediate family.
- Routine medical, dental or optical examinations, tests, screenings, and lab work which cannot be scheduled for the employee any time other than working hours.
- An unpaid leave of absence taken pursuant to the Family and Medical Leave Act, the Americans with Disability Act, the Florida Civil Rights Act's disability provisions, the Florida Workers' Compensation Law, or any other similar applicable laws.

### **12.20 ELIGIBILITY**

Budgeted full-time employees shall accrue sick leave on a weekly basis. Probationary employees accrue sick leave from date of employment, but are not eligible to use paid sick leave until the probationary period is satisfactorily completed. Seasonal, temporary, part-time, contract, or emergency employees are not eligible for paid sick leave.

### **12.25 BENEFITS**

The amount of accrued sick leave is credited to the employee with each payroll. It is accrued at the rate of .0463 for 40 hour personnel (i.e., 96 hours per year).

Sick leave shall only accrue for hours in which the employee is actually working or for hours in which an employee is on an authorized paid leave of absence.

Sick leave shall not accrue during any time in which the employee is on an unpaid leave of absence.

### **12.30 RECORDING**

Properly completed, signed and approved requests for advance or emergency leave shall be promptly submitted to the Personnel Department where a record will be maintained of individual employees' accrual and usage of sick leave. Sick leave will be charged in one-half hour increments as used and accrued at the end of pay period.

### **12.35 MAXIMUM ACCUMULATION**

Leave accrued under this policy shall not be considered earned until it is used by the employee and/or paid out pursuant to the eligibility criteria set forth in Section 12.60.

Employees may accrue sick leave on an unlimited basis.

~~Maximum sick leave accumulation shall not exceed 480 hours at the end of each calendar year. Employees who have reached the maximum sick leave accumulation shall not accrue any additional sick leave until he or she has used sufficient leave to bring the accumulated unused leave below the maximum.~~

#### **12.40 PROOF**

If an employee is absent from work on sick leave for three (3) or more consecutive days, the Department Head can require a physician's note be provided upon the employee's return to work. Additionally, Department Heads who suspect abuse of sick leave or who have employees with a pattern of sick leave requests may require a physicians' excuse for each absence, provided that the request is consistent with the FMLA, the ADA, and any other applicable law. The requirement for documentation is at the sole discretion of the Department Head.

#### **12.45 ABUSE**

If abuse is suspected, the Department Head may investigate sick leave requests, disallow payment, and execute disciplinary action up to and including discharge.

#### **12.50 ADVANCES**

No employee shall be paid for sick leave time not yet earned. In the event of a prolonged illness or injury, an employee may use annual leave if available and approved by the City. If these options are not available, LWOP, if approved by the City, must be taken.

#### **12.55 EXCLUSION FOR OUTSIDE EMPLOYMENT**

Illness or injury as a result of outside employment or profit making activity are excluded and absence as a result of such activities shall be unpaid personal leave, not paid sick leave.

#### **12.60 PAYMENT OF UNUSED SICK LEAVE**

At separation of employment, unused sick leave will only be paid out as follows:

- Voluntary written resignation under circumstances where the City, in its sole discretion, deems the resignation to be in good standing and where the employee has provided at least two weeks' notice in advance of his or her resignation. The City's determination as to whether the employee was in good standing at the time of resignation shall not be subject to the grievance procedure or reviewable in any other manner. Illustrative circumstances where the employee will not be deemed to have resigned in good standing include, but are not limited to, circumstances where the employee resigned in lieu of discipline, while pending an investigation or other inquiry, after having been recently disciplined, after having received an evaluation which rated the employee less than "above satisfactory" on his or her most recent evaluation, and under any other

circumstances where the City determines the employee's employment status to be in jeopardy.

- Layoff--See Section 22.15 for definition.
- Retirement from City service, so long as the retirement occurred as a result of a voluntary resignation/separation deemed by the City to be in good standing as set forth above.
- Death during employment, in which case payment shall be made to the spouse or family provided the employee was deemed by the City to be in good standing with the City at the time of his/her death as provided in Florida Statutes, Chapter 222.15.

Where these eligibility conditions are met, employees will only be paid out for 25% of his or her accumulated unused sick leave, up to a maximum payout of ~~120~~ 240 hours.

Any sick leave not eligible for payout pursuant to the terms of this section shall be deemed forfeited.

#### **12.65 WORKERS' COMPENSATION LEAVE**

Worker's Compensation leave is a type of leave from employment which results from an employee's incapacity to work and which has been determined to have resulted from an injury or occupational disease such that the employee is entitled to benefits required by the City's Worker's Compensation coverage.

Employees determined to be covered under Worker's Compensation will not have their accrued sick (or any other ~~time-type~~ of) leave balance reduced for the time they are unable to work, nor will they accrue any additional time for that period. If an employee misses work time due to an on-the-job illness or injury, which qualified for leave under the FMLA, the City will place the employee on Family Medical Leave and the employee's FMLA leave shall run concurrently with the workers' compensation leave of absence.

#### **12.66 SAFETY DAY LEAVE**

Encouraging safety at work will directly benefit the City and its bottom line. More safety awareness leads to better practices, which will ultimately reduce lost time for employees, worker's compensation claims and cost of insurance premiums. To draw attention to workplace safety, the City would like to recognize previous accomplishments regarding safety

Employees that have no safety violations or accidents of any kind during the fiscal year will incur four (4) hours extra towards their annual vacation leave by the City. This paid leave will accrue at the beginning of each fiscal year for the previous year.

#### **12.67 SICK LEAVE DONATION FOR EXTENUATING CIRCUMSTANCES**

In extenuating circumstances, as determined solely by the City, an employee who has exhausted his or her paid sick leave, may request that the City permit other employees to donate sick leave from their accrued, unused sick leave. Any such request shall be made in writing ~~directly to the City Administrator~~ by the employee needing sick leave to their immediate supervisor, and shall describe the extenuating circumstances and the reasons that the sick leave donation is needed. The immediate supervisor will then note if they approve/do not approve the request, and then forward to the Department Director. The Department Director will note if they approve/do not approve, and forward to the City Administrator. ~~If the City Administrator will then approve/deny the request, and notify the Human Resource Manager. then the City The Human Resource Manager will then notify the appropriate Department Director and if the request is approved,~~ will circulate a request to City personnel asking if any employees are interested in donating from their sick leave accruals.

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The City Administrator's decision whether to permit sick leave donation shall be final and is not subject to the grievance process. If a donation request is approved, the City Administrator may implement any limitations or conditions concerning the sick leave donation, such as the maximum donations to be permitted.

## CHAPTER 13 - OTHER LEAVE (PAID AND UNPAID)

### 13.10 MILITARY (SERVICE) LEAVE GENERALLY

~~An employee shall be entitled to a military leave of absence upon presenting proper orders calling him/her to temporary active duty for training purposes with a reserve unit of the United States Army, Navy, Marines, Air Force, Coast Guard or a National Guard Unit for a period not exceeding 120 hours (15 days) per fiscal year with carry over to subsequent fiscal years for a maximum accrual of 240 hours (30 days). Only budgeted full-time employees are entitled to compensation for such annual military leave.~~

~~The employee shall be required to submit a copy of orders or statement from the appropriate military commander as evidence of such duty to the Department Head. The orders or statement must be attached to a Leave Request Form requesting military leave. The request must be submitted at least ten (10) work days in advance of scheduled date of departure for proper approval for military leave of absence.~~

The City will grant a military leave of absence to any employee called to perform military duty, voluntarily or involuntarily, as required by applicable State and federal law. Such military service generally includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, funeral honors duty performed by National Guard and reserve members, as well as the period for which an employee is absent for the purpose of an examination to determine fitness to perform any such duty. A military leave of absence will also be granted to any employee called to active state duty for a named event or officially declared emergency or disaster pursuant to F.S. 250.48.

Employees are required to provide as much advanced notice as possible of the need for military leave unless giving notice is impossible or precluded by military necessity.

### 13.15 ~~INACTIVE DUTY~~ MILITARY LEAVE FOR TRAINING

~~An employee who is a member of an Armed Forces Reserve Unit or the National Guard may be excused from work without pay to attend evening or weekend military training which conflicts with the employee's work schedule, as required. Evidence of membership in the applicable organization shall be provided.~~

Employees ordered to annual military training as a member of any of the U.S. Armed Forces Reserves or National Guard, will be granted up to 240 working hours of leave without loss of pay per year. Leaves for annual military training in excess of 240 working per year will be without pay.

### 13.20 ~~RECALL TO ACTIVE MILITARY DUTY~~ LEAVE FOR ACTIVE MILITARY SERVICE

~~A full-time employee who is a member of an Armed Forces Reserve Unit or the National Guard, who is ordered to active duty to fulfill his/her primary or an emergency military obligation, will be granted a military leave of absence without pay.~~

For employees who are members of the U.S. Armed Forces Reserves or the National Guard and who are ordered to active military service, the first 30 calendar days of such leave will be without loss of pay. Leaves for active military service in excess of 30 days will be without pay.

### 13.25 REINSTATEMENT FROM MILITARY SERVICE

- ~~Upon separation from active military service, an employee who wishes to return to City employment shall be afforded all rights and timelines in full force and effect of USERRA or similar DoD Directive at the time of eligibility. Re-employment by the City following a period of military service will be granted in accordance with applicable law, including the federal USERRA law as well as Section 115.13 of the Florida Statutes.~~
- An employee returning to the City employment shall start at the salary he/she would have received, including all adjustments, had he/she remained continuously in the service of the City instead of entering the armed forces.
- Except where otherwise permitted by state or federal law, if the position vacated by the employee who entered the military service is reclassified or retitled during the period of military service, such employee shall be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the duties of the position. If the former position has been abolished or if the employee is incapable of satisfactorily performing the duties, the employee shall be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the position vacated.

### 13.30 COURT LEAVE

An employee will receive full pay ~~for where compelled to appear~~ at court for jury duty or as a witness, except in personal litigation, ~~either for jury duty or as a witness~~. Any employee so summoned shall report for work when excused by the court after less than a full day's service. A Leave Request Form with proper documentation shall be submitted as soon as notice is received from the court. An employee who is eligible for compensation as a juror by the court shall provide proof of that compensation (or waiver from compensation) to the City or waive all rights to City paid leave for the period of time he/she served as a juror. The City will compensate the employee the difference between his/her regular hourly wage and the juror pay for the time served, provided proof of compensation or waiver is submitted. Unless approved by the City Administrator, pay for jury service or appearing as a witness pursuant to this policy shall be limited to a maximum of 7 days' pay.

**Comment [BK15]:** This is not required, but I would recommend it. You can pick any maximum you want; it doesn't have to be 7 days. There have been trials recently where jurors have been compelled to sit for over 6 months, so this limitation protects the City should one of your employees have to sit for that length of time.

### 13.35 BEREAVEMENT LEAVE

An employee who has a death in the immediate family shall be permitted leave up to three days which shall be charged to sick leave, annual leave, or authorized leave without pay. A Leave Request Form will be completed for use of Leave time. Any additional time off may be authorized for other family members but would be without pay or with the use of sick leave and/or annual leave.

The immediate family is defined as the employee's spouse, parents ~~or~~ grandparents or great grandparents of either employee or spouse, children of either employee or spouse, guardians of either employee or spouse, brothers or sisters of either employee or spouse, or relatives or others residing in the same household.

### 13.39 FAMILY AND MEDICAL LEAVE ACT (FMLA) – BASIC FMLA & MILITARY FAMILY LEAVE (MFL-FMLA)

in accordance with the Family and Medical Leave Act ~~of 1993~~ (FMLA) ~~as amended in 2008 and effective January 16, 2009~~, it is the policy of the City to provide eligible employees with unpaid leave. There are two types of leave available: 1) the basic 12-week leave entitlement (Basic FMLA Leave) and 2) the military family leave entitlements (Military Family Leave FMLA) as described in this policy. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

**13.40 ELIGIBILITY FOR FMLA LEAVE** In order to qualify to take basic family/medical leave or military family leave under this policy, ~~an~~ employee must meet all of the following conditions:

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- Worked for the City at least 12 months or 52 weeks within the past seven (7) years. The twelve months or 52 weeks needs not have been consecutive.
- Worked at least 1250 hours during the twelve-month period immediately before the date when leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1250 hours eligibility test for an employee under FMLA.

### 13.45 BASIC FAMILY AND MEDICAL LEAVE

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of the employee's job.

In the cases where a married couple is employed with the City, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons ~~of~~ one and three above.

The City will measure the twelve-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee

takes leave, the company will compute the amount of leave an employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

To apply for a leave of absence you must discuss your leave with your Department Head at least 30 days prior to the first day of leave, unless it is an emergency or unforeseeable. You must then complete a Written Request for Family/Medical Leave of Absence form, -which with your Department Head will forward to the Human Resource Manager. For leave associated with a serious health condition of the employee or a family member, A-a Medical Certification form will be given to you to have completed by the treating physician and faxed/emailed to the Human Resource Manager within 15 days of your application for leave of absence. Failure to follow these steps, unless medically incapable, may lead to delay and/or forfeiture of this benefit. You need to contact the Human Resource Manager if you have any questions about your leave.

Employees returning from an FMLA absence caused by health problems will be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves, other employees, or public in order to return to work.

#### **13.46 MILITARY FAMILY LEAVE (MFL-FMLA)**

There are two types of Military Family Leave (MFL-FMLA) available: Qualifying Exigency leave and Leave to Care for a Covered Service Member.

- **Qualifying Exigency Leave:**

Eligible employees with a spouse, son, daughter, or parent who is a regular, retired, or reservist member of the military on active duty deployed to a foreign country or who has been notified of an impending call or order to such active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Attending certain counseling sessions
- Rest and recuperation for the service member (up to 5 days of leave)
- Attending post-deployment reintegration briefings

- **Leave to Care for a Covered Service Member:**

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is the employee's spouse, child, parent or next of kin who is either:

~~a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on temporary disability retired list.~~

- A military service member (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness; or,
- A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

“Next of kin” for purposes of this leave means the nearest blood relative other than the servicemember’s spouse, parent or child, in the following order of priority (unless the servicemember has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the servicemember, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

The single 12-month period for leave to care for a covered service member is measured forward from the date an employee’s leave to care for the covered service member begins. Once a single 12-month period expires, the employee is eligible for another 26 weeks of military caregiver leave during a subsequent single 12-month period to care for a different covered service member or to care for the same covered service member if he/she incurs a subsequent serious injury or illness (excluding aggravation or complication or an earlier serious injury or illness for which the employee took military caregiver leave.)

If an employee takes military caregiver leave to care for more than one covered service member or to care for the same covered service member who has incurred a subsequent serious injury or illness, and if the single 12-month periods involved overlap with each other, the employee is limited to taking no more than 26 weeks of leave in each single 12-month period. If an employee does not take all of the 26 weeks of military caregiver leave during the applicable single 12-month period, the balance is forfeited and no carry-over is permitted.

When both husband and wife work for the City, the aggregate (combined total) amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

*During any single 12-month period, the employee's total leave entitlement is limited to a combined total of 26 weeks for all qualifying reasons under FMLA and Military Leave.*

#### 13.47 INTERMITTENT FMLA LEAVE

In the case of leave based upon a serious health condition or a servicemember's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City's operations.

In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.

In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.

If intermittent leave or leave on a reduced hours leave is required or provided, the City may, in its sole discretion, temporarily transfer the team member to another position for which the team member is qualified with equivalent pay and benefits that better accommodates that type of leave.

#### 13.48 SUBSTITUTION OF ACCRUED PAID LEAVE

For unpaid leaves under this policy, the City will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave.

Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the City and employee agree. [See section 12.65 – Worker's Compensation Leave](#)

#### 13.49 JOB RESTORATION ON RETURN FROM FMLA LEAVE

Employees who return to work from an FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

#### **13.50 LEAVE WITHOUT PAY (LWOP)**

An employee may request leave without pay in advance of the time off if it is necessary for personal reasons to be absent from work and sufficient leave balances are not available. The Department ~~Head-Director~~, shall at his/her discretion, recommend to the City Administrator leave approval for a maximum of ~~two-calendar-weeks-six (6) months, being permitted per fiscal year.~~

A leave of absence without pay ~~for longer than two consecutive weeks for any length of time~~ requires the approval of the Department ~~Head- Director~~ and City Administrator and may be used for temporary mental or physical disability, education, training or other adequate reasons.

#### **13.55 TRAINING LEAVE**

Leave with pay may be granted an employee for job related training seminars of short duration. This must have the approval of the Department Head, City Administrator and/or City Council.

## CHAPTER 14 – HOLIDAYS

### 14.10 DESIGNATED DAYS

The following days will be observed as paid holidays by the employees of the City:

New Years Day	January 1st - One day
Martin Luther King Jr. Day	3rd Monday in January
Good Friday	One day (Friday before Easter Sunday)
Memorial Day	Last Monday in May
Independence Day	July 4th - One day
Labor Day	One day
Veteran's Day	November 11th-One day
Thanksgiving Day & day after	Two days
Christmas Holidays	December 24th and 25th
	11 Days Total

Holidays that fall on Saturday will be observed on the preceding Friday. Holidays that fall on Sunday will be observed on the following Monday, unless alternate days are designated.

### 14.15 ELIGIBILITY (HOLIDAYS)

Those eligible for paid holidays are full-time employees who have that date as a regularly scheduled work day. In order to receive pay for the observed holiday, an employee must have been present and/or on approved paid leave, on the work day before and after the holiday.

~~Those not eligible are emergency employees on leave without pay.~~

**Comment [BK16]:** I'm not sure what this references – eligibility for holiday pay or whether the employee must work the day before and after.

### 14.20 DURING PAID LEAVE

An employee on paid vacation or sick leave at the date the holiday is observed shall not have that day charged against his accrual leave account.

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### 14.25 ALTERNATIVES

Employees who are eligible for paid holidays and are either required to work due to the essential nature of their position or who have the designated holiday as a normal day off in the Monday through Friday work week shall, at the discretion of the Department Head:

- Receive an alternate day off with pay within the next three calendar months, or
- Be paid the normal day's pay for that holiday in addition to the pay received for the hours worked.

Paid holiday alternatives shall be at the discretion of the respective Department Heads in accordance with annual budget provisions.

## CHAPTER 15 - GROUP INSURANCE

### 15.10 POLICY

The City believes it to be in the interest of all employees to have sufficient coverage in the event of accident, injury or illness. To this end, the City pledges its support of, and participates in, an employee/dependent group insurance program.

### 15.15 ELIGIBILITY (GROUP INSURANCE)

Employees classified as full-time budgeted are eligible to enroll in the group insurance plan. Part-time, probationary, temporary or seasonal and emergency employees are not eligible for enrollment.

### ~~15.20 HEALTH INSURANCE PREMIUM PAYMENT CONTINUATION~~

~~City employees who leave the City's employment in good standing and who have 20 years of continuous full-time service may opt to stay on the City group health plan with all premiums paid for by the employee.~~

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- ~~• This policy applies to all full-time employees that have been continuously employed with the City as of September 12, 2006 and in the future, unless amended by City Council. Employees who have retired, left services with the City, or are not employed by the City as of the date this policy is approved are not eligible.~~
- ~~• Any employee that leaves the City in any standing less than 20 years of service may opt to convert to COBRA coverage in which the employee pays all costs.~~
- ~~• BULLET - All retirees must convert from the group health insurance to Medicare as soon as they qualify. Group health coverage will not be available to anyone eligible for Medicare. Retiree spouses and children may continue to participate in the group plan as well with 100% of the premiums paid by the retiree. The City will pay no part of dependent coverage.~~
- ~~• All previous health insurance premium payment continuation policies (formerly referred to as Sections 14.25 and 15.20 of the city of Arcadia Personnel Manual dated September 11, 200 and September 20, 2011 are hereby revised as follows:~~
  - ~~• All current retirees on the group health insurance plan under 65 must convert to Medicare upon eligibility~~
  - ~~• Group health insurance will not be available to retirees that qualify for Medicare~~
  - ~~• A stipend of \$225 will be made once retiree is eligible for Medicare~~

~~The City Council reserves the right to revise this policy at any time without notice unless required by law.~~

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### ~~15.25~~ **15.20 HEALTH/ACCIDENT INSURANCE**

Eligible employees are provided coverage in accordance with an established schedule and deductible limits. Premiums for employee coverage are currently paid 95% by the City and 5%

by the employee. Dependent coverage is also available to employees' families/dependents with the employee paying 100% of the premium for dependent coverage. ~~Dependent coverage costs are shared by the City though not in the same proportions.~~ Percentages, deductibles, participation and coverage are subject to change in accordance with annual budget provisions.

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#### 15.25 HEALTH INSURANCE PREMIUM PAYMENT CONTINUATION

Employees who voluntarily leave the City's employment in good standing and who have 20 years of continuous full-time service may opt to stay on the City group health plan with all premiums paid for by the employee.

To the extent required by COBRA, Any employee that leaves the City's employment in any standing with less than 20 years of service (or who experiences any other COBRA qualifying event) may opt to convert to COBRA coverage in which the employee pays all costs.

Employees hired prior to September 12, 2006, who leave City employment in good standing and have 20 years of continuous full-time service, may opt to stay on the City group health plan with all premiums paid for by the City. These employees will be required to convert to the lowest cost plan available at the time of their retirement.

All retirees must convert from the group health insurance to Medicare as soon as they qualify. Group health coverage will not be available to anyone eligible for Medicare. Retiree spouses/children may continue to participate in the group plan with 100% of the premiums paid by the retiree. The City will pay no part of dependent coverage.

A monthly stipend of \$225.00 will be made once retiree is eligible for Medicare.

This benefit is subject to annual budgeting by the City. This policy and its attendant benefit, like the remainder of these Personnel Policies, does not constitute a contractual guarantee to any employee or former employee, nor should this benefit be deemed to vest in any employee or former employee at any time. The City Council reserves the right to revise or eliminate this policy and this benefit at any time without notice, with such changes applied to current, former and prospective employees at the City Council's discretion, unless otherwise required by law.

#### **15.30 LIFE INSURANCE**

All full-time, non-probationary, budgeted employees are eligible to be enrolled under the group life plan at no cost to the employee. In the event of death, the life insurance plan will pay a \$10,000 death benefit. Employees may also purchase dependent coverage for their spouse and/or children who are under age 19 (23 if enrolled in an accredited school). The death benefit for dependents is \$5,000 for spouse and \$2,500 for a child age 6 months – 19 years.

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#### **15.35 EXCEPTIONS**

In addition to the above described insurance benefits, certified police personnel are insured under an additional 25,000/75,000 group life/accidental death plan. Rate coverage for the supplemental plan is provided by the City at no charge to the participating employee. Auxiliary

police officers are provided coverage by the City for any injury/death incurred while in the performance of their auxiliary duties.

**15.40 PLAN DOCUMENTS ARE CONTROLLING**

For any benefit set forth in these policies which are governed by an insurance plan or similar plan document, the terms of those plans, as they may be amended from time to time, shall govern the benefit and take precedent over these policies. Nothing in these policies shall guarantee any benefit to an employee where the employee is not otherwise qualified by the terms of the governing plan document.

~~<sup>1</sup>During the 2011 revision process of this manual, it was noted that Section 15.20 (formerly referred to as Section 14.25) had been adopted by the City Council during their FY 07 budget hearings; but had never been included in the manual as a policy in full force and effect. Further, the opinion of the City Attorney is this policy only applies to full-time, budgeted employees working for the City on or before September 11, 2006.~~

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#### 16.10 INTENT

The City's Drug-Free Workplace Policy is aimed at ensuring "zero" tolerance to illegal drugs at all times and its alcohol free policy to "zero" tolerance under circumstances that affect or might affect the safety and well-being of employees, citizens and others, or the effective operation of City business. This policy is consistent with all state and federal laws including Florida Drug-Free Workplace Statutes (Sections 440.101 and 440.102, Florida Statutes); Drug-Free Workplace Program Requirements, the Agency for Health Care Administration (AHCA) (Chapter 59A-24, Florida Administrative Code); Drug-Free Workplace Standards; and the Federal Drug-Free Workplace Act. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR, part 383, are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) under the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), in accordance with 49 CFR, Parts 40, 383, 392, 4, and 392.5. Regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

#### 16.15 POLICY

- ~~Controlled Substances: The City prohibits the use, distribution, possession, manufacture, cultivation, sale, or the attempt to sell or distribute controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable state and federal laws.~~
- ~~Alcohol Abuse: Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of the City's equipment, or being transported in a City vehicle at any time; or reporting to work under the influence of alcohol; or from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.~~

#### 16.20 USE OF LEGAL DRUGS

The use of legal drugs, which are prescribed by licensed physicians for a specific medical purpose, is not prohibited. However, such drugs can and often do have a direct impact on the vigilance, judgment, and/or coordination of the employee and may adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in assignments involving the operation of motor vehicles and other moving equipment. Therefore, employees are required to notify their Department Head in writing of any prescription medication which they are taking and which carries a warning that indicates mental functioning, motor skills, or judgment may be adversely affected. Such notice shall indicate the drug, the dose and frequency, and the anticipated time during which the drug will be taken. The employee is responsible for keeping such information up to date (i.e., filing a new form for any change in drug, dosage, or time taken). The City reserves the right to make an evaluation on the impact, if any, on the safe and efficient operation of the City. Detection of a controlled substance will be presumed to be in violation of this policy unless the employee

advises the Department Head of its medicinal use in advance. The Department Head must immediately advise the Human Resource Manager of such use by the employee.

#### 16.25 SUBSTANCES TESTED FOR

With respect to violation of Policy 16.15(b), above, employees are subject to testing for the detection of alcohol while on duty or while operating or riding in or on a City-owned vehicle. The current positive test threshold for alcohol is 0.02g% BAC. Employees will be subject to drug testing for the detection of the following drugs/drug groups, as well as others that may from time to time be declared illegal or controlled by state or federal law:

- |                             |  |
|-----------------------------|--|
| 1. Amphetamines             | 6. Methadone                           |
| 2. Barbiturates             | 7. Methaqualone                        |
| 3. Benzodiazepines          | 8. Opiates (Heroin, Morphine, Codeine) |
| 4. Cannabinoids (marijuana) | 9. Phencyclidine (PCP)                 |
| 5. Cocaine                  | 10. Propoxyphene                       |

• Circumstances for testing:

- Subject to applicable law, all job applicants shall be subject to pre-employment drug testing as a prerequisite to employment with the City. It is the obligation of the job applicant to notify the approved testing facility of any properly prescribed or over-the-counter substances being taken by the job applicant.
- When an employee is involved at any time directly in an equipment or vehicular work-related accident, or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles at any time where in the opinion of the City Administrator the employee was at fault or the employee's conduct contributed to the accident.
- When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. A reasonable suspicion is a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulatable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or manifestations of being under the influence of a drug or alcohol;
  - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - A report of drug use, provided by a reliable and credible source;
  - Evidence that an individual has tampered with a drug test during his employment with the City;
  - Information that an employee has caused, contributed to, or been involved in an accident while at work;

- ~~Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;~~
- ~~Frequent absences from work without a satisfactory explanation.~~

~~Unless prohibited by law, as a part of any medical examination required by the City whether or not that medical examination is required by the DOT or any other local, state, or federal law or regulation.~~

~~Unless prohibited by applicable law, the City reserves the right to test any employee for illegal or controlled drugs and alcohol to determine compliance with this policy at any time with or without prior announcement on a random or other basis.~~

~~Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.~~

#### **~~16.30 REASONABLE SUSPICION SEARCHES~~**

~~To discourage the use and/or distribution of illegal or controlled drugs or alcoholic beverages in the workplace, upon reasonable suspicion, searches for alcohol, illegal drugs or paraphernalia may be conducted on City property or worksites of employee's personal property including but not limited to any box, bag, or other containers and vehicles brought on to City property at any time.~~

#### **~~16.35 REPORTING & CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL~~**

- ~~All employees must report to their Department Head any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after the employee becomes aware of it. Failure to so report may result in immediate termination.~~
- ~~Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.~~
- ~~Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.~~

#### **~~16.40 DISCIPLINES FOR VIOLATIONS OF POLICY~~**

~~Employees who violate this policy; or who are directed to take a physical examination, blood, breathalyzer, urinalysis, or other test allowed by law, and refuse or fail to do so when and as directed; or who, after having taken such examination and/or test are determined to have utilized an illegal or controlled substance at any time or to have violated this policy, shall be subject to immediate termination; provided, however, if the presence of an illegal or controlled~~

substance is established as a result of the test, the employee or job applicant may, within five (5) working days of receipt of written notification of a positive result, request an opportunity to explain the result to the City.

#### **16.45 EMPLOYEE INJURED ON THE JOB**

Any employee injured on the job that refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit his eligibility for all Workers' Compensation medical and indemnity benefits depending on applicable law.

#### **16.50 EMPLOYEE ASSISTANCE PROGRAM**

- The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol-related problems, which have not yet adversely affected their job or City operations. Additionally, the City may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment. For further information regarding the EAP, contact the Human Resource Manager.
- **Employees Who Voluntarily Ask for Help:** Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP. If the employee has a satisfactory performance record, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City-approved treatment or rehabilitative program. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- **Other Employees:** In the event the City discovers a violation of this drug or alcohol policy, or if the City otherwise discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City's business, the City at its option consistent with applicable law, may proceed to discipline the employee up to and including discharge, or at the City's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the City requires the employee to participate in the Employee Assistance Program, the EAP provider will keep the City fully advised with respect to the employee's participation and medical condition.
- **Return to work:** Employees who are granted a leave of absence under paragraph (1) and (2) above must successfully complete all EAP, medical and other rehabilitative requirements established by the City for them within a reasonable amount of time, in order to be considered for return to work.
- **Re-testing:** Employees allowed to return to work under paragraph (3) shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City.

#### **16.55 REPORTING VIOLATIONS OF THE POLICY**

- ~~It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.~~
- ~~Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any Department Head or managerial employee who investigates or takes action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.~~
- ~~Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.~~

**16.01 POLICY**

The City's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or the effective operation of City business. This policy is consistent with Florida State and Federal Laws including, where otherwise applicable, Sections 440.101 and 440.102 of the Florida Statutes, the regulations of the Florida Agency for Health Care Administration set forth in Chapter 59A-24 of the Florida Administrative Code, and the Federal Drug-Free Workplace Act of 1988.

**16.02 PROHIBITIONS**

- A. Illegal Controlled Substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off City property. Illegal controlled substances are defined by applicable State and federal laws.
- B. Alcohol Abuse. Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle; while operating a piece of City equipment; or while being transported in City vehicles at any time. In addition, employees are prohibited from reporting to work under the influence of alcohol and from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.

*Note: A sworn employee of the City Police Department, or an employee acting under the direction of such, may have cause in the course of conducting City business, to acquire and/or manipulate some form of alcohol or drugs for a duty purpose, and not for other non-job related reasons, and such shall be done in accordance with the officer's assigned duties and in accordance with Police Department Policies.*

**16.03 DEFINITIONS**

- A. Mandatory Testing Position. Mandatory testing position shall mean a job assignment that requires the employee to:
1. Carry a firearm;
  2. Work closely with an employee who carries a firearm;

3. Perform life-threatening procedures;
4. Work with heavy or dangerous machinery;
5. Work as a safety inspector;
6. Work with children;
7. Work with detainees in the correctional system;
8. Work with confidential information or documents pertaining to criminal investigations;
9. Work with controlled substances;
10. Undergo an employee security background check pursuant to section 110.1127 of the Florida Statutes;
11. Perform job assignments in which a momentary lapse in attention could result in injury or death to another person; or,
12. Perform safety-sensitive job duties and responsibilities.

B. Special Risk Position. Special risk position shall mean a position that is required to be filled by a person who is certified under:

1. Chapter 633 of the Florida Statutes (Fire Prevention and Control); or,
2. Chapter 943 of the Florida Statutes (Law Enforcement).

#### **16.04 LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS**

The legal use of prescription and non-prescription drugs is often necessary for specific, recognized and accepted medical purposes. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription and non-prescription drugs. In addition, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments such as those involving the operation of motor vehicles and other moving equipment, for example. Accordingly, employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner. Upon being notified, the City will evaluate the impact, if any, the drug has on safe and efficient job performance.

#### **16.05 DRUG AND ALCOHOL TESTING**

A. Job Applicant Testing. Applicants for employment in special-risk, safety-sensitive, and/or mandatory testing positions will be subject to pre-employment drug testing as a prerequisite to employment with the City.

B. Routine Fitness-for-Duty Testing. Employees will be subject to drug testing as part of any routine fitness-for-duty medical examinations required by the City.

C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.

D. Reasonable Suspicion Testing. Employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

1. Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
2. Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
3. A report of drug use, provided by a reliable and credible source;
4. Evidence that an individual has tampered with a drug test during his or her employment with the City;
5. Information that an employee has caused, contributed to, or been involved in an accident while at work;
6. Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
7. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
8. Frequent absences from work without a satisfactory explanation.

Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

E. Post-Accident Testing.

1. Mandatory Testing, Safety-Sensitive, and Special Risk Positions: Employees who hold mandatory testing, safety-sensitive or special risk positions (such as Equipment Operators, positions which require a CDL, police officers, firefighters, etc.) will be subject to drug and alcohol testing if he or she is involved in an accident on the job and the accident results in personal injury requiring medical attention.

2. All Other Positions: All other employees will be subject to drug and alcohol testing when he or she is involved in an equipment or vehicular work-related accident, or in any unsafe or negligent maintenance or operation of the City's equipment or vehicles, which results in personal injury requiring medical attention, where in the opinion of the City Administrator the employee was at fault or his or her conduct contributed to the accident.

F. Other Lawful Testing. The City reserves the right to conduct any other type of lawful drug or alcohol testing.

**16.06 DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS**

A. Drugs Tested For. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:

- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (marijuana)
- Cocaine
- Methadone
- Methacualone
- Opiates (heroin, morphine, codeine)
- Phencyclidine (PCP)
- Propoxyphene
- Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above

B. Common Medications Which Could Alter or Affect Test Results. Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer ("MRO"). The City's MRO is Dr. Gordon A. Page, Jr., M.D., FAAFP, MRO ~~[INSERT MRO]~~, who can be reached at ~~900 North Roberts Avenue, Arcadia, Florida 34266, Phone: 863-993-7624~~ ~~[INSERT MRO ADDRESS and PHONE NUMBER]~~. Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

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Comment [BK18]: The City should insert the name and contact information of its designated Medical Review Officer.

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<u>Drug</u>	<u>Medication Which May Alter or Affect Test</u>
<u>Alcohol</u>	<u>Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol</u>
<u>Cannabinoids</u>	<u>Marinol (Dronabinol, Tetrahydrocannabinol (THC))</u>

<u>Amphetamines</u>	<u>Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine</u>
<u>Cocaine</u>	<u>Cocaine HCl topical solution (Roxanne)</u>
<u>Phencyclidine</u>	<u>Not legal by prescription</u>
<u>Methaqualone</u>	<u>Not legal by prescription</u>
<u>Opiates</u>	<u>Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.</u>
<u>Barbituates</u>	<u>Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.</u>
<u>Benzodiazepines</u>	<u>Activan, Azene, Clonopin, Dalmene, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax</u>
<u>Methadone</u>	<u>Dolphine, Metadose</u>
<u>Propoxyphene</u>	<u>Davocet, Darvon N, Dolene, etc.</u>

**16.07 TEST RESULTS**

The following procedures will be followed if an employee or job applicant has a confirmed positive test result:

- A. An employæ or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within five working days. If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the City. The employee or applicant may contest a positive confirmed test result pursuant to the City's policies, section 440.102 of the Florida Statutes, or any law or collective bargaining agreement that is otherwise applicable. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved by the laboratory.
- B. Within 180 days of receiving written notification of a positive test result, an employee or applicant may, at his or her expense, have the positive sample retested at a different laboratory licensed and approved by the Agency for Health Care Administration.
- C. Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or applicant in writing of the test result, the consequences of the test

result and any action that the City may elect to take. Within five working days after receiving notice of a positive confirmed test result from the City, the employee or job applicant may submit information to the City explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the City determines that the explanation is unsatisfactory, the City will, upon request, provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

#### **16.08 CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING, TAMPERING WITH A TEST, OR VIOLATING THIS POLICY**

An employee who has a positive confirmed test, who refuses to submit to a test, who tampers with a test, or who otherwise violates the City's Drug-Free and Alcohol Policy is subject to immediate termination, may forfeit eligibility for workers' compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

#### **16.09 REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL**

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

#### **16.10 EMPLOYEE ASSISTANCE PROGRAM**

The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily self-report drug or alcohol related problems which have not yet adversely affected their job or City operations and where the employee reports the matter prior to being asked to take a drug or alcohol test and prior to being found in violation of this policy. The City may also require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment.

Employees with drug or alcohol related problems who wish to seek voluntary assistance through the EAP may contact one of the following EAP providers (or any other similar provider):

**[INSERT LIST OF EAP PROVIDERS]**

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A listing of Employee Assistance Program providers is available in the office of the Human Resource Manager.

Other Helpful Numbers

Drug/Alcohol Abuse Help line: 1-800-362-2644  
Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600  
Alcoholics Anonymous: 1-800-252-6465  
Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

- A. Employees Who Voluntarily Ask for Help. Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP Provider on a confidential basis. If the employee has a satisfactory performance record, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. The employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. Other Employees. In the event the City discovers a violation of this drug or alcohol policy, or if the City otherwise discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City business, the City may proceed to discipline the employee up to and including discharge or, at the City's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the City requires the employee to participate in the Employee Assistance Program, the EAP provider will keep the City fully advised with respect to the employee's participation and progress.
- C. Return to Work. Employees who are granted a leave of absence to seek treatment in a rehabilitation program must successfully complete all EAP, medical and other rehabilitative requirements established by the City for them within a reasonable amount of time, in order to be considered for return to work. The City, in its sole discretion, will determine whether the employee will be given service credit for any unpaid leave under this policy, subject to applicable law.
- D. Re-Testing. Employees allowed to return to work after participating in a drug or alcohol rehabilitation program shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City.
- E. Mandatory Testing, Safety-Sensitive, and Special Risk Positions. Employees who hold mandatory testing, safety-sensitive or special risk positions shall not be permitted to remain in such positions while undergoing drug or alcohol rehabilitation.

#### **16.11 REPORTING VIOLATION OF THE POLICY**

- A. Reporting Violations. It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.

C. Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

**16.12 CONFIDENTIALITY**

Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the City's drug testing program are confidential and exempt from the provisions of Chapter 119 of the Florida Statutes (Public Records Law) and may not be used or disclosed except as otherwise provided by section 440.102 of the Florida Statutes or other applicable law.

## CHAPTER 17 - SERVICE CONNECTED INJURY

### 17.10 POLICY

It shall be the policy of the City to provide Workers Compensation insurance benefits to any employee injured as a result of job duties. The City policy is to secure immediate medical attention for the injured employee and furnish competent medical services.

### 17.15 BENEFITS

Subject to the terms and conditions of the Florida Worker's Compensation Law, Worker's Compensation insurance provides for complete payment for medical services, hospital charges and related therapy and treatment. Temporary disability benefits are paid when an employee has been unable to work for approximately two weeks and are retroactive to the date of the injury. The employee may elect to receive full pay for the first week of a disability if the employee has accrued sick leave. If the employee is paid by the City and remains off work until benefits are paid by Worker's Compensation, the employee may either reimburse the City for the first week of injury or have the hours subtracted from sick leave. If an employee misses work time due to an on-the-job illness or injury, the City will place the employee on Family Medical Leave provided they meet those requirements. All FMLA rules will apply to this combination of Worker's Compensation/FMLA leave as allowed by law.

### 17.20 INJURY REPORTING

All employee injuries, of any description, or size must be immediately reported to the Department Head by the injured employee. The injury report must be signed by the employee when the employee is available to do so.

### 17.25 FAILURE TO REPORT

Should an employee not immediately report the injury the benefits of Worker's Compensation may be withheld and disciplinary action will- may be taken. An investigation and determination will be made as to the facts of the accident before benefits are approved.

*(Also see Sections 5.50 Job Injury and 5.55 Vehicle Accident Reports).*

## CHAPTER 18 - PENSION PROGRAM

**Comment [BK19]:** My suggested revisions to the Personnel Policies assumes that the terms in this section (as well as all others) are consistent with the pension plan documents.

### 18.10 POLICY

It is the policy of the City to provide a retirement pension plan for budgeted employees.

### 18.15 ELIGIBILITY

Full-time, budgeted employees are eligible to enroll in the City's group program which is through a third party ~~on the first anniversary date of their employment upon completion of the first 60 days~~ with the City, providing their service has been continuous. ~~In addition,~~ Employees must be 19 but not yet 65 years old on the first day of January of the year following enrollment eligibility.

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### 18.16 EFFECTIVE DATE OF PARTICIPATION

An eligible employee shall become a participant effective as of the day he reaches ~~one year 60 days~~ of ~~continuous~~ service as a full-time employee of the City, provided said employee is still employed as of such date. In the event an employee or participant terminates employment and is rehired, such employee or former participant must again satisfy the eligibility requirements of section 18.15 hereof.

### 18.20 EMPLOYEE CONTRIBUTIONS

Under the present plan, employees participate through payroll deductions and are required to contribute 5% of their annual gross salary.

### 18.25 CITY CONTRIBUTION

Under the present plan, the City participates in the employee pension plan and is required to contribute amounts which, together with employee contributions, are determined to be actuarially sufficient to fund the system.

### 18.30 RETIREMENT ELIGIBILITY

Under the present pension plan, employees may choose between either retirement options as outlined below:

Option No. 1--Normal Retirement--Age 65. Employee may retire with full benefits at age 65, based on years of credited service and benefits. Specified minimum total benefit is assured.

Option No. 2--Early Retirement--Age 55. Employee may retire between ages of 55 and 65, with reduction in benefits payments.

### 18.35 RETIREMENT PAY

Retiring employees may choose either of the below pension compensation options:

Option No. 1--Monthly Payments--Employees may receive monthly payments based on accrued benefits for duration of life.

Option No. 2--Single Payment--Employees may receive a lump sum single payment for all employee contributions at time of retirement. Lump sum payment shall include total employee contributions plus interest<sup>1</sup>.

**18.40 TERMINATIONS**

Any employee who terminates employment prior to retirement eligibility is entitled to full reimbursement of employee contributions<sup>2</sup>.

**18.45 EXCEPTIONS**

Certified Police personnel are not included in the above pension plan. A separate police pension program is established in accordance with Florida Statutes to provide retirement pensions benefits.

**18.50 VESTING SCHEDULE**

An active participant shall become 100% vested in his accrued benefit attributable to employer contributions upon attainment of his normal retirement date or his early retirement date. Any other participant who becomes a terminated participant shall be vested in his accrued benefit attributable to employer contributions based on years of service, according to the following schedule:

<b>Vesting Schedule</b>	
<u>Years of Service</u>	<u>Percentage</u>
More than 1 but less than 2	0
2 but less than 3	20%
3 but less than 4	40%
4 but less than 5	60%
5 but less than 6	80%
6 years or more	100%

<sup>1</sup> The employee contributions are accumulated at an annual rate of 5.0%. This rate is constant each year and is mandated by the terms of the Pension Plan Document. Please refer to section 1.32 of the Document, which is entitled Plan Interest Rate.

<sup>2</sup> If the employee DOES withdraw their Employee Accumulation (as defined in Section 1.18 of the Plan Document) when they terminate (i.e. "move on") prior to reaching ages 55 through 65, then the entire Benefit Attributable to Employer Contributions IS forfeited. If the employee DOES NOT withdraw their Employee Accumulation (as defined in Section 1.18 of the Plan Document) when they terminate (i.e. "move on") prior to reaching ages 55 through 65, then the entire Benefit Attributable to Employer Contributions is NOT forfeited. Once they reach retirement age, they can begin collecting their Vested Accrued Benefit (which is derived from both the Employee Contributions and Employer Contributions) if they leave their Employee Accumulation in the Plan.

**18.55 PLAN DOCUMENTS ARE CONTROLLING**

For any pension benefit described in these policies, the terms of the pension plan documents (or ordinance, as the case may be), as may be amended from time to time, shall govern the benefit and take precedent over these policies. Nothing in these policies shall guarantee any benefit to an employee where the employee is not otherwise qualified by the terms of the governing plan document or ordinance.

## **CHAPTER 19 – UNIFORMS**

### **19.10 POLICY**

It shall be the policy of the City to provide uniforms for employees in service or utility work or as determined by the City Administrator.

### **19.15 AUTHORIZED WEAR**

Department Head's will determine uniforms that their department will wear. Employees shall wear uniforms only while engaged in City work or acting in official representative role on behalf of the City. Personal wear of City uniforms or any portion thereof, during non-working hours, or in an unofficial capacity, shall be subject to disciplinary action as prescribed herein.

### **19.20 UNIFORM RETURN**

Upon termination of employment with the City, each employee is responsible for returning **ALL** uniforms issued. Uniforms should be in good, clean condition, normal wear and tear accepted. No separation pay checks shall be issued until all employee uniforms are turned in. Employees shall be held liable through final pay deduction for any shortage or condition adjustment in uniforms issued.

### **19.25 ID BADGES**

Any time, outside a traditional office setting, an employee is representing the City at a public function or in the field; said employee should affix their city-issued ID badge to their person above the waist and within clear, visible sight to the public. City ID badges must be returned to the employee's Department Head upon separation of service for whatever reason.

## CHAPTER 20 - DISCIPLINARY ACTIONS

### 20.10 INTENT

It shall be the City's policy to maintain a positive and progressive attitude toward employees. Discharge for cause should seldom be executed without prior warning to the employee. It shall be policy to provide at least one warning notice to the affected employee unless the specific cause is of a ~~major-serious~~ nature, as determined by the City. All disciplinary actions shall be supported by the Department Head and the Human Resource Manager by written signed statement acknowledged by signature of the employee. A copy shall be placed in the employee's personnel file.

### 20.15 CAUSE

Disciplinary actions are only to be taken for good and sufficient reasons such as a direct violation of ~~the policies contained herein~~ City policy, procedures, or directives, or other employee conduct which adversely affects the City, its operations, or its citizens. Due to diverse functions and public services administered by the City, it is recognized that employee performance and some conduct requirements will vary between departments. Accordingly, disciplinary actions will necessarily depend partially on the individual circumstances, work situation, and department requirements at the time.

### 20.20 EMPLOYEE PERFORMANCE PROBLEM – CORRECTIVE ACTION

It is recognized that unacceptable job performance may stem from misunderstanding, lack of knowledge, skills and abilities or general unsuitability to meet the requirements of the job. In such instances, ~~Corrective~~ corrective action ~~requires~~ may be achieved through counseling, training or retraining. If this process is unsuccessful, transfer, demotion, or termination will may result. Other actions may result from insubordination, misconduct, or a deliberate violation of policies. In such cases, depending on the circumstances, it may be necessary to consider disciplinary action, up to and including potential termination of employment, for a first offense.

The City retains the right to treat each incident on an individual basis without creating a precedent for other cases which may arise in the future and to determine appropriate corrective action on a case-by-case basis.

The steps below are recommended but not mandatory and should apply to specific offenses; however, the action utilized shall be discretionary with management and nothing herein shall require that a particular action be utilized in any case prior to the utilization of another. In determining the action, management may consider:

- the severity of the problem or offense
- the cost involved
- the time interval between occurrences
- the employee's work record
- the employee's length of service with the City

- the employee's overall value to the city
- the ability and potential of the employee concerned, and
- other factors as may bear on the efficient operation of the City

**Step 1.** Documented Verbal Counseling – the problem(s) should be handled promptly and discussed with the employee to ensure that he or she clearly understands the problem and what corrective action must be taken. If such counseling corrects the problem, no additional action is required.

**Step 2.** Documented Corrective Action – document the problem(s) in writing and cite specific examples of deficiencies and review the document with the employee. Develop a planned improvement program with measurable goals to be achieved in an acceptable time frame (e.g. 30, 60, or 90 days)

**Step 3.** Review the improvement goals and timetables and document the results of the review. Obtain the employee's signature and that of the Human Resource Manager. If significant improvement has been achieved to the extent that the employee's performance has met the job requirements, the program may be successfully documented as concluded.

If the employee has not corrected the deficiencies in his/her job performance during or by the conclusion of the planned improvement program, the Department Head should review the case with the Human Resource Manager to determine the following:

- ~~If the employee has not corrected the deficiencies in his/her job performance during or by the conclusion of the planned improvement program, the Department Head should review the case with the Human Resource Manager to determine the following:~~ Offer the employee an opportunity to be placed in position equal to his/her demonstrated skills and ability , if such position is available and the City determines that the employee would be a good fit for the position, or,
- Terminate the employee due to "inability to perform the job".

#### 20.25 WRITTEN REPRIMAND

The Department Head, Human Resource Manager or City Administrator may issue the employee a written reprimand for minor infractions. ~~The accumulation of two multiple written reprimands for the same offense or three written reprimands for any combination of offenses within one (1) year~~ is sufficient cause for suspension or dismissal. A copy of the reprimands will be placed in the employee's personnel file.

#### 20.30 IMMEDIATE SUSPENSION

The Department Head may suspend an employee without notice for causes related to personal conduct in order to avoid undue disruption to work, to promote safety of persons or property, or for other serious cause. The suspended employee shall be directed to leave City property immediately and remain away until ~~circumstances and material facts shall be prepared, with one copy mailed to the employee~~ further notification by the City. Immediate suspension by a

**Comment [BK20]:** I highly recommend that the City not use strict numerical guidelines with respect to discipline as the nature of the offenses and reprimands tend to vary widely.

In my experience, any specificity on these terms will typically be used against the City by employees trying to contest discipline or subsequent discharge. As such, I recommend that disciplinary policy employ a great deal of flexibility so that varying circumstances can be taken into account.

Department Head can be with or without pay for maximum of three (3) work days. may be with pay only. Suspension without pay must be approved by City Administrator.

#### **20.35 SUSPENSION**

The Human Resource Manager or City Administrator may suspend any employee in his/her jurisdiction for an additional period of up to ten (10) working days with or without pay. A written statement will be given to the employee setting forth the reasons for the action and a copy placed in the employee's personnel file.

#### **20.40 DEMOTION**

A Department Head, subject to City Administrator's approval, may reduce the salary of an employee or demote the employee, or both, for good reasons to a lower grade. A written statement of the reasons for such action will be furnished to the employee and a copy placed in the employee's personnel file. This action may be temporary, based on nature of events surrounding demotion.

#### **20.45 TERMINATION**

See Section 22.25 for full explanation.

#### **20.50 COUNCIL REVIEW**

The City Council may periodically review disciplinary procedures and will direct the City Administrator to amend those guidelines when necessary to maintain consistent, fair and equitable employee treatment.

## CHAPTER 21 -- DISCIPLINARY PROCESS AND APPEALS FOR NON-PROBATIONARY EMPLOYEES

### **21.10 APPEAL**

The procedures and appeals in this Chapter shall apply only to employees who have satisfactorily completed their probationary period may appeal a disciplinary action through the appeal procedures. Probationary employees are considered at will and, as such, they may be disciplined and discharged without cause and without resort to these procedures or the appeal process.

### **21.15 APPEAL PROCEDURES POLICY AND GENERAL PROVISIONS**

#### **Policy**

It is the policy of the City to provide a employees with due process when issuing formal disciplinary action and to provide for a comprehensive appeal procedure for such discipline. method for employees to appeal disciplinary action, demotion, suspension, or discharge. It is also the policy of the City that non-probationary employees shall only be disciplined, demoted, suspended, or dismissed without for just cause. However, this procedure does not apply to probationary employees.

#### **General**

**Working Days.** When the term "working day" is used in this procedure, it shall refer to the days when work is actually assigned. Regular days off and days designated as holidays are excluded.

**Time Limitations.** Time is of the essence in the application of this procedure. The failure of an employee to pursue an appeal within the time prescribed shall invalidate the appeal.

- Evidence and Witnesses. If written documents or materials are relied upon by any party, copies of such material shall be furnished at once to the other party. If witnesses are to be used, a list of such witnesses shall be furnished to the other party as soon as they are selected, and at least 24 hours before witnesses are presented.

### **21.20 PRE-DISCIPLINARY PROCEDURE – NOTICE OF POTENTIAL DISCIPLINE AND OPPORTUNITY FOR PRE-DISCIPLINARY CONFERENCE**

Whenever a Department Head or the City Administrator is considering taking formal disciplinary action of suspension without pay, demotion, or discharge, the employee shall first be given written notice of the reason such disciplinary action is being considered and an opportunity to present his or her position to the Department Head (or City Administrator if the Administrator is taking disciplinary action) at an informal pre-disciplinary conference before the decision is made.

If after considering all of the evidence before him or her, the Department Head (or City Administrator) decides to suspend the employee without pay, demote or terminate employment, the Department Head (or City Administrator) shall notify the employee in writing of the decision and the reasons for the action.

### **21.25 POST-DISCIPLINARY APPEAL PROCESS**

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An employee may appeal ~~proposed or actual discipline, a~~ demotion, suspension ~~without pay,~~ or discharge. ~~In such appeals, the burden is on the employee to prove if the employee can demonstrate~~ that the City's ~~proposed or actual disciplinary action,~~ demotion, suspension, or discharge ~~will be and/or~~ was made for reasons other than ~~good-just~~ cause.

Appeals shall be presented and processed in the following manner:

#### Step 1

~~The employee shall submit an appeal in writing to the employee's Department Head within five (5) working days after the employee has received written notice from the City advising of proposed or actual disciplinary action, demotion, suspension or discharge.~~

~~The Department Head shall investigate the matter fully and within five (5) working days after the receipt of the written appeal meet with the employee and witnesses, if any. The employee may be accompanied by an attorney or legally qualified representative if the employee so desires. The Department Head shall allow the employee to present any evidence and witnesses that the employee wishes to present. The Department Head may also present evidence and witnesses.~~

~~All evidence presented and all documents involved shall be furnished to all parties, and all witnesses may be questioned as to all relevant matters by the Department Head, the employee or representative. The meeting shall be conducted by the Department Head in an informal manner with the intent of an impartial, objective proceeding to determine the facts and assure a fair decision.~~

~~The Department Head shall render a decision in writing and furnish a copy to all parties within ten (10) working days after the completion of the meeting. If the employee is not satisfied with the decision of the Department Head in Step 1, the employee may proceed to Step 2.~~

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#### Step 2

~~If an employee is not satisfied with the decision of the Department Head in Step 1, an employee may w~~Within five (5) working days of the date of the ~~Department Head's disciplinary decision, the employee may~~ submit a written appeal to the Human Resource Manager. The Human Resource Manager shall ~~investigate-review~~ the matter ~~fully and~~ within five (5) working days ~~after the receipt of the written appeal and, if the Human Resources Manager deems necessary,~~ meet with the employee and ~~relevant~~ witnesses, if any. ~~The employee may be accompanied by an attorney or legally qualified representative if the employee so desires. If a meeting is held, The the~~ Human Resource-Manager shall allow the employee to present any evidence and witnesses that the employee wishes to present. The Department Head involved shall also be present at this meeting and may present evidence and witnesses.

All evidence presented and all documents involved shall be furnished to all parties, and all witnesses may be questioned as to all relevant matters by the Human Resource Manager the employee or representative, or the Department Head involved. The meeting shall be conducted by the Human Resource Manager in an informal manner with the intent of an impartial, objective proceeding to determine the facts and assure a fair decision.

The Human Resource Manager shall render a decision in writing and furnish a copy to all parties within ten (10) working days after the completion of the meeting. ~~The decision of the Human Resource Manager shall be final unless the appeal involves a discharge.~~ If the employee is not satisfied with the decision of the Human Resource Manager in Step 2 and the appeal involves a discharge, the employee may proceed to Step 23.

**Comment [BK21]:** Since the City has elected to provide due process rights to employees, the informal meeting would not be sufficient to satisfy due process, so the City would need to allow the employee to appeal beyond this step for suspension and demotion, as well as discipline.

### Step 23

If ~~the an appeal involves a discharge and an~~ employee is dissatisfied with the decision of the Human Resource Manager in Step 21, an employee ~~may~~ **must**, within five working days of the date of the decision, submit a written appeal to the City Administrator.

Upon receipt of a timely appeal, the City Administrator shall arrange an evidentiary hearing to determine whether the disciplinary action was based on just cause. At this hearing, the employee shall be entitled to be represented by counsel of the employee's choice and expense. Both the Department Head and the employee shall have the right to present evidence, examine and cross-examine witnesses and state their respective positions orally or in writing. The hearing shall be recorded by tape, video or other recorder or by court reporter.

The City Administrator may impose reasonable limits on time and other procedures, including requiring the parties to disclose any witnesses or documents to each other in advance of the hearing, as the Administrator deems necessary and as consistent with the requirements of due process.

The City Administrator shall consider the evidence before him or her and make findings of fact and conclusions of law, which shall be final and binding on all concerned. ~~Copies of the decision shall be furnished immediately to all parties.~~

**Comment [BK22]:** This post-disciplinary evidentiary hearing (i.e., trial-like hearing where parties present witnesses and evidence) is required for due process whenever the employer grants property rights to its employees (i.e., agrees to only discipline for cause). As such, in the case of suspension, demotion and discharge, all employees must have resort to a disciplinary appeal process that culminates in this type of formal hearing.

~~However, each party may appear, in person or by legally qualified representative, before the City Administrator and speak in support of the position taken. Equal time for presentation before the City Administrator shall be allowed to each party. However, this time shall be set by the City Administrator and shall not exceed thirty (30) minutes per party.~~

The City Administrator may affirm, modify, or reverse the decision of the Department Head and/or Human Resource Manager and may remand the matter to the Human Resources Manager and/or Department Head for ~~the taking of additional evidence~~ additional action as the Administrator deems necessary.

If the City Administrator was the decision maker who imposed the initial disciplinary decision, the City shall designate another individual to serve as the Hearing Officer for the Step 2 appeal hearing.

~~Within fifteen (15) working days of the final consideration of the matter the City Administrator shall render a decision in writing which shall be final and binding upon all parties. Copies of the decision shall be furnished immediately to all parties.~~

**21.20 APPEALS FOR POLICE OFFICERS, SWORN PERSONNEL**

A separate procedure has been established under Florida Statutes and will govern disciplinary action concerning Police Officers, excluding the City Marshal.

## CHAPTER 22 - SEPARATIONS FROM SERVICE

Separations from City service are categorized as:

### 22.10 RESIGNATION

Employees may elect to resign at any time and for any reason. As set forth in these policies, certain employment benefits, such as payout of unused leave for full-time employees is dependent on the City determining that the employee resigned in good standing. The determination of whether an employee's resignation is deemed to be in good standing is solely within the discretion of the City and is not subject to review under the grievance procedure or any other City, administrative or judicial procedure. Illustrative circumstances where the employee will not be deemed to have resigned in good standing include, but are not limited to, circumstances where the employee resigned in lieu of discipline, while pending an investigation or other inquiry, after having been recently disciplined, after having received an evaluation which rated the employee less than "above satisfactory" on his or her most recent evaluation, and under any other circumstances where the City determines the employee's employment status to be in jeopardy. To be in good standing, the employee must also have provided at least two weeks' advanced notice of the resignation, unless an earlier time period has been expressly approved by the City.

Additionally, employees who are deemed by the City not to have resigned in good standing are also ineligible for reemployment with the City.

### 22.15 LAYOFFS

- It is the intent of the City Council to provide stable employment to employees of the City. However, there may be occasions which necessitate a reduction in the City work force.
- A reduction of work force may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the department director may, after coordination with the Human Resource Manager and approval by the City Administrator, proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the City Administrator's proposed budget, layoff decisions shall be consistent with the programs, services, or operations to be reduced or eliminated by such budget.
- A reduction in work force may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected department, or division or operation thereof. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.

- The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.
- The Human Resource Manager shall review any reduction in force proposals prior to their implementation so as to review such proposals to minimize negative impacts on prior equal employment gains in impacted work units. Additionally, the City Attorney shall review any reduction in force proposals prior to their implementation and shall advise the City Administrator on any labor law implications.

#### Layoff Priority

- In the event of layoff, primary consideration will be on the factors set out in ~~paragraph b,~~ above. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority (see subparagraph 2, below).
  - Seniority shall be determined by ~~County~~City-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination. If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.
  - In accordance with prevailing veteran's preference laws, including Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. Human resources shall review layoff proposals to ensure compliance with such laws.
- City employees who are scheduled for layoff shall not have "bumping rights" to other positions in any City department. However, where the City is able to forecast a layoff in advance, the City may establish a time period wherein employees subject to a pending layoff will be permitted to apply for open positions. During this period, such employees shall, when being considered by interviewing departments, receive preference in hiring where they are otherwise equally qualified with other candidates. Nothing herein, however, is intended to require the hiring of any such employee by a department where another candidate is clearly more qualified for the position.
  - Employees scheduled for layoff may, if offered by the City, elect to accept transfer to vacant City positions for which they are qualified. Such transfer offers may be made at the discretion of the City and must be accepted by the employee within 3 days of receipt of the written offer. The employee's pay rate may be adjusted in accordance with policy for any other City employee changing positions within the City. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.
  - However, employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in

**Comment [BK23]:** The reference to paragraph B is confusing.

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interviewing for any job for which they are minimally qualified. Nothing herein, however, is intended to require the hiring of any such employee by a department where another candidate is clearly more qualified for the position.

### **Reinstatement**

Laid-off employees, who have not accepted an offer of transfer to a different City position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including vacation and sick leave accrual rates and any unpaid sick leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded. The City offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the ~~Human Resources Manager~~ ~~director~~ notified of any change of address, if he/she is interested in reinstatement.)

Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the City's Drug Free Workplace Program. A laid-off employee, who is temporarily unable to accept an offer of reinstatement due to medical certification, may request a delay in starting work, not to exceed thirty (30) calendar days.

The return to work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the City's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under these layoff procedures.

If the employee fails to report to the Human Resources Manager within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

- Employees who are scheduled for layoff do not have the right to submit appeals or complaints in regard to layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. The City Administrator may elect to offer separation agreements to employees subject to layoff. In such cases, no agreement may be offered prior to legal review by the city attorney.
- Employees who are scheduled for layoff should contact the Human Resource Manager to discuss their medical coverage and other health benefits.
- The Human Resources Manager shall make all reasonable efforts to provide outplacement assistance and services to laid-off employees.

## 22.20 DISABILITY

An employee who is medically-unable to perform the essential functions of his or her position, even after efforts at reasonable accommodation have been implemented or explored, will be separated due to the inability to perform his or her job, incapacitated for work on account of disability or is unable to perform his duties effectively due to mental or physical restriction, and the condition cannot be corrected, may be required to take an extended leave without pay.

The Department Head and the Human Resource Manager shall first attempt to place the employee in another open position within the City service for which he/she is physically otherwise qualified. ~~The Human Resource Manager reserves the right to require additional examination and/or disability determination by a designated physician at the City's expense.~~ Disability separation is classified as a resignation in good standing.

**Comment [BK24]:** This is adequately addressed in the Reasonable Accommodation section of the EEO/Discrimination policy.

## 22.25 TERMINATION

An employee may be discharged, when, in the judgment of the Department Head, the employee's performance or conduct has given good cause. Discharge results in loss of eligibility for re-employment and loss of pay for accumulated leave time and other benefits. A written notification containing a statement of the substantial reasons for discharge is to be provided to the employee and a copy placed in the employee's personnel file.

~~Only employees who have satisfactorily completed their probationary period may appeal the discharge through the Appeal Procedures. Generally, Reasons-reasons~~ for discharge include, but are not limited to:

- Being convicted of a felony or misdemeanor involving moral turpitude.
- Being absent three or more consecutive days without leave or notification to Department Head.
- Excessive unplanned tardiness or excused absences.
- Incompetence, inefficiency, negligence, or failure to follow orders.
- Abuse, misuse, or theft of public property, equipment, facilities or supplies.
- Willfully making false statements to Department Heads, officials, Boards or to the public, or falsification of records.
- Violation of department rules, personnel or police regulations, safety rules or City Ordinances.
- Possession, use or reporting to work under the influence of alcoholic beverages or drugs in violation of the Drug-Free Workplace policy during working hours or on City property or in a City vehicle.
- Material misstatements or omissions on job application or violation of Personnel Policies.
- Acceptance of gratuity in violation of City policy and of Florida Statutes of Conduct and Ethics.
- Refusal to be examined by a physician approved by the City.
- Prohibited political activity.
- Violation of State and/or Federal Statutes and regulations pertaining to public employees.
- Failure to work overtime when necessary.

- Conduct which is disruptive, insubordinate, antagonistic, offensive or injurious to the City whether in relation to co-workers, other employees, superiors, elected officials or general workers.
- Lack of integrity, abuse of public trust, misuse of information or misfeasance.
- Failure to promptly report injuries or accidents through proper channels to Department Heads.
- Gambling while on duty or while on City property any time.
- Any employee actions as may be included as defined under Florida Statutes 447.203.
- Loss of Job Requirements (licensing, certification, bond or other type requirement)
- Other on or off-the-job conduct which adversely affects the City and its operations.

#### **22.30 INDUCTION OR ENLISTMENT INTO MILITARY SERVICE**

A full-time employee, who is inducted into the armed forces for active duty, shall have all monies due them paid at the time of leaving city employment to enter active military service. Reemployment following military service shall be governed by applicable law.

#### **22.35 DEATH**

An employee's spouse, next of kin, or estate receives all leave and other benefits due the deceased as provided by Florida Statutes.

**CHAPTER 23 - EMPLOYEE COMPLAINT PROCEDURES FOR NON-DISCIPLINARY MATTERS AND MATTERS NOT INVOLVING ALLEGED VIOLATIONS OF THE CITY'S NON-DISCRIMINATION, HARASSMENT OR RETALIATION POLICIES**

**23.10 PURPOSE**

The purpose of the Complaint Procedure is to establish a process for resolving employee work-related problems and complaints at the lowest administrative level possible and to ensure the fair, expeditious and orderly resolution of employee problems and complaints. Violation of this section is subject to disciplinary action up to and/or including discharge. The Complaint Procedure shall NOT be used to address allegations of ~~illegal-inappropriate~~ harassment, ~~or~~ discrimination, ~~or retaliation~~. Complaints regarding such matters must be processed under the provisions of Section 6.60 related to ~~Illegal Discrimination or Harassment~~ such allegations.

**Comment [BK25]:** This cross-reference should be updated once the harassment section is finalized.

**23.15 COVERAGE:**

- The Employee Complaint Procedure is applicable only to regular (non-probationary, non-temporary) employees.
- ~~Employees, including probationary and temporary employees, who wish to lodge a complaint concerning illegal discrimination, must utilize the formal procedures established in Section 6.60 of this Personnel Policy Manual.~~
- Time Limits
  - The time limits set forth in this Procedure are strictly adhered to unless waived by both parties concerned or the Human Resource Manager or designee.
  - Failure on the part of the Department ~~Directors Head~~ or the Human Resource Manager to comply with the time limits enables the employee to proceed to the next step.
  - If an employee fails to comply with the time limits, his or her problem shall be deemed resolved, and any pending complaint shall be dismissed.
- Responsibilities of Department Directors

- Department ~~Directors Heads~~ are responsible for ensuring that Department ~~Heads-Supervisors~~ promptly handle employee problems and that each employee is made aware of this procedure.
- Department ~~HeadsSupervisors~~ are encouraged to call upon the Human Resource Manager for an interpretation of any City Personnel Policy or Procedure or for guidance regarding the application of City Personnel Policies, Rules and Procedures. Department ~~Heads-Supervisors~~ are also encouraged to consult with the Human Resource Manager or designee concerning employee relations matters.
- Available Complaint Procedures. Employees have the following procedures available to them:
  - Opportunity to file a complaint with the Human Resource Manager.
  - Opportunity for informal resolution of the complaint. An effort will be made within the affected department to resolve the problem informally through the use of representatives of the Human Resource Manager, as necessary.
  - Opportunity to bring witnesses and documentary evidence at any step in this Procedure.
  - Opportunity to have copies of relevant records or documents provided by the records custodian when such records or documents are kept by or for the City in the ordinary course of business.

- Procedural Steps. The following steps are available to employees for the orderly and expeditious processing of non-disciplinary, work-related problems or complaints.

- STEP I: Department ~~Supervisor Head~~

When an employee has a work-related complaint, the employee should consult with his/her Department ~~Supervisor Head~~ within ten calendar days of the occurrence. Either or both parties may request the Human Resource Manager's assistance in resolving the complaint. However, employees are encouraged to work in good faith with their respective Department ~~Supervisor Head~~ for speedy resolutions of their problems or concerns.

If a satisfactory resolution is not reached within two of the ~~Department Head's~~ working days following the employee's initial consultation with the Department Head, the employee has two additional work days to put the problem in writing on an official form and to present it to his/her Department ~~Supervisor Head~~.

The Department ~~Supervisor Head~~ has two working days (~~Department Head's working days~~) from the day the employee presented the written complaint to give the employee a written decision on an official form, with forwarding copies.

- STEP II: Chain of Command

If the matter is not satisfactorily resolved in Step I, within five (5) days of receipt of the written decision, the employee may present the written statement of the

problem or concern to the ~~Department Director, next person in the chain of command. This step must be taken within five working days of receipt of the Department Head's written decision. The next person in the chain of command~~ The Department Director shall render a written decision to the employee within five (5) working days after receipt of the employee's written statement, with forwarding copies.

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- STEP III: Human Resource Manager

In the event the complaint remains unsettled, the employee may refer the matter to Human Resource Manager within five working days of receipt of the department director's decision. The Human Resource Manager or designee attempts to resolve complaints within his/her area of responsibility. In the event the complaint is not resolved within ten working days of receiving the complaint or if it is beyond the scope of the Human Resource Manager's responsibility, the Human Resource Manager will prepare a report to the City Administrator.

- STEP IV: City Administrator

The City Administrator or his/her designee will consider the complaint. Upon request, the complaining employee may explain his/her position in writing and/or in a meeting with the relevant official/designee. After considering all the available information, including any recommendation by a designee, the City Administrator will make a final determination within fifteen calendar days after receipt of written submission, meeting with employee, or receipt of designee's report, whichever is last-occurring.

- Prohibition Against Retaliation

- The City prohibits retaliation against any employee for properly using the Employee Complaint Procedure or for participating or cooperating in any way in connection with this Procedure.
- An employee who believes that he/she has been harassed or retaliated against for having used this complaint procedure may, within ten calendar days of the occurrence, file such allegation with the Human Resource Manager for further investigation. After completion of its investigation, the Human Resource Manager will submit a report of its investigation to the City Administrator, who will take appropriate action.
- Violation of this section is subject to disciplinary action up to and/or including discharge.

## CHAPTER 24 –SAFETY

### 24.10 POLICY

It is the policy of the City that every employee is entitled to work under the safest possible conditions in the many occupations we represent. To this end, every reasonable and practical effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials and to establish and insist upon safe methods and practices at all times.

### 24.15 RULES AND REGULATIONS

Each Department within the City, in coordination with the Safety Coordinator, shall develop, implement and promote safety rules, regulations and procedures to ensure safe working conditions and employee safety practices. Employees are responsible for knowing, as well as practicing, departmental safety policies and rules. Failure to follow safety policies and rules will result in disciplinary action up to and including discharge.

### 24.20 PROTECTIVE WEAR / EQUIPMENT

Where deemed appropriate to help prevent potential accidents and/or injury, the City shall provide protective wear, equipment, or other safety features.

### 24.25 EMPLOYEE SAFETY ATTITUDES

The City encourages the personal development of safety awareness and practices by all employees. Employees are encouraged to call to the Department ~~Head's~~ Supervisor's attention any unsafe practices, conditions, or other employee work habits observed during the course of their work.

### 24.30 SAFETY COORDINATOR

The City shall designate an employee to serve as Safety Coordinator. Said person shall coordinate all aspects of the City's Safety Program, including, but not limited to: development of policy, forms and rules; inspection of facilities and equipment; training; safety aids; and other related functions as assigned.

### ~~24.35 EMPLOYEE COMPLIANCE~~

~~All employees are expected to comply with City and department safety rules, regulations, policies and procedures. Failure to observe same, or to participate in an uncooperative manner, shall result in disciplinary action as may be herein prescribed.~~

Comment [126]: Stated above

## CHAPTER 25 - CELLULAR TELEPHONES AND OTHER PORTABLE, COMMUNICATION DEVICES

### 25.10 POLICY

It is the purpose of this policy is to establish guidelines for the use of City issued cellular telephones or other portable, communication devices (hereinafter referred to as "Mobile Device"). ~~Mobile devices are being increasingly accepted as a viable adjunct to traditional land based communications. This acceptance is based upon a premise that the value of productivity gained must be greater than the cost of the mobile device and service. This cost-effectiveness is dependent upon the proper use of the equipment and service.~~

### 25.15 PROCEDURES

These guidelines serve to promulgate the procedure for proper use and prevent unintentional misuse.

- It is the policy of the City to provide ~~certain designated~~ employees with a mobile device for the purpose of improving productivity.
- ~~The cellular service plan utilized by the City as of this writing is for shared minutes. Text messaging, picture messaging and paging is not included in the plan and therefore, are not permitted.~~
- Mobile device use shall be confined to those employees whom the Department Director, City Administrator has has determined to have a legitimate need.
- ~~Mobile devices should be used whenever there is an emergency situation or other extenuating circumstance requiring telephone communications and valuable time would be lost searching for/traveling to a landline or pay phone.~~
- ~~Employees and other personnel wishing to call a cellular equipped employee in the field should assess the need for the call and explore another type of communications that would be more appropriate under the prevailing circumstances.~~
- ~~Confidential or lengthy conversations are best handled via landline telephone. Cellular phones are not secure and can be monitored.~~
- City cellular phone numbers may be disclosed to business partners, board members, suppliers involved in City projects, other government agencies or others as deemed necessary or practical by the employee in order to conduct the normal business of the City.
- Mobile devices are easy targets for theft. Take precautions to protect any city-issued mobile device.
- City issued mobile devices are the property of the City, and employees may be financially responsible for the loss, damage, or failure to return assigned property.
- Employees are hereby notified that their conversations via City mobile devices are not private. The City reserves the right to monitor, listen to, and record all conversations made on its phone lines, including cellular phones. These calls are easily monitored using commercially available scanners. All calls made to the DeSoto County Sheriff's Office Communications Center will be recorded.

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- Under no circumstance may an employee use a City mobile device to operate a business or conduct or handle personal matters. ~~As referenced in "B" above, all forms of text and picture messaging are prohibited with the exception of transitory messages reasonably necessary during a declared emergency. In the event of a declared emergency, texting shall be of a transitory nature as defined by the Florida Department of State.~~

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#### 25.20 PERSONAL MOBILE DEVICE USAGE

The purpose of this policy is to promote a safe and productive work environment and increase public safety. This policy applies to both incoming and outgoing mobile device calls. All non-managerial City employees shall not use their personal mobile devices during regular working business hours unless it is an ~~absolute emergency~~ urgent matter. Employees shall give the City's land line number for friends and family as a way of contact. All land line calls (City phones) shall be limited for personal use. Employees may use their personal mobile device during breaks or lunches.

Employee's who violate this policy will result in disciplinary action up to and including termination.

## CHAPTER 26 - SEAT BELT USAGE

### 26.10 PURPOSE

It is the policy of the City that all employees must utilize a safety belt while driving or riding in a City vehicle. ~~As everyone is aware,~~ State Law mandates the wearing of safety belts by front seat occupants. This policy applies more broadly to all occupants of City vehicles.

An employee failing to follow the safety belt policy/State law may be subject to disciplinary action. Please be advised should an employee be involved in an accident and sustain injuries due to no safety belt, Worker's Compensation may be paid at a 25% reduction for failure to utilize provided safety equipment.

## CHAPTER 27 - WEAPONS IN THE WORKPLACE

### 27.10 PURPOSE

To safeguard our employees, our customers and the general public, the City absolutely prohibits anyone -- employee, vendor, contractor, supplier, visitor, or customer -- to have, bring or possess weapons (including all firearms, regardless of any official authorization or government permit), explosives or any sort of dangerous weapons or objects on City property or at City of Arcadia-sponsored events. The only exceptions to this policy are (1) active-duty, sworn law enforcement personnel and military personnel in uniform; and, (2) where otherwise required by Section 790.251 of the Florida Statutes.

City properties include, but are not limited to: Administrative Offices (Margaret Way Building), City Hall, Water Plant, Wastewater Plant, Airport, Public Works facility, Speer Center, Municipal Golf Course, Mobile Home Park, Smith-Brown Center, Fire Station #2 (Hickory Street), all city-owned parks. Similarly, weapons, explosives or other dangerous objects are strictly prohibited in city-owned vehicles, at City work sites, warehouses, storage facilities and parking lots.

Except where prohibited by Section 790.251 of the Florida Statutes, ~~The~~ the City reserves the right to conduct searches of city property (e.g. city vehicles, lockers, bathrooms, buildings, etc) when there is reason to believe that any person is in possession of a weapon, explosive or any other device, instrument, substance (or any object prohibited by this policy) that may be capable of causing or producing injury or death.

Any violation of this policy -- including any refusal to consent to a lawful search -- will subject the employee(s) to immediate suspension and discipline up to and including termination of employment. Violations by non-employees will result in their immediate removal from City property and filing of appropriate charges.

APPENDIX A  
CITY OF ARCADIA  
PERSONNEL ACTION FORM

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Employee: \_\_\_\_\_

Effective Date: \_\_\_\_\_

X	CHANGE (S)	FROM	TO
	Rate		
	Job Classification		
	Shift		
	Department		
	Status (PT/FT, etc.)		
	Incentive Pay		

REASON(S) FOR CHANGE(S)

Hired	Merit Increase
Probationary Period Ended	Transfer
Promotion	Demotion
STEP Increase	Council/Policy/Budget Change
Rehired	Re-evaluation of Job
Other:	

Termination

Resignation  Retirement  Layoff  Discharged

Voluntary Yes  No  Eligible for Rehire  Yes  No

Leave of Absence	From	Until
Reason:		

Change of Address/Phone
From:
To:

Tax Exemptions (Attach W-4)	From	To

X	OTHER CHANGE (S)	FROM	TO
	Insurance		
	Pension		
	Explain Other Change		
	Vacation Time		
	Sick Time		

Originated By: \_\_\_\_\_

Date: \_\_\_\_\_

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

Above changes were completed by: \_\_\_\_\_ Date: \_\_\_\_\_

APPENDIX B

FAMILY MEDICAL LEAVE FORMS  
(Begin next page)



CITY OF ARCADIA

FAMILY AND MEDICAL LEAVE REQUEST

I, \_\_\_\_\_, request a leave of absence under the Family and Medical Leave Act.

The leave of absence is requested for the following reason:

- 1. \_\_\_\_\_ the birth of my child and to care for such child.
2. \_\_\_\_\_ the placement of a son or daughter with me for adoption or foster care.
3. \_\_\_\_\_ to care for my spouse, child, or parent (circle one) who has a serious health condition
4. \_\_\_\_\_ my serious health condition
5. \_\_\_\_\_ Military Caregiver Leave. The military personnel I will be caring for is my \_\_\_\_\_ (specify relationship to military personnel)
6. \_\_\_\_\_ Qualifying Exigency Leave. Please specify family member and contingency operation circumstances. \_\_\_\_\_

I will be absent from work from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_.

If you checked number 3 or 4, please have a Health Care Provider Certification completed by the Health Care Provider indicated below.

HEALTH CARE PROVIDER INFORMATION

Name \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

Address \_\_\_\_\_

By receipt of this request form, I hereby authorize the Health Care Provider to provide such information and medical records as requested by the City without liability for such release of information.

I understand that I may elect to substitute for my unpaid leave, leave that I have earned under other City leave plans. The substitution of paid benefits with Family and Medical Leave will not extend or result in additional Family and Medical Leave being available to me. Family and medical leaves will not be extended due to layoffs or emergency closings.

RETURN TO WORK CERTIFICATION. I understand that if I am requesting medical leave for my serious health condition, I must not only provide the City with a certification from my health care provider as to the existence of my serious health condition, but must also provide the City prior to my return to work, with a Return to Work Certification which has been completed by my health care provider. I understand that failure to provide the Return to Work Certification may result in my being denied reinstatement until such document is provided to the Personnel Office. I understand that the Return to Work Certification Form is attached.

In the event that I desire to return to work prior to the expiration of my leave, I will notify the city at least two (2) working days prior to my desired return date. If my position is filled or

Comment [BK27]: I recommend that HR review these FMLA forms on a regular basis to ensure that it is using the latest DOL-approved forms (available on DOL's website). I recommend using the DOL-approved forms where possible (i.e., WH-380-E; WH-380-F; WH-381; WH-382; WH-384; WH-385; and WH-385V).

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equivalent employment is not available. I am not eligible for employment until the expiration of my family or medical leave through I may accept alternate employment with the City (a position dissimilar from my regular employment position).

Alternative Position During Leave: I understand and agree that if my leave is requested to be taken on a reduced or intermittent basis and I am capable of performing work during my request leave, the City may place me in alternative employment within the city and I hereby agree to such placement. I understand that the position that I may be placed in may have no relation to my current job responsibilities and that such placement is only temporary. I will be returned to my position or substantially equivalent employment upon the expiration of my leave.

Date: \_\_\_/\_\_\_/\_\_\_ Employee Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\*\*\*\*\* OFFICE USE ONLY \*\*\*\*\*

Date Received: \_\_\_/\_\_\_/\_\_\_ Received by: \_\_\_\_\_

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Date Notice of Rights provided to employee: \_\_\_/\_\_\_/\_\_\_

Sample



CITY OF ARCADIA

FAMILY AND MEDICAL LEAVE HEALTH CARE PROVIDER CERTIFICATION

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I, \_\_\_\_\_, certify that \_\_\_\_\_

(Name of Health Care Provider)

(Patient's Name)

has a "serious health condition", which is an illness or injury, impairment or physical or mental condition involving:

A) In-patient care in a hospital, hospice or residential medical facility; and/or

B) 1. Any period of incapacity requiring absence from work, school, or other regular daily activities or more than three (3) calendar days that involve continuing treatment or supervision by a health care provider;

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2. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that it may result in a period of incapacity of more than three (3) calendar days; or

3. Prenatal care;

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In addition, I certify that the patient is one of the following (check the appropriate line)

- An employee of the City of Arcadia
The spouse of an employee of the City of Arcadia
The child of an employee of the City of Arcadia
The parent of an employee of the City of Arcadia

Accordingly, I certify that:

The serious health condition commenced on \_\_\_/\_\_\_/\_\_\_ and has a probable duration through \_\_\_/\_\_\_/\_\_\_

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The patient was seen by me and treated for this serious health condition on the following date(s):

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\_\_\_/\_\_\_/\_\_\_; \_\_\_/\_\_\_/\_\_\_; \_\_\_/\_\_\_/\_\_\_; \_\_\_/\_\_\_/\_\_\_; \_\_\_/\_\_\_/\_\_\_;

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- The patient was treated on an inpatient/outpatient basis (choose one)
The medical facts regarding the serious health condition are as follows:

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\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

If the patient is an employee, the serious health condition must render the employee unable to perform the functions of his/her position which means the employee is unable to work at all or unable to perform the essential functions of the position.

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Below is an explanation of the extent to which the employee is unable to perform the functions of the position as a result of the serious health condition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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If the employee requires intermittent leave (leave taken in blocks of time) or reduced leave (leave that reduces the employee's hours per workweek or workday) which is medically necessary, please describe why the intermittent or reduced leave is medically necessary, the dates on which treatment is expected, and the expected duration of the treatment and leave:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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If the patient is the spouse, son, daughter or parent of the employee, the serious health condition of such individual must require that the employee is needed to care for such individual. A serious health condition for such individual is any condition that affects an individual's ability to engage in normal daily activities.

• The employee will be needed to care for the spouse, parent, son or daughter for approximately the following length of time:  
\_\_\_\_\_

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• Describe the care to be provided by employee  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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• If the employee required intermittent leave (leave taken in blocks of time) or reduced leave (leave that reduces the employee's hours per workweek or workday), to care for the employee's spouse, parent, son or daughter, please describe why it is necessary, the schedule of treatment, and the duration:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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\_\_\_\_\_  
Signature of Health Care Provider

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Office Address

\_\_\_\_\_  
City, State, Zip



CITY OF ARCADIA  
FAMILY AND MEDICAL LEAVE  
BENEFIT ELECTION FORM

Employee Name: \_\_\_\_\_  
Please Print

**NOTICE**

While you are on a leave of absence, the City of Arcadia will continue to maintain your group insurance if you continue to pay the employee co-payment amounts for insurance coverage. Checks should be made payable to City of Arcadia.

If you elect to cease coverage while on leave, you will again be covered under the plan once your leave expires. Your entire premium arrearage will be deducted from your first paycheck upon returning to work unless other arrangements are made prior to payroll processing.

If your insurance arrearage amount reflects 12 weeks or more, you will be removed from the group insurance and offered COBRA continuation insurance. Your last day of coverage will reflect the date that your insurance premium was paid through. Please note, only medical claims with dates of service prior to your "paid through date," will be responded to.

If you elect or if the City requires you to substitute paid time for the unpaid family or medical leave time, your insurance premium amount will be deducted from your regular payroll on a pre-tax basis.

If you elect to maintain coverage and do not return to work, the City will seek to recover from you all amounts paid for health insurance coverage during your leave.

**ELECTION**

Please check the appropriate line below, sign and date this Benefit Election Form. Return this completed form to Human Resources prior to the commencement of your leave.

I elect the following with respect to health and/or dental insurance coverage and premium payments during my leave of absence:

I DO ELECT to continue my health coverage(s) during my leave of absence and will send a check or money order payable to the City by the required date each month.

I DO ELECT to continue my health coverage(s) during my leave of absence and request the City to deduct the premium payments from my paycheck(s). If my paid leave ends, and my leave should become unpaid, I will send a check or money order by the required date each month.

I DO NOT ELECT to continue coverage during my leave of absence.

NOTE: If you elect not to continue coverage, all other persons receiving health insurance coverage through you will also have coverage discontinued.

DATE: \_\_\_\_\_ Employee's Signature: \_\_\_\_\_

\*\*\*\*\* OFFICE USE ONLY \*\*\*\*\*

Received By \_\_\_\_\_ Date \_\_\_\_\_



CITY OF ARCADIA

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FAMILY AND MEDICAL LEAVE  
HEALTH CARE PROVIDER RECERTIFICATION AND  
INTENT TO RETURN TO WORK

TO BE COMPLETED BY AN EMPLOYEE OF A HEALTH CARE PROVIDER

I certify that \_\_\_\_\_ continues to suffer from a serious health  
Name of Patient  
condition that renders him/her unable to perform his/her job functions.

May the individual perform duties with restrictions?  YES  NO

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

PARENT, SPOUSE, SON OR DAUGHTER OF EMPLOYEE:

I certify that \_\_\_\_\_ continues to suffer from a serious health  
Name of Patient  
condition and that \_\_\_\_\_ is needed "to care for" the individual  
Name of Employee  
with the serious health condition. The employee will provide care from \_\_\_/\_\_\_/\_\_\_ to  
\_\_\_/\_\_\_/\_\_\_ or the following schedule if an intermittent leave:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of Health Care Provider DATE: \_\_\_/\_\_\_/\_\_\_

TO BE COMPLETED BY EMPLOYEE:

I \_\_\_\_\_ intend/do not intend to return to work at the City of  
Name of Employee (circle one)  
Arcadia at the end of my leave of absence.

\_\_\_\_\_  
Signature of Employee DATE: \_\_\_/\_\_\_/\_\_\_



CITY OF ARCADIA  
FAMILY AND MEDICAL LEAVE  
EARLY RETURN TO WORK REQUEST

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I, \_\_\_\_\_ am requesting to return to work on \_\_\_\_/\_\_\_\_/\_\_\_\_. My family or medical leave is due to expire on \_\_\_\_/\_\_\_\_/\_\_\_\_. I understand that if my position is filled or equivalent employment is not available, that I may accept alternative employment (a position different from my regular employment position) with the City of Arcadia for the remainder of my leave period.

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\_\_\_\_\_  
Signature of Employee

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

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CITY OF ARCADIA  
FAMILY AND MEDICAL LEAVE  
FITNESS FOR DUTY CERTIFICATION

I certify that \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_, no longer suffer from a  
Name of Employee  
serious health condition or other medical condition or disability and is able to return to work to  
perform all of the functions of his/her position without restriction.

\_\_\_\_\_  
Signature of Health Care Provider

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

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APPENDIX C

TRAVEL REIMBURSEMENT / CONUS INFORMATION

Refer to Section 5.30

~~FY 2011 PER DIEM RATES FOR FLORIDA~~

(in effect at the time of adoption of this manual)

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The following link is directed to the U.S. General Services Administration for Per Diem rates currently in effect.

<http://www.gsa.gov/portal/category/100120>

If the above link is not available, try "Florida CONUS information" in your search engine.

~~FY 2011 MILEAGE REIMBURSEMENT~~

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~~The Internal Revenue Service has issued the 2011 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.~~

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As of Jan. 1, 2011, ~~For fiscal year 2016~~, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- ~~51~~<sup>54</sup> cents per mile for business miles driven
- ~~19~~ cents per mile driven for medical or moving purposes
- ~~14~~ cents per mile driven in service of charitable organizations

~~These values were in effect at the time of this manual's adoption. They may be increased or decreased per the instituting authority. All reimbursements for travel expenses will be done at the prevailing rate in effect at the time of travel.~~

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APPENDIX D

CITY OF ARCADIA  
LEAVE REQUEST FORM

Name: \_\_\_\_\_ Date requested: \_\_\_\_\_

Department: \_\_\_\_\_

Type of leave: (Attach necessary documents if needed)

Vacation  Sick  FMLA  Military  Civil  Other

Description:

\_\_\_\_\_  
\_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_ Hours ~~used~~ Requested: \_\_\_\_\_

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\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Manager/Supervisor Signature

\_\_\_\_\_  
Date

Approved  Disapproved  If Disapproved Reason: \_\_\_\_\_

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# AGENDA No. 3



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Administration

SUBJECT: Minutes from Regular Meeting on March 15, 2016

---

**RECOMMENDED MOTION: Approval of March 15, 2016 Meeting Minutes as presented.**

---

SUMMARY:

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Penny Delaney

Date: 03/22/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 3-23-16

---

COUNCIL ACTION: ( ) Approved as Recommended

( ) Disapproved

( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_

( ) Approved with Modifications

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MARCH 15, 2016  
6:00 P.M.**

*The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.*

**INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL**

Pastor Thomas Simmons gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

**Arcadia City Council**

Mayor Susan Coker

Deputy Mayor Alice Frierson

Councilmember S. Delshay Turner

Councilmember Judy Wertz-Strickland

Councilmember Joseph E. Fink

**Arcadia City Staff**

City Administrator Terry Stewart

City Clerk Penny Delaney

City Attorney T.J. Wohl

Finance Director Beth Carsten

Lieutenant Gary Evans

Denise Musselwhite

**PRESENTATION**

**Agenda Item 1 – Recognition of Denise Musselwhite for 5 Years of Service to City of Arcadia**

Mayor Coker presented Denise Musselwhite with a certificate recognizing her five (5) years of service to the City of Arcadia.

**CONSENT AGENDA**

**Agenda Item 2 – City Council Minutes for Meeting on March 1, 2016**

**Agenda Item 3- Special Event Permit – FAA Safety Seminar – Friends of Arcadia Airport**

Councilmember Wertz-Strickland made a motion to approve the City Council Minutes for March 1, 2016 and the Special Event Permit and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

## **ACTION ITEMS**

Before proceeding to the Action Items, Mayor Coker announced that Margaret Way was in attendance and had recently celebrated her birthday. Councilmember Fink pointed out that the following day would be Councilmember Wertz-Strickland's birthday. At this time, everyone sang "Happy Birthday" to Ms. Way and Councilmember Wertz-Strickland.

### **Agenda Item 4 – Property Maintenance Standards Review Committee Application**

City Administrator Stewart advised an application had been filed regarding a vacant seat on the Property Maintenance Standards Review Committee due to a committee member choosing to relinquish their position. He stated the vacancy had been advertised and Michael Taber had applied. Councilmember Fink advised that for informational purposes, Mr. Taber is an employee of the County. Councilmember Fink made a motion that Mr. Taber be approved and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Regarding Mr. Taber's employment with the County, City Administrator Stewart advised that he had spoken with the City Attorney to ensure this would not create an issue of dual office holding and the City Attorney advised it would not create such an issue.

### **Agenda Item 5 – Request to Purchase City Parcel No. 30-37-25-0A00-1270-0000**

City Administrator Stewart advised Council this was a request from Gary Frierson to purchase a piece of property that is owned of the City. He stated that a piece of the parcel that is currently owned by Mr. Frierson was originally donated to the City by a prior property owner for the purpose of a right-of-way. He explained the property was never deeded or created as a right-of-way and currently Mr. Frierson's property surrounds about ninety-five percent (95%) of the property owned by the City. Mr. Stewart advised the parcel abuts Mr. Frierson's property on three (3) sides and it also abuts another property that is owned by the owner of the radio station in a small portion of the southeast corner, with another property owner to the immediate south that abuts the southern piece of the property. He advised he had provided Council with information from minutes of prior council meetings from 1957 when the property was donated and prior to the donation where it was indicated that it was for the purpose of a right-of-way.

Councilmember Fink stated that it was important to point out that the property serves no purpose to the City and he felt Council needed to divest itself of the property. However, he pointed out that the owner of the radio station was interested in the property. He indicated that he felt there was a need to take a different route and suggested a sealed bid. Councilmember Wertz-Strickland asked if Mr. Fiorini (owner of the radio station) wanted a portion of the strip that Mr. Frierson was wanting to purchase. Mr. Stewart advised he could not answer that question. Councilmember Fink stated that if the two (2) individuals wanted to divide the property, after whoever receives it, then they could deal with the division.

Mr. Frierson stated that almost anything would be better than a sealed bid because with such, the property would still be useless and could not be developed unless someone was taken

advantage of somehow. He suggested a possible auction, taking the appraised value and dividing the property similar to a right-of-way, or request the City to put a road in which is what the City originally agreed to. Joseph Fiorini was in attendance and addressed Council by stating he was the owner of WFLN located at 201 Asbury Street. He stated that regarding the property, he is interested in the portion that abuts his property. He explained that his plans were to build a new building on the property and he needed the extra space to be able to do so. Mr. Fiorini stated he was in agreement to a sealed bid or an open bid. He also stated that if he and Mr. Frierson could work out a deal to split the property, he would be fine with that as well. Mayor Coker stated that the property mainly affected Mr. Frierson and Mr. Fiorini. City Administrator Stewart asked the City Attorney what it meant to divide it up as if it were a right-of-way and City Attorney Wohl advised that by doing so, the end result would be half would go to one owner of the property that abuts it and the other half would go to the other owner of the property that abuts it. There was much discussion regarding the division of the property and the property lines. Councilmember Fink expressed his concern that by the City divesting itself of the property, it appearing the Council may be enhancing one side over the other and he did not feel it was Council's interest as to how they divide or develop the property. He felt they should divest the property, give everyone a chance to be equal holder of the property or not and let them decide what to do with it. He then asked City Attorney Wohl, besides a sealed bid, what the options were for the City to divest itself in an affordable solution that would not put the City at risk for litigation. City Attorney Wohl advised that the Florida Statutes do not provide a required procedure, but in his legal opinion, since there is an appraisal, the property could be sold in an arms-length transaction without an auction or sealed bid, but it was up to Council. He stated the only caveat was to ensure they are getting fair market value. Councilmember Fink asked Mr. Wohl what he would recommend so that there is not an appearance of impropriety since this is not a normal sale. City Attorney Wohl stated that there were two (2) people interested in the property and he felt it would be inequitable for the Council to pick one so he suggested an auction. Mr. Wohl further stated that if he were one of the two gentlemen in attendance, he would be speaking with one another to figure out how they could buy it for less than the appraised value.

Mayor Coker pointed out that there was one (1) other property below that abuts the property and she felt it should only concern the three (3) property owners that abut the property and she asked the City Attorney if it would be equitable to try to deal with it that way. City Attorney Wohl advised they could be notified of the auction and he would notify anyone whose properties are contiguous to the subject property. Mayor Coker stated that she did not think it should be open to the whole public because of what this property is and Mr. Wohl stated that he did not think the City could determine who would be getting it and felt that it should be open to the public. City Administrator Stewart pointed out that due to the way the property is currently zoned and due to its configuration, nothing can be built on it. He stated it would not be of value to anyone other than those who are abutting property owners and have a use for it. He further stated that the only way anyone could come in and bid on the property would be if they hope to hold someone hostage by charging them additional dollars for way more than it is worth. Councilmember Fink made a motion that staff be authorized to auction the property publicly and no one seconded the motion. Therefore, the motion died for lack of a second. City Attorney Wohl advised that they could give the two (2) gentlemen until the next council meeting. Councilmember Wertz-Strickland stated that was going to be her motion to give Mr. Fiorini and

Mr. Frierson , , , , to table it until the next meeting to give them time enough to get together, formulate a plan and then come back to Council with it. Mr. Wohl suggested it be stated that essentially one will advise they do not want the property, that they have worked out something and that Council could sell it to the other. Mr. Stewart stated that if they were going to do such, he would like for there to be specific rules of engagement which would include a legal agreement that is notarized and provided to Council as being what they together recommend be done. After much more discussion, Councilmember Wertz-Strickland amended her motion to continue the matter to the second City Council meeting in April unless Council can provide something to satisfy the City that they can move forward with an arms-length transaction and Councilmember Fink seconded the motion, but added an amendment to the motion that the person who is withdrawing from it provide a notarized statement agreeing to this particular agreement, that this is what they agree to. Councilmember Wertz-Strickland agreed to the amendment. No discussion followed and it was unanimously, 4/0, approved with Deputy Mayor Frierson abstaining from the vote.

#### **Agenda Item 6 – Request Approval of Trailer Mounted Pothole Patcher, Bid No. 2016-01**

City Administrator Stewart advised staff had performed an appropriate sealed bid pursuant to the City Purchasing Rules and Regulations and had received one (1) response. He advised the response matched the specifications in every way and even exceeded them by including optional items they did not expect to get at no additional charge and the price received was less than what was expected. Mr. Stewart stated the finance staff along with Public Works Director Underwood had examined the bid and found it to be responsible and responsive and they are recommending to Council its approval for the purchase of the sealed bid of H.D. Industries Trailer Mounted Pothole Patcher in the amount of \$51,750.00. Councilmember Wertz-Strickland made a motion to accept the bid and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mr. Stewart guaranteed delivery would be within one hundred fifty (150) days.

#### **Agenda Item 7 – Stormwater Piping on Potter Avenue**

City Administrator Stewart referenced pictures that had been provided in City Council's packets which showed the damage to a culvert type bridge on Potter Avenue and he advised it had been blocked off for two (2) months. He advised that within the paving bid that is currently out on the street now, there are specifications to deal with this. He explained, however, if they wait for the whole process to be finished, it will be forty-five (45) to sixty (60) days from now. He felt it was unfair to the people living around the area and he also was concerned regarding the safety of the issue to allow it to continue for another two (2) months. He advised they had taken the specifications that reside within the bid that is out for the paving and used those as specifications for repairing this one (1) site so that the people that bid on it are all bidding on exactly the same thing. He explained the difference is that the amount of the bid is such that it would normally require a sealed bid which would put them back into the next sixty (60) days. He asked Council to waive the requirement for a sealed bid based upon emergency and exigent circumstances. Mr. Stewart stated it was a written bid, everyone bid on the same thing and that

Council had the three (3) bids. He advised the higher bid had agreed to pave more road, but that was not necessary because we do not need the additional paved road, so paying the additional money does not make sense. Mr. Stewart asked that Council approve the low bidder who is both responsive and responsible and meets all the requirements as established by the Florida Department of Transportation. He further stated they were asking for Council's approval to accept the proposal from Conidaris Builders and General Contractors in the amount of Seventy-Three Thousand Seven Hundred Ten and 00/100 Dollars (\$73,710.00) for the work on Potter Avenue. Councilmember Wertz-Strickland made a motion to accept the contract with Conidaris Builders, but asked if the culvert/bridge was in a wetlands area. City Administrator Stewart advised it was a drainage ditch but he could not tell her if it was in a wetlands area. Councilmember Fink seconded the motion, but asked if the riprap for Fifteen Thousand and 00/100 Dollars (\$15,000.00) would be on both sides of Potter and City Administrator Stewart confirmed that it would be on both sides. Public Works Director Underwood advised Council there were two (2) other sites adjacent to each side of Potter which are Lincoln and McKinley that will require the same type of work. Mr. Stewart stated those two (2) sites were not in as bad a shape as the other yet, but they were in the work plan that would be handled by the overall paving contract. No discussion followed and it was unanimously, 5/0, approved.

**Walk-On Agenda Item – Certificate of Appropriateness regarding Property Located at 132 W. Oak Street and 134 W. Oak Street**

City Administrator Stewart advised that representatives from the Historic Preservation Commission were in attendance and would speak on the issue. Carol Mahler advised Council that the commission did not want to approve the Certificate of Appropriateness for the requested change. Bruce Neveau advised that the issue was that the color scheme is in no way appropriate for the building and there was nothing structurally on the building that was already painted the particular color. He also advised the Council that the application came in after the fact of the colors already having been put into place and he further advised that the Historic Commission recommended that it be denied. Mrs. Drill was not in attendance. Councilmember Fink made a motion to not approve the Certificate of Appropriateness for Barbara Drill to change the color of the building at property located at 132 W. Oak and 134 W. Oak and Councilmember Wertz-Strickland seconded the motion. Councilmember Fink stated this was the reason they have the commission and expressed his appreciation. Councilmember Wertz-Strickland agreed and asked if the whole building would be painted or if it would just be the front under the awning. Carol Mahler stated Ms. Drill would have to come back again and ask for a Certificate of Appropriateness. She stated she did not know if they could require her to paint the entire building, but the part that had already been changed had to be addressed. She further stated the most appropriate thing would be for the color to match the rest of the building. No discussion followed and it was unanimously, 5/0, approved.

**COMMENTS FROM DEPARTMENTS**

Lieutenant Gary Evans attended the meeting in the absence of Marshal Anderson. He stated he had nothing to report to Council. He then stated he was there to address any concerns the Council or the public may have and there were none.

City Attorney Wohl had nothing to report.

Finance Director Carsten provided the monthly financial report. She advised that to date, the revenues were at forty-nine point seven percent (49.7%) and the expenses were at thirty-three percent (33%). She then provided an audit update and stated that it had started on February 22, 2016 and staff had been working very hard with the auditors to complete the audit in a timely fashion. She stated one of the challenges that staff faces is the continual job of catching up, but they were catching up. Ms. Carsten advised that when the fiscal year starts in October 2016, they will be reconciling October 2016 statements which has not happened in some time. She further advised that their goal was to file by June 30, 2016, if not before.

City Administrator Stewart stated he was pleased with the progress that had been made and that next year, they expect to be done even sooner. He then thanked City Council for the extension they had given him and his wife until April to be residents of the County and advised that Mrs. Stewart was now residing in Arcadia as well.

Mr. Stewart stated he had spoken with staff regarding the creation of a “victory list” which would detail accomplishments made within the City. He further stated it would not be possible without the support of the Council.

## **PUBLIC**

Carol Mahler invited everyone to the DeSoto County Historical Society’s 12<sup>th</sup> Annual Pioneer Day Bar-B-Que Rib Cook-off which was scheduled for March 19, 2016 from 9:00 a.m. until 3:00 p.m. In addition to the City Administrator singing the national anthem during the opening ceremony, she listed individuals taking part and the planned activities.

Tim Backer, chief of the volunteer fire department, provided an update on the antique fire truck. He explained the prison had been on lockdown and reported that they were hoping to haul it back within a month. Mr. Backer informed Council he had spoken with Public Works Director Steve Underwood and they believe they had found someone who could repair the existing engine. He felt that would be more appealing which would mean they would not have to ship it off which could save money in the long run.

Tim Twohig, a county resident, referenced the Main Street Wine Walk and asked if they were required to have a license. City Administrator Stewart advised that they do not sell it and they are not allowed to leave the premises with it, making it permissible. He also pointed out that they had restrictions as to how much was served.

## **MAYOR AND COUNCIL REPORTS**

Councilmember Wertz-Strickland apologized for not providing a heads-up before bringing up the issue of a class she had attended which addressed social media. She advised that any information that deals with the City must be logged and kept track of. She stated that she

felt the City should be proactive regarding putting out good information about what the City does. Councilmember Wertz-Strickland advised that there is a class being offered in Orlando the following Monday by the Florida League of Cities. City Administrator Stewart stated that he would look into it and send someone. City Attorney Wohl pointed out that information which would need to be memorialized would be information stated on the City's Facebook page and not information placed on a private Facebook page. Councilmember Wertz-Strickland advised the class was great and thanked the City Council for allowing her to attend. She then referenced various actions which were put in legislature and the status of various bills that pertained to cities.

Councilmember Fink stated that he and Deputy Mayor Frierson sit on the Tourist and Development Tax Committee and for the last three (3) years, the meetings have been on Monday. However, with no notice or reason, the meetings have been changed to Thursday which will require him to close his business in order to attend. Councilmember Fink then advised that he had planned on asking Council to replace him as a member on the committee, but Michael Taber had since sent out a question regarding what day of the week to hold the meetings. Mayor Coker asked when and where the committee meets and Councilmember Fink stated he believed it was the second Thursday of the month. Mayor Coker suggested Council review their calendars to see if anyone would be able to attend if the date changes and it will be discussed at the next meeting.

Councilmember Fink also stated that he hoped Council would review the Regional Planning Council information that he had sent to everyone because there were a lot of issues discussed that dealt specifically with the City this time concerning airport security and possibilities of what the City may have to do because of legislation that was adopted.

Mayor Coker announced that Arcadia had had a great rodeo over the weekend and Sarah Palin had attended it. She also stated that Connie Bateman had come before City Council and asked to present something to them and Council had discussed a workshop specifically. Mayor Coker advised she had told Mrs. Bateman that she would be placed on the agenda in April and the Mayor asked Council if they still want a workshop regarding the issue and asked for input. After discussion, it was decided that a workshop was not necessary and a presentation would be sufficient.

She reminded City Council that a while back she had requested printed sheets of the check warrants to be included in the Council packets and she asked if they still wanted it in printed form or if they were fine with reading it online and everyone was in agreement that reading it online was fine. Mayor Coker then informed the City Clerk that the printed check warrants were no longer necessary.

Mayor Coker advised she had received a compliment from someone at the rodeo regarding the downtown beautification project and Councilmember Wertz-Strickland suggested writing a letter to Arcadia Main Street to tell them what a good job they had done on their clean-up day.

**ADJOURN**

Deputy Mayor Frierson made a motion to adjourn and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:34 P.M.

ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

By:

ATTEST:

\_\_\_\_\_  
Susan Coker, Mayor

\_\_\_\_\_  
Penny Delaney, City Clerk



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Alice Frierson, hereby disclose that on March 15, 202016.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Abstained from vote on the Request to Purchase City Parcel No. 30-37-25-0A00-1270-0000 due to her and her husband, Gary Frierson, owning abutting property.

3-24-16

Date Filed

*Alice H. Frierson*

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# AGENDA No. 4



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

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DEPARTMENT: Code Enforcement

SUBJECT: Arcadia Main Street is requesting to hold a Decorate a Pole event.

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RECOMMENDED MOTION:

**Motion to approve the special event permit for Decorate a Pole**

---

SUMMARY: The Arcadia Main Street organization is requesting to host the Decorate a Pole event. They will be charging \$50.00 to decorate one of the light poles located along Oak Street. Businesses or individuals will provide the decorations and decorate their pole. Arcadia Main Street will provide signs for each business that decorates a pole. The decorations will be put up starting on November 26, 2016 and will remain until January 7, 2016.

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Carl A. McQuay

Date: 4/5/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

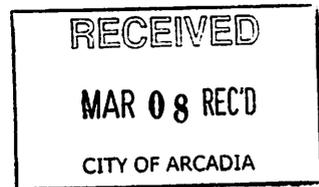
City Administrator: Terry Stewart

Date: 3-23-16

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COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

# SPECIAL EVENTS



A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

<b>Festivals</b>	<b>Fairs</b>	<b>Carnivals</b>
<b>Flea Markets</b>	<b>Expos</b>	<b>Tent Sales</b>
<b>Walk-a-thons</b>	<b>Parades</b>	<b>Road Races</b>
<b>Tournaments</b>	<b>Pony Rides</b>	<b>Petting Zoos</b>
<b>Concerts</b>	<b>Car Shows</b>	<b>Boat Shows</b>
<b>Battles of the Bands</b>	<b>Fireworks Displays</b>	<b>Public Gatherings</b>

All special events require a **SPECIAL EVENTS PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a) A narrative describing the approximate number of people expected to attend;
- b) Whether signs will be placed in the City right-of-ways;
- c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
- d) Indicate whether additional electrical services will be required, and if so, where;
- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
- h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

**INSURANCE** – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

**FOOD – ALL** food and beverage vendors shall provide copies of their State of Florida Health Department License. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

**ALCOHOL –** Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>

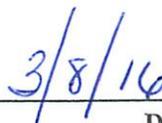
**USE OF CITY PERSONNEL –** If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

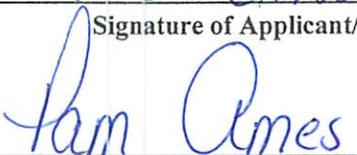
- I have read and agree to abide by the terms and conditions set forth above;
- That I will be designated as the (sole) contact person for the event;
- That I will be responsible for applying for and attaching all required permits and documentation; and
- That I am responsible for any fees which may be incurred as a result of this event.



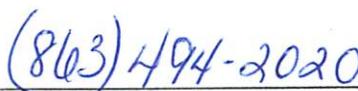
Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 3/8/16
Event Name: Decorate a Pole
Date(s) of Event: 11/26/16 Hours of Event:
Expected Attendance: 20 - Businesses
Event Sponsor: Arcadia Main Street Non Profit? [checked] Yes [ ] No
Description of Event:

Contact Person: Pat Lindsay Telephone: 863 494-2020
Fax #: 863-494-2020 Email: arcadia.mainstreet@floridacounty.com
Insurance Carrier: CNA
Insurance Agent: Agent's Phone:

- Alcoholic Beverage? YES [ ] NO [checked]
Tents? YES [ ] NO [checked]
Cooking? YES [ ] NO [checked]
Outdoor Music? YES [ ] NO [checked]
Additional Electric? YES [ ] NO [checked]
Carnival Rides? YES [ ] NO [checked]
Wildlife? YES [ ] NO [checked]
Fireworks? YES [ ] NO [checked]
Signs Displayed? YES [ ] NO [checked]
Set-up/Clean-up by City? YES [ ] NO [checked]
City Police Required? YES [ ] NO [checked]
Road Closures? YES [ ] NO [checked]

If yes, please specify locations:

Other pertinent information:

\*\*\*\*\*FOR CITY USE ONLY\*\*\*\*\*

Received by: Date: / /
City Marshal [checked] Approved [ ] Disapproved
City Administrator [ ] Approved [ ] Disapproved
City Council [ ] Approved [ ] Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Pam Ames, as Vice President of  
(Printed Name) (Title or Office Held)

Arcadia Main Street Program, do hereby agree to hold the City of Arcadia,

its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the Decorate a Pole to

be held at downtown Oak Street on 11/26/16.  
(Location) (Name of Event) (Date)

By: Pam Ames  
(Signature)

Printed Name: Pam Ames

Entity Name: Arcadia Main Street

Its: \_\_\_\_\_

Date: 3/8/16

STATE OF FLORIDA  
COUNTY OF DeSoto

Sworn to and subscribed before me this 8th day of March, 20 16, by  
Pam Ames, as Vice President,

who  is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

(SEAL)  PATRICIA A. LINDSAY  
MY COMMISSION # EE 845183  
EXPIRES: October 29, 2016  
Bonded Thru Budget Notary Services

Patricia A. Lindsay  
NOTARY PUBLIC  
Printed Name: Patricia A. Lindsay  
Commission No. EE 845183  
Commission Expires: 10/29/16

AMS will be hosting decorate a pole again this year. There will be a \$50.00 charge to decorate one of the light poles on Oak Street. The business or individual will provide the decorations and decorate their pole. Arcadia Main Street will provide a sign for each business that decorates a pole. The decorations will be put up starting on November 26, 2016 and will remain until no later than January 7, 2017.



**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(s) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Maurry, Donnelly & Part  
24 Commerce St.  
Baltimore, MD 21202

INSURED  
Arcadia Meth Street  
22 North Park Avenue  
Arcadia, FL 34285

INSURER A: Continental Casualty Company  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

REVISION NUMBER: 20443

INSURER'S AFFORDED COVERAGE  
NAC #

CONTACT  
NAME:  
PHONE:  
FAX: (410) 685-3071  
LOC. NO. EXT.: (410) 685-4625  
ADDRESS:  
CITY:

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LINE	TYPE OF COVERAGE	APPL. SUBRT	IND. WVD	POLICY NUMBER	ISS. DATE	EXPI. DATE	COVERAGE	AMOUNT
A	COMMERCIAL GENERAL LIABILITY		X	4026933719	07/01/2015	07/01/2016	EACH OCCURRENCE 1,000,000 DAMAGE TO RENTED PREMISES (all occurrences) 300,000 10,000 MED EXP (Any one person) 1,000,000 PERSONAL & ADV INJURY 2,000,000 GENERAL AGGREGATE 1,000,000 PRODUCTS - COMP OP AGG 1,000,000 COMBINED SINGLE LIMIT (all accidents) 1,000,000 BODILY INJURY (per person) 5 BODILY INJURY (per accident) 5 PROPERTY DAMAGE (per accident) 5 EACH OCCURRENCE 5 AGGREGATE 5 RETENTION \$ 5 WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPERTY OR PARTNERSHIP/EXECUTIVE OFFICER MEMBER EXCLUDED? Y <input type="checkbox"/> N <input type="checkbox"/> N/A DESCRIPTION OF OPERATIONS below If yes, describe under (Mandatory in NE)	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101. Additional Remarks/Endorsements may be attached if more space is required)

City of Arcadia is named as an additional insured.

**CERTIFICATE HOLDER**

City of Arcadia  
Tree of Knowledge Park  
West Oak Street

AUTHORIZED REPRESENTATIVE  
*[Signature]*

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **FEB 13 2015**

ARCADIA MAIN STREET PROGRAM INC  
22 N POLK AVE  
ARCADIA, FL 34266

Employer Identification Number:  
65-0383160  
DLN:  
17053258323014  
Contact Person:  
JASON T SAMMONS ID# 31616  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
September 9, 2014  
Contribution Deductibility:  
Yes  
Addendum Applies:  
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

ARCADIA MAIN STREET PROGRAM INC

ADDENDUM

Your exemption under section 501(c)(4) of the Code is reinstated for the period May 15, 2010 to the effective date shown in the heading of this letter.

# AGENDA No. 5



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Code Enforcement

SUBJECT: Arcadia Main Street is requesting to hold Scarecrows on Oak Street event.

---

RECOMMENDED MOTION:

**Motion to approve the special event permit for Scarecrow on Oak Street**

---

SUMMARY: The Arcadia Main Street organization is requesting to host the 3<sup>rd</sup> Annual Scarecrows on Oak Street event. Businesses or individuals will provide the scarecrows and place them on the poles located along Oak Street. The scarecrows will be put up starting on October 1, 2016 and will remain until November 19, 2016.

---

FISCAL IMPACT: \_\_\_\_\_

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: Carl A. McQuay

Date: 4/5/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

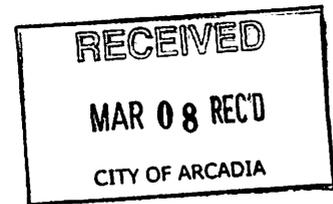
City Administrator: Terry Stewart

Date: 3-23-16

---

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

# SPECIAL EVENTS



A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

<b>Festivals</b>	<b>Fairs</b>	<b>Carnivals</b>
<b>Flea Markets</b>	<b>Expos</b>	<b>Tent Sales</b>
<b>Walk-a-thons</b>	<b>Parades</b>	<b>Road Races</b>
<b>Tournaments</b>	<b>Pony Rides</b>	<b>Petting Zoos</b>
<b>Concerts</b>	<b>Car Shows</b>	<b>Boat Shows</b>
<b>Battles of the Bands</b>	<b>Fireworks Displays</b>	<b>Public Gatherings</b>

All special events require a **SPECIAL EVENTS PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a) A narrative describing the approximate number of people expected to attend;
- b) Whether signs will be placed in the City right-of-ways;
- c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
- d) Indicate whether additional electrical services will be required, and if so, where;
- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
- h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

**INSURANCE** – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

**FOOD – ALL** food and beverage vendors shall provide copies of their State of Florida Health Department License. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

**ALCOHOL –** Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>

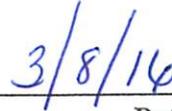
**USE OF CITY PERSONNEL –** If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

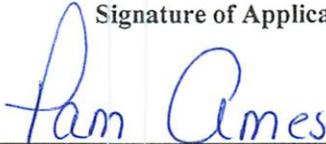
- I have read and agree to abide by the terms and conditions set forth above;
- That I will be designated as the (sole) contact person for the event;
- That I will be responsible for applying for and attaching all required permits and documentation; and
- That I am responsible for any fees which may be incurred as a result of this event.



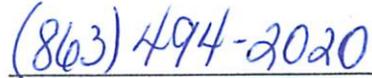
Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 3/8/16
Event Name: Scarecrows on Oak
Date(s) of Event: 10/1/16 Hours of Event:
Expected Attendance: 20- Businesses
Event Sponsor: Arcadia Main Street Non Profit? [checked] Yes No
Description of Event: See attached

Contact Person: Pat Lindsay Telephone: (813) 494-2020
Fax #: (813) 494-2020 Email: arcadiamainstreet@yahoo.com
Insurance Carrier: CNA

Insurance Agent: Agent's Phone:

- Alcoholic Beverage? YES [checked] NO
Tents? YES [checked] NO
Cooking? YES [checked] NO
Outdoor Music? YES [checked] NO
Additional Electric? YES [checked] NO
Carnival Rides? YES [checked] NO
Wildlife? YES [checked] NO
Fireworks? YES [checked] NO
Signs Displayed? YES [checked] NO
Set-up/Clean-up by City? YES [checked] NO
City Police Required? YES [checked] NO
Road Closures? YES [checked] NO

If yes, please specify locations:
Other pertinent information:

\*\*\*\*\*FOR CITY USE ONLY\*\*\*\*\*

Received by: Date: / /
City Marshal [signature] Approved Disapproved
City Administrator Approved Disapproved
City Council Approved Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Pam Ames, as Vice President of

(Printed Name)

(Title or Office Held)

Arcadia Main Street Program, do hereby agree to hold the City of Arcadia,

its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the Scarecrows on Oak to

(Name of Event)

be held at downtown Oak Street on 10/1/16.

(Location)

(Date)

By: Pam Ames

(Signature)

Printed Name: Pam Ames

Entity Name: Arcadia Main Street

Its: \_\_\_\_\_

Date: 3/8/16

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 8th day of March, 20 16, by

Pam Ames, as Vice President,

who  is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

(SEAL)



PATRICIA A. LINDSAY  
MY COMMISSION # EE 845183  
EXPIRES: October 29, 2016  
Bonded Thru Budget Notary Services

Patricia A. Lindsay  
NOTARY PUBLIC

Printed Name: Patricia A. Lindsay

Commission No. EE 845183

Commission Expires: 10/29/16

AMS will be hosting the 3rd Scarecrows on Oak again this year. The business or individual will provide the Scarecrows and place them on one of the light poles on Oak Street. The scarecrows will be put up starting on October 1, 2016 and will remain until no later than November 19, 2016.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/8/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Maury, Donnelly & Parr 24 Commerce St. Baltimore, MD 21202	<b>CONTACT NAME:</b> PHONE (A/C. No. Ext.) (410) 685-4625	FAX (A/C. No.) (410) 685-3071
	<b>ADDRESS:</b> INSURER(S) AFFORDING COVERAGE INSURER A: Continental Casualty Company NAIC # 20443 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
<b>INSURED</b>  Arcadia Main Street 22 North Polk Avenue Arcadia, FL 34288		

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBRT INSD: WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	4025933719	07/01/2015	07/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> I <input type="checkbox"/> A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101. Additional Remarks Schedule may be attached if more space is required)  
 City of Arcadia is named as an additional insured.

<b>CERTIFICATE HOLDER</b>  City of Arcadia Tree of Knowledge Park West Oak Street	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **FEB 13 2015**

ARCADIA MAIN STREET PROGRAM INC  
22 N POLK AVE  
ARCADIA, FL 34266

Employer Identification Number:  
65-0383160  
DLN:  
17053258323014  
Contact Person:  
JASON T SAMMONS ID# 31616  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
September 9, 2014  
Contribution Deductibility:  
Yes  
Addendum Applies:  
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

ARCADIA MAIN STREET PROGRAM INC

ADDENDUM

Your exemption under section 501(c)(4) of the Code is reinstated for the period May 15, 2010 to the effective date shown in the heading of this letter.

# AGENDA No. 6



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Code Enforcement

SUBJECT: Arcadia Main Street Wine Walk

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RECOMMENDED MOTION: **Motion to approve Arcadia Main Street Wine Walk**

---

SUMMARY: The Arcadia Main Street organization is requesting to host a Wine Walk with approximately 200 people in attendance. There will be approximately 10 businesses located on Oak Street that will be providing wine tasting and snacks. Signs will be used to show the location of the businesses that are wine stops. Hours of the event will be from 4:30 p.m. to 7:30 pm on Friday, December 9, 2016. This event will require the closure of Oak Street from DeSoto Ave. to Monroe Ave., which will also include all cross streets.

FISCAL IMPACT: \_\_\_\_\_

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: Carl A. McQuay

Date: 4/5/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 3-23-16

---

COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

# SPECIAL EVENTS

RECEIVED

MAR 08 REC'D

CITY OF ARCADIA

A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

Festivals	Fairs	Carnivals
Flea Markets	Expos	Tent Sales
Walk-a-thons	Parades	Road Races
Tournaments	Pony Rides	Petting Zoos
Concerts	Car Shows	Boat Shows
Battles of the Bands	Fireworks Displays	Public Gatherings

All special events require a SPECIAL EVENTS PERMIT. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a) A narrative describing the approximate number of people expected to attend;
- b) Whether signs will be placed in the City right-of-ways;
- c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
- d) Indicate whether additional electrical services will be required, and if so, where;
- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
- h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

**INSURANCE** – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

FOOD – ALL food and beverage vendors shall provide copies of their State of Florida Health Department License. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

ALCOHOL – Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>

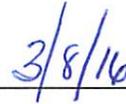
USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

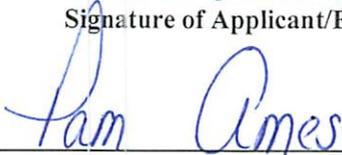
- I have read and agree to abide by the terms and conditions set forth above;
- That I will be designated as the (sole) contact person for the event;
- That I will be responsible for applying for and attaching all required permits and documentation; and
- That I am responsible for any fees which may be incurred as a result of this event.



Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 3/8/16  
 Event Name: Arcadia Main Street Wine Walk  
 Date(s) of Event: 12/19/16 Hours of Event: 4:30pm - 7:30pm  
 Expected Attendance: 200  
 Event Sponsor: Arcadia Main Street Non Profit?  Yes  No  
 Description of Event: See attached

Contact Person: Pot Lindsay Telephone (863) 494-2020  
 Fax #: (863) 494-2020 Email: arcadiamainstreet@yahoo.com  
 Insurance Carrier: CNA

Insurance Agent: \_\_\_\_\_ Agent's Phone: \_\_\_\_\_

- Alcoholic Beverage?  YES  NO
- Tents?  YES  NO
- Cooking?  YES  NO
- Outdoor Music?  YES  NO
- Additional Electric?  YES  NO
- Carnival Rides?  YES  NO
- Wildlife?  YES  NO
- Fireworks?  YES  NO
- Signs Displayed?  YES  NO
- Set-up/Clean-up by City?  YES  NO
- City Police Required?  YES  NO
- Road Closures?  YES  NO

If yes, please specify locations: oak street from DeSoto Ave. to Monroe Ave. to include the cross street of Polk Ave.

Other pertinent information: \_\_\_\_\_

\*\*\*\*\*FOR CITY USE ONLY\*\*\*\*\*

Received by: \_\_\_\_\_ Date:   /  /    
 City Marshal new Approved \_\_\_\_\_ Disapproved \_\_\_\_\_  
 City Administrator \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_  
 City Council \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

INDEMNIFICATION & HOLD HARMLESS

I, Pam Ames, as Vice President of  
(Printed Name) (Title or Office Held)

Arcadia Main Street Program, do hereby agree to hold the City of Arcadia,  
its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the Wine Walk to  
(Name of Event)  
be held at downtown Oak Street on 12/9/16.  
(Location) (Date)

By: Pam Ames  
(Signature)

Printed Name: Pam Ames

Entity Name: Arcadia Main Street

Its: \_\_\_\_\_

Date: 3/8/16

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 8th day of March, 20 16, by  
Pam Ames, as Vice President,

who  is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

(SEAL)



PATRICIA A. LINDSAY  
MY COMMISSION # EE 845183  
EXPIRES: October 29, 2016  
Bonded Thru Budget Notary Services

Patricia A Lindsay  
NOTARY PUBLIC

Printed Name: Patricia A Lindsay

Commission No. EE 845183

Commission Expires: 10/29/16

AMS will be hosting a wine walk with approximately 200 people in attendance. We will have approximately 10 business locations on Oak Street that agree to be a stop for the walk and they will be providing a taste of different wines and snacks. We will use signs to show the locations of which stores are the wine stops. We will need to close Oak Street from DeSoto Ave to Monroe Avenue which will also include the cross street of Polk Avenue. All stores and restaurants will be notified and ask to participate in this event. Tickets will be pre-sold and available the day of the event. Participants will be able to shop in the stores, sip wine and enjoy music. There will not be a need to provide any additional traffic control or electrical services.

**CITY OF ARCADIA**  
Tree of Knowledge Park  
West Oak Street

AUTHORIZED REPRESENTATIVE  
*[Signature]*

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**CANCELLATION**

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Section, may be attached if more space is required)

City of Arcadia is named as an additional insured

TYPE OF INSURANCE	ADDITIONAL INSURED (IND: WVD)	POLICY NUMBER	INSURANCE PERIOD (START DATE - END DATE)	COVERAGE	AMOUNT
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>	4025933719	07/01/2015 - 07/01/2016	AUTO AND EMPLOYERS LIABILITY WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPERTY DAMAGE EXECUTIVE OFFICER/EMPLOYEE (Mandatory in NY) If you describe under DESCRIPTION OF OPERATIONS below	
<input type="checkbox"/> AUTOMOBILE LIABILITY	<input type="checkbox"/>			ANY AUTO ALL OWNED AUTOS HIRED AUTOS NON-OWNED AUTOS SYMBIOTIC AUTOS	
<input type="checkbox"/> UMBRELLA LIA	<input type="checkbox"/>			EXCESS LIA RETENTION \$	
<input type="checkbox"/> E.L. DISEASE - POLICY LIMIT	<input type="checkbox"/>			E.L. DISEASE - POLICY LIMIT	\$
<input type="checkbox"/> E.L. DISEASE - EA EMPLOYER	<input type="checkbox"/>			E.L. DISEASE - EA EMPLOYER	\$
<input type="checkbox"/> E.L. EACH ACCIDENT	<input type="checkbox"/>			E.L. EACH ACCIDENT	\$
<input type="checkbox"/> EACH OCCURRENCE	<input type="checkbox"/>			EACH OCCURRENCE	\$
<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/>			PROPERTY DAMAGE (Per accident)	\$
<input type="checkbox"/> BODILY INJURY (Per accident)	<input type="checkbox"/>			BODILY INJURY (Per accident)	\$
<input type="checkbox"/> BODILY INJURY (Per person)	<input type="checkbox"/>			BODILY INJURY (Per person)	\$
<input type="checkbox"/> COMBINED SINGLE LIMIT	<input type="checkbox"/>			COMBINED SINGLE LIMIT	\$
<input type="checkbox"/> PRODUCT - COMP ADG	<input type="checkbox"/>			PRODUCT - COMP ADG	\$ 1,000,000
<input type="checkbox"/> GENERAL AGGREGATE	<input type="checkbox"/>			GENERAL AGGREGATE	\$ 2,000,000
<input type="checkbox"/> PERSONAL & ADV INJURY	<input type="checkbox"/>			PERSONAL & ADV INJURY	\$ 1,000,000
<input type="checkbox"/> MED EXP (Any one person)	<input type="checkbox"/>			MED EXP (Any one person)	\$ 10,000
<input type="checkbox"/> DAMAGE TO RENTED PREMISES (Per occurrence)	<input type="checkbox"/>			DAMAGE TO RENTED PREMISES (Per occurrence)	\$ 500,000
<input type="checkbox"/> EACH OCCURRENCE	<input type="checkbox"/>			EACH OCCURRENCE	\$ 1,000,000

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

REVISION NUMBER: \_\_\_\_\_ CERTIFICATE NUMBER: \_\_\_\_\_

**PRODUCER**  
Murray, Donnelly & Parr  
24 Commerce St.  
Baltimore, MD 21202

**INSURED**  
Arcadia Main Street  
22 North Park Avenue  
Arcadia, FL 34268

INSURER A: Continental Casualty Company  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

INSURER'S AFFORDING COVERAGE  
NAIC # 20443

CONTACT  
NAME: \_\_\_\_\_  
PHONE: (410) 685-4625  
FAX: (410) 685-3071  
ADDRESS: \_\_\_\_\_

DATE (MM/DD/YYYY) 7/8/2015

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **FEB 13 2015**

ARCADIA MAIN STREET PROGRAM INC  
22 N POLK AVE  
ARCADIA, FL 34266

Employer Identification Number:  
65-0383160

DLN:  
17053258323014

Contact Person:  
JASON T SAMMONS

ID# 31616

Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
December 31

Public Charity Status:  
509(a)(2)

Form 990 Required:  
Yes

Effective Date of Exemption:  
September 9, 2014

Contribution Deductibility:  
Yes

Addendum Applies:  
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

ARCADIA MAIN STREET PROGRAM INC

ADDENDUM

Your exemption under section 501(c)(4) of the Code is reinstated for the period May 15, 2010 to the effective date shown in the heading of this letter.

# AGENDA No. 7



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Code Enforcement  
SUBJECT: Arcadia Heritage Festival

---

RECOMMENDED MOTION: **Motion to approve Arcadia Heritage Festival**

---

SUMMARY: Arcadia Main Street Program is requesting to hold the Arcadia Heritage Festival on November 5, 2016. Hours of the festival will be from 7:00 a.m. to 4:00 p.m. Estimated attendance will be 3000 people. Use of electrical outlets on the stage at the Tree of Knowledge is also requested for this event.

The Heritage Festival will offer vendors, games, entertainment and a BBQ contest. This event will require the closure of Oak Street from DeSoto Ave. to Monroe Ave., which will also include all cross streets.

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Carl A. McQuay Date: 04/05/16

Finance Director (As to Budget Requirements) Date:

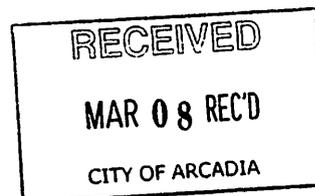
City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart  Date: 3-23-16

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

# SPECIAL EVENTS



A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

<b>Festivals</b>	<b>Fairs</b>	<b>Carnivals</b>
<b>Flea Markets</b>	<b>Expos</b>	<b>Tent Sales</b>
<b>Walk-a-thons</b>	<b>Parades</b>	<b>Road Races</b>
<b>Tournaments</b>	<b>Pony Rides</b>	<b>Petting Zoos</b>
<b>Concerts</b>	<b>Car Shows</b>	<b>Boat Shows</b>
<b>Battles of the Bands</b>	<b>Fireworks Displays</b>	<b>Public Gatherings</b>

All special events require a **SPECIAL EVENTS PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a) A narrative describing the approximate number of people expected to attend;
- b) Whether signs will be placed in the City right-of-ways;
- c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
- d) Indicate whether additional electrical services will be required, and if so, where;
- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
- h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

**INSURANCE** – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An **Indemnification and Hold Harmless Agreement** must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

FOOD – ALL food and beverage vendors shall provide copies of their State of Florida Health Department License. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

ALCOHOL – Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>

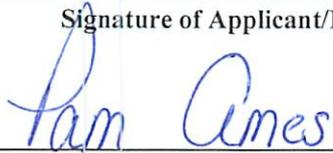
USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

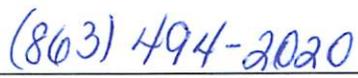
By completing and submitting the attached application, I certify that:

- I have read and agree to abide by the terms and conditions set forth above;
- That I will be designated as the (sole) contact person for the event;
- That I will be responsible for applying for and attaching all required permits and documentation; and
- That I am responsible for any fees which may be incurred as a result of this event.

  
\_\_\_\_\_  
Signature of Applicant/Event Sponsor

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
PRINTED Name of Above

  
\_\_\_\_\_  
Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 3/8/16
Event Name: Heritage Festival
Date(s) of Event: 11/5/16 Hours of Event: 7:00 AM - 4:00 PM
Expected Attendance: 3000
Event Sponsor: Arcadia Main Street Non Profit? [checked] Yes
Description of Event: See attached

Contact Person: Pat Lindsay Telephone (813) 494-2020
Fax #: (813) 494-2020 Email: arcadiaminstreet@upho.com
Insurance Carrier: CNA

Insurance Agent: Agent's Phone:

- Alcoholic Beverage? [ ] YES [x] NO
Tents? [x] YES [ ] NO
Cooking? [x] YES [ ] NO
Outdoor Music? [x] YES [ ] NO
Additional Electric? [x] YES [x] NO
Carnival Rides? [ ] YES [x] NO
Wildlife? [ ] YES [x] NO
Fireworks? [ ] YES [x] NO
Signs Displayed? [x] YES [ ] NO
Set-up/Clean-up by City? [ ] YES [x] NO
City Police Required? [ ] YES [x] NO
Road Closures? [x] YES [ ] NO

If yes, please specify locations: Oak Street from DeSoto Ave. to Monroe Ave to include cross street of Polk Ave.
Other pertinent information:

\*\*\*\*\*FOR CITY USE ONLY\*\*\*\*\*

Received by: Date: 3/8/16
City Marshal [initials] Approved [ ] Disapproved
City Administrator [ ] Approved [ ] Disapproved
City Council [ ] Approved [ ] Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Pam Ames, as Vice President of  
(Printed Name) (Title or Office Held)

Arcadia Main Street Program, do hereby agree to hold the City of Arcadia,  
its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the Heritage Festival to  
(Name of Event)

be held at downtown Oak Street on 11/5/16.  
(Location) (Date)

By: Pam Ames  
(Signature)

Printed Name: Pam Ames

Entity Name: Arcadia Main Street Program

Its: \_\_\_\_\_

Date: 3/8/16

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 8th day of March, 2016, by  
Pam Ames, as Vice President,

who  is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

(SEAL)



PATRICIA A. LINDSAY  
MY COMMISSION # EE 845183  
EXPIRES: October 29, 2016  
Bonded Thru Budget Notary Services

Patricia A. Lindsay  
NOTARY PUBLIC  
Printed Name: Patricia A. Lindsay  
Commission No. EE 845183  
Commission Expires: 10/29/16

Arcadia Main Street Program will be hosting a Heritage Festival with approximately 3000 people in attendance. We will be hosting a BBQ Contest in the parking lot of the Sun Trust Building. These contestants will be cooking meats in different categories for judging. We will have 4 or 5 people to judge the contest. We will have vendors set up in the middle of Oak Street selling different items such as crafts, homemade jellies, cakes, candy, antiques, etc. We will have entertainment set up at the pavilion by the Tree of Knowledge. This will require the use of the electric that is on the stage. We will need to close Oak Street from DeSoto Ave to Monroe Avenue which will also include the cross street of Polk Avenue. All stores and restaurants will be notified and ask to participate in this event. There will be no need to provide any additional traffic control.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/9/2015

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Maury, Donnelly & Parr 24 Commerce St. Baltimore, MD 21202	<b>CONTACT NAME:</b> PHONE (A/C. No. Ext.) <b>(410) 685-4625</b> FAX (A/C. No.) <b>(410) 685-3071</b> E-MAIL ADDRESS: ADDRESS:														
<b>INSURED</b>  Arcadia Main Street 22 North Polk Avenue Arcadia, FL 34266	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: <b>Continental Casualty Company</b></td> <td style="text-align: center;"><b>20443</b></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: <b>Continental Casualty Company</b>	<b>20443</b>	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES      CERTIFICATE NUMBER:      REVISION NUMBER:**

**THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.**

INSR LTR	TYPE OF INSURANCE	ADDC: SUBR (NSD: WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO JECT <input type="checkbox"/> LOC OTHER:	X	4025933719	07/01/2015	07/01/2016	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea. occurrence) \$ <b>300,000</b> MED EXP (Any one person) \$ <b>10,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMPROP AGG \$ <b>1,000,000</b> \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> HIRED AUTOS					COMBINED SINGLE LIMIT (Ea. accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE OED    RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 City of Arcadia is named as an additional insured.

<b>CERTIFICATE HOLDER</b>  City of Arcadia Tree of Knowledge Park West Oak Street	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 13 2015

ARCADIA MAIN STREET PROGRAM INC  
22 N POLK AVE  
ARCADIA, FL 34266

Employer Identification Number:  
65-0383160  
DLN:  
17053258323014  
Contact Person:  
JASON T SAMMONS ID# 31616  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
September 9, 2014  
Contribution Deductibility:  
Yes  
Addendum Applies:  
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

ARCADIA MAIN STREET PROGRAM INC

ADDENDUM

Your exemption under section 501(c)(4) of the Code is reinstated for the period May 15, 2010 to the effective date shown in the heading of this letter.

# AGENDA No. 8



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Planning and Zoning  
SUBJECT: Super Jaripeo Bravio

---

RECOMMENDED MOTION:

**Motion to approve the special event permit for Super Jaripeo Bravio**

---

SUMMARY: The Gladiator Wrestling Inc. is requesting to hold a Rodeo with live music at the Arcadia All-Florida Championship Rodeo grounds on April 10, 2016 from 1:00 pm to 10:30 pm. All appropriate documents and requirements have been provided. The Arcadia Police Dept. has also been hired for traffic control and extra security.

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Carl A. McQuay *CM* Date: 04/5/16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart *TS* Date: *3-23-16*

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

# **SPECIAL EVENTS**

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<b>Flea Markets</b>	<b>Expos</b>	<b>Tent Sales</b>
<b>Walk-a-thons</b>	<b>Parades</b>	<b>Road Races</b>
<b>Tournaments</b>	<b>Pony Rides</b>	<b>Petting Zoos</b>
<b>Concerts</b>	<b>Car Shows</b>	<b>Boat Shows</b>
<b>Battles of the Bands</b>	<b>Fireworks Displays</b>	<b>Public Gatherings</b>

All special events require a **SPECIAL EVENTS PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

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- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
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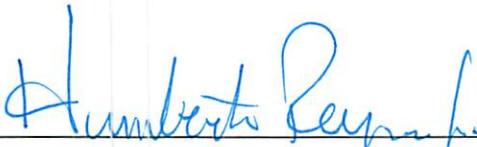
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USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

- I have read and agree to abide by the terms and conditions set forth above;
- That I will be designated as the (sole) contact person for the event;
- That I will be responsible for applying for and attaching all required permits and documentation; and
- That I am responsible for any fees which may be incurred as a result of this event.

  
\_\_\_\_\_  
Signature of Applicant/Event Sponsor

3/16/16  
\_\_\_\_\_  
Date

Humberto Reyna  
\_\_\_\_\_  
PRINTED Name of Above

305-322-2863  
\_\_\_\_\_  
Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 3/16/2016

Event Name: SUPER JARIPED BRAVIO

Date(s) of Event: ARCADIA CHAMPIONSHIP ALL FLORIDA RODEO Hours of Event: 1PM TO 10:30PM

APRIL-10 2016

Expected Attendance: 1200

Event Sponsor: GLADIATOR WRESTLING INC. Non Profit?  Yes  No

Description of Event: Rodeo AND Live Music

Contact Person: HUMBERTO REYNA Telephone: (305) 322-2863

Fax #: 305-246-1533 Email: REYNA613YAHOO.COM

Insurance Carrier: LLOYD'S SYNDICATE 2623

Insurance Agent: EAST MAIN STREET INS. SERVICES INC. Agent's Phone: 530-477-6521

- Alcoholic Beverage?  YES  NO
- Tents?  YES  NO
- Cooking?  YES  NO
- Outdoor Music?  YES  NO
- Additional Electric?  YES  NO
- Carnival Rides?  YES  NO
- Wildlife?  YES  NO
- Fireworks?  YES  NO
- Signs Displayed?  YES  NO
- Set-up/Clean-up by City?  YES  NO
- City Police Required?  YES  NO
- Road Closures?  YES  NO

If yes, please specify locations: \_\_\_\_\_

Other pertinent information: \_\_\_\_\_

\*\*\*\*\*FOR CITY USE ONLY\*\*\*\*\*

Received by: \_\_\_\_\_ Date:   /  /  

City Marshal [Signature] Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

City Administrator \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

City Council \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

UNITED STATES DEPARTMENT OF AGRICULTURE



1-10  
1951

OFFICE OF THE  
DIRECTOR OF THE  
BUREAU OF PLANT INDUSTRY  
WASHINGTON, D. C.

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WASHINGTON, D. C.

PLANT INDUSTRY  
BUREAU OF PLANT INDUSTRY  
WASHINGTON, D. C.

INDEMNIFICATION & HOLD HARMLESS

I, Humberto Reyna, as President of  
(Printed Name) (Title or Office Held)

GLADIATOR WRESTLING INC,, do hereby agree to hold the City of Arcadia,

its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the Super Jarpeo Bravio to  
(Name of Event)

be held at 124- HEART ST, ARCADIA-FL.34266 on 4/10/2016.  
(Location) (Date)

By: Humberto Reyna  
(Signature)

Printed Name: Humberto Reyna

Entity Name: GLADIATOR WRESTLING INC

Its: \_\_\_\_\_

Date: 3/16/2016

STATE OF FLORIDA

COUNTY OF Miami-Dade

Sworn to and subscribed before me this 15 day of March, 2016, by  
Humberto Reyna, as President,

who  is personally known to me or [ ] has produced FLDL#R500-32077 3220 as identification.



(SEAL)

Soila R Gallegos  
NOTARY PUBLIC  
Printed Name: Soila R Gallegos  
Commission No. \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**The Arcadia All-Florida Championship Rodeo Association, Inc. agrees to:**

- \* have the rodeo grounds and arena ready for the stated event,
- \* refund the \$300.00 to said sponsor when the grounds are cleaned,
- \* have Rodeo members available to open and close grounds and arena areas on the days prior to and on the day of the event,
- \* assist in settlement of beer sales, vendor costs and clean up deposit and,
- \* inspect the clean up to return the \$300.00 deposit in a timely manner.

**WE UNDERSTAND AGREE TO THE ABOVE TERMS:**

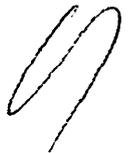
<u>ARMA Promotions</u> SPONSOR/COMPANY'S NAME	
<u>[Signature]</u> SPONSOR REPRESENTATIVE	<u>3/14/16</u> DATE
<u>Willie Wood</u> ARCADIA RODEO REPRESENTATIVE/TITLE	<u>3/14/16</u> DATE
<u>[Signature]</u> WITNESSED BY	<u>3/14/16</u> DATE
<u>[Signature]</u> WITNESSED BY	<u>3/14/16</u> DATE

**Arcadia All-Florida Championship Rodeo Association, Inc.**  
**124 Heard Street**  
**Arcadia, Florida 34266**  
**Contract**  
**Arena Rental**

For the use of the **ARCADIA ALL-FLORIDA CHAMPIONSHIP RODEO, INC.** grounds and arena on April 10, 2016 this agreement is as follows with Arma Productions, represented by Armando Gallegos

**The Sponsor's Representative agrees to:**

- \* pay a non- refundable \$1000.00 (per day of event) deposit to secure the day of said event, which will be credited toward the rental cost of \$3000.00 (per day of event),
- \* be responsible for security, including all costs. The Sponsor will contact the County Sheriff at 863-993-4700, regarding hiring off-duty officers for security. All security must remain until the rodeo grounds are cleared,
- \* purchase special event insurance for \$1,000,000.00 coverage, naming the Arcadia All-Florida Championship Rodeo Association, Inc., and the DeSoto County Fair as co-insured. Copy of the certification must be provided to both entities no later than two (2) weeks prior to the first day of the event.
- \* pay \$3,000.00 (per day of event) for rental of the arena and its grounds for the event, due at contact signing,
- \* pay \$50.00 (per day of event) for each concession booth used,
- \* to secure their own beer license; not to sell any beer in any type of glass containers; be responsible for any liability arising from the sales and consumption of any alcoholic beverages due to the event; and pay \$300.00 or 10% of gross beer sales (whichever is greater) to the Rodeo Association. Additionally, a Rodeo representative will take inventory of all beer brought on the grounds,
- \* use the beer company provided by the Rodeo Association,
- \* pay \$20.00 (per day of event) for each vendor,
- \* pay a refundable deposit of \$300.00 for clean up purposes, and
- \* settle payment of beer sales, vendor costs and clean up deposit at the end of the event.



CRB 117-2

**ARCADIA POLICE DEPARTMENT**  
725 N. Brevard Ave.  
ARCADIA, FL 34266  
(863) 993-4660

**CASH RECEIPT**

Date 03/14/2016 004229

Received From Arma Promotions - Armando Gallegos

Address \_\_\_\_\_  
Nine hundred forty-five + 00/100 Dollars \$ 945.00

For \_\_\_\_\_  
4/10 at Rodeo grounds -

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>945 00</u>	CASH	
AMT. PAID	<u>945 00</u>	CHECK	<u>945 00</u>
BALANCE DUE	<u>0</u>	MONEY ORDER <input type="checkbox"/>	CREDIT CARD <input type="checkbox"/>

3 officers from 1 to 10 pm  
By K. Boatright

# Security Invoice



Write a comment

Thomas Reichert will be notified. Anyone who can view this file can comment.

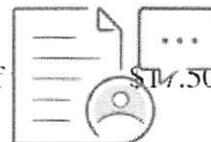
Thomas Reichert  
6425 Hatcher rd  
Lakeland, Fl. 33811  
813-245-2714



**ARMANDO GALLEGOS**  
**ARMA PRODUCTIONS**  
314 Washington Ave  
Homestead, Fl 33030  
Ph: (305) 247-2789  
Fax: (305) 246-1507  
E-Mail: [armaprod@bellsouth.net](mailto:armaprod@bellsouth.net)

6 Security officers @ \$17.50 an hour for 9.5 hours each (12:30pm -- 10:00pm) is \$997.50  
6 Security officers @ \$17.50 an hour for 6 hours each (4pm -- 10:00pm) is \$630.00

Per our conversation, 12 security officers on 4-10-16. For a total of  
hr for a total of \$1627.50



\$17.50 per

Total paid at end of services rendered, to each officer individually.

Post a comment to start a discussion.  
@Mention someone to notify them.

Sincerely,  
Thomas Reichert  
813-245-2714  
March 15th 2016



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/15/2016

**PRODUCER**  
East Main Street Insurance Services, Inc.  
Will Maddux  
PO Box 1298  
Grass Valley, CA 95945  
Phone: (530) 477-6521 Email: info@theeventhelper.com

**THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

**INSURED**  
Jose Gallegos  
314 WASHINGTON AVE  
HOMESTEAD, FL 33030

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Essex Insurance Company	39020
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS								
A	Y	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC Retail Liquor Liability	3DS5450-M933088	SEE BELOW	SEE BELOW	EACH OCCURRENCE INCLUDES BODILY INJURY & PROPERTY DAMAGE \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 DEDUCTIBLE \$ 1,000 \$								
		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$								
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$								
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$								
		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<table border="1"> <tr> <td>WC STATUTORY LIMITS</td> <td>OTHER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table>	WC STATUTORY LIMITS	OTHER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$
WC STATUTORY LIMITS	OTHER													
E.L. EACH ACCIDENT	\$													
E.L. DISEASE - EA EMPLOYEE	\$													
E.L. DISEASE - POLICY LIMIT	\$													
		<b>OTHER</b>												

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**  
Certificate holder listed below is named as additional insured per attached CG 20 26 07 04 for the following dates: 03/26/2016, 03/27/2016, 04/08/2016, 04/09/2016 & 04/10/2016.  
Attendance: 2500, Event Type: Concert - Pop/Cover Band.

**CERTIFICATE HOLDER**  
ARCADIA ALL FLORIDA CHAMPIONSHIP RODEO  
124 HEARD ST  
ARCADIA, FL 34226

**CANCELLATION**  
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  
AUTHORIZED REPRESENTATIVE *Will Maddux*

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)
ARCADIA ALL FLORIDA CHAMPIONSHIP RODEO 124 HEARD ST ARCADIA, FL 34226
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/15/2016

<b>PRODUCER</b> East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley, CA 95945 Phone: (530) 477-6521 Email: Info@theeventhelper.com	<b>THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>	
	<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b>  Jose Gallegos 314 WASHINGTON AVE HOMESTEAD, FL 33030	INSURER A: Essex Insurance Company	39020
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

### COVERAGES

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		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
		<b>OTHER</b>					

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**  
 Certificate holder listed below is named as additional insured per attached CG 20 26 07 04 for the following dates: 03/26/2016, 03/27/2016, 04/08/2016, 04/09/2016 & 04/10/2016.  
 Attendance: 2500, Event Type: Concert - Pop/Cover Band.

<b>CERTIFICATE HOLDER</b>  ARCADIA ALL FLORIDA CHAMPIONSHIP RODEO 124 HEARD ST ARCADIA, FL 34226	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  AUTHORIZED REPRESENTATIVE <i>Will Maddux</i>
--	---

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s)</b>
ARCADIA ALL FLORIDA CHAMPIONSHIP RODEO 124 HEARD ST ARCADIA, FL 34226
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

# AGENDA No. 9



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

---

DEPARTMENT: Planning and Zoning  
SUBJECT: Request for rezoning of Parcel #s 25-37-24-0012-0220-0120 & 25-37-24-0012-0220-0125  
RECOMMENDED MOTION: **Motion to approve Ordinance 1013 on first reading.**

---

SUMMARY: **ORDINANCE 1013**

This is the First Reading of Ordinance 1013, an applicant-initiated request to change the zoning of two (2) parcels of land (Parcel #s 25-37-24-0012-0220-0120 & 25-37-24-0012-0220-0125) totaling 0.5 acres located at 102 North Brevard Avenue and 110 North Brevard Avenue from the zoning of City P-1 (Professional Office) to City B-3 (General Business Commercial District).

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: (X) Ordinance ( ) Resolution ( ) Budget (X) Other

---

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_

City Administrator: Terrance Stewart  Date: 3-23-16

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

## ORDINANCE 1013

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS 25-37-24-0012-0220-0120 AND 25-37-24-0012-0220-0125) TOTALING 0.5 ACRES LOCATED AT 102 NORTH BREVARD AVENUE AND 110 NORTH BREVARD AVENUE FROM THE ZONING OF CITY P-1 (PROFESSIONAL OFFICE) TO CITY B-3 (GENERAL BUSINESS COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia held meetings and hearings regarding the parcels shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, in exercise of its authority, the City Council of the City of Arcadia has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel.

**NOW, THEREFORE BE IT ENACTED** by the City Council of the City of Arcadia, Florida,

**Section 1.** The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of City B-3 (General Business Commercial District) to the parcels located at 102 North Brevard Avenue and 110 North Brevard Avenue (Parcel Numbers 25-37-24-0012-0220-0120 and 25-37-24-0012-0220-0125) having a cumulative total of 0.5-acres, as shown in Exhibit "A".

**Section 2.** **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 3.** **Effective Date:** The effective date of this ordinance shall be the date of its adoption.

This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Susan Coker, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Penny Delaney, City Clerk**

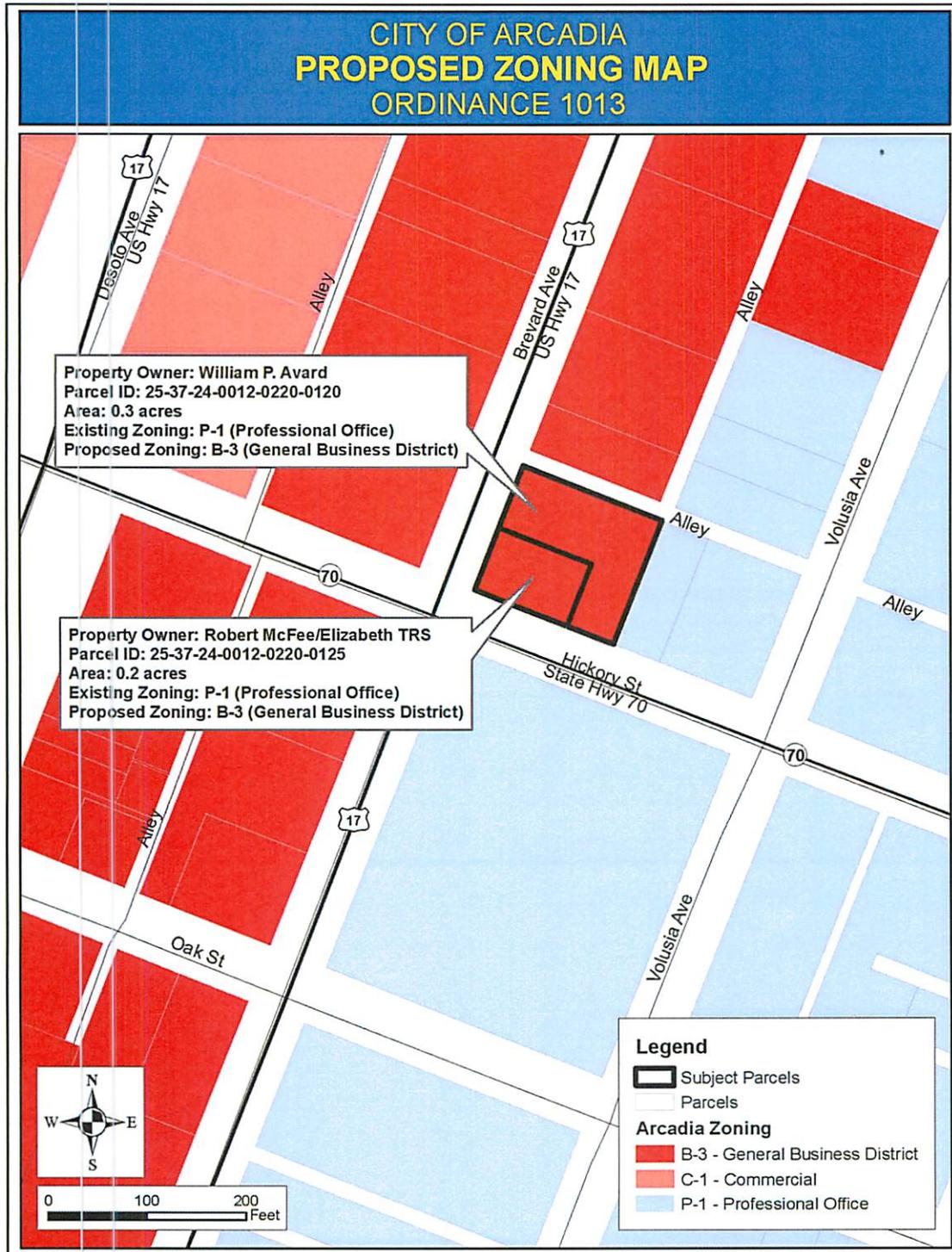
**Approved as to form:**

\_\_\_\_\_  
**Thomas J. Wohl, City Attorney**

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_.

The vote was \_\_\_\_ for \_\_\_\_ against with \_\_\_\_ abstentions and \_\_\_\_ absent

**EXHIBIT "A"**





**CITY OF ARCADIA  
ZONING AMENDMENT  
OVERVIEW REPORT  
April 5, 2016**

---

**TO:** City of Arcadia, City Council

**FROM:** Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

**SUBJECT:** **Ordinance 1013:**

An applicant-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 25-37-24-0012-0220-0120 and 25-37-24-0012-0220-0125) totaling 0.5 acres located at 102 North Brevard Avenue and 110 North Brevard Avenue from the zoning of City P-1 (Professional Office) to City B-3 (General Business Commercial District).

**AGENDA DATE:**

February 9, 2016, 4:00 PM: Planning and Zoning Board (Public Hearing)  
March 8, 2016, 4:00 PM: Planning and Zoning Board (Public Hearing)  
**April 5, 2016, 6:00 PM: City Council – Ordinance 1013 (First Reading)**  
April 19, 2016, 6:00 PM: City Council – Ordinance 1013 (Adoption Public Hearing)

**PLANNING & ZONING BOARD ACTION:**

On Tuesday, February 9, 2016, the City of Arcadia Planning & Zoning Board voted unanimously to forward a proposed Future Land Use Map Amendment pertaining to Parcel# 25-37-24-0012-0220-0120 to the City Council **with a recommendation of approval.**

On Tuesday, March 8, 2016, the City of Arcadia Planning & Zoning Board voted unanimously to forward a proposed Future Land Use Map Amendment pertaining to Parcel# 25-37-24-0012-0220-0125 to the City Council **with a recommendation of approval.**

**CITY COUNCIL MOTION OPTIONS:**

1. I move the City Council **approve** the First Reading of Ordinance 1013.
2. I move the City Council **approve with changes** the First Reading of Ordinance 1013.

**ATTACHMENTS:**

- Aerial Photo Map
- Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Rezoning Applications
  - 16-01 RZ (110 North Brevard Avenue)
  - 16-01 RZ-Amended (102 North Brevard Avenue)
- Signed Owner’s/Agent Affidavit forms

**OVERVIEW:**

<b>Applicant</b>	Ted Zolkos (Turner Realty)
<b>Property Owners</b>	Robert McFee/Elizabeth TRS (102 North Brevard) William P. Avard (110 North Brevard)
<b>Parcel IDs</b>	25-37-24-0012-0220-0125 (102 North Brevard) – 0.2 acres 25-37-24-0012-0220-0120 (110 North Brevard) – 0.3 acres
<b>Subject Area (Total)</b>	0.5 acres
<b>Existing Future Land Use</b>	Business
<b>Existing Zoning</b>	P-1 (Professional Office)
<b>Proposed Zoning</b>	B-3 (General Business Commercial District)
<b>Previous Hearings</b>	None

Mr. Ted Zolkos of Turner Realty ('applicant') on behalf of property owners Robert McFee/Elizabeth TRS and William P. Avard is requesting a zoning amendment to change the zoning of two (2) parcels of land totaling 0.5 acres from the zoning of City P-1 (Professional Office) to City B-3 (General Business Commercial District). The subject parcels are located at 102 North Brevard Avenue and 110 North Brevard Avenue which are situated at the northeast corner of the intersection of North Brevard Avenue (US-17) and East Hickory Street (SR-70). See attached Aerial Photo Map.

The original request for rezoning was initiated through rezoning application #16-01 RZ for the property located at 110 North Brevard Avenue (25-37-24-0012-0220-0120) which was heard by the City’s Planning and Zoning Board on February 9, 2016.

An amendment to the original rezoning application (#16-01 RZ) was filed with the City to also include the rezoning of the adjacent property located at 102 North Brevard Avenue (25-37-24-0012-0220-0125). The amended application was heard by the City’s Planning and Zoning Board on March 8, 2016.

The City’s Planning & Zoning Board voted unanimously to forward both requests to the City Council with recommendations of approval.

**REASON FOR REQUEST:**

The purpose of the request is to update the City’s Official Zoning Map to reflect the zoning of City B-3 (General Business Commercial District) to facilitate the future development of a retail business on the subject properties.

**STANDARDS FOR EVALUATION OF PROPOSED ZONING CHANGES**

The City of Arcadia Planning & Zoning Board will provide recommendation, and the City Council will make a final motion to accept, reject, modify, return, or continue to seek additional information on all proposed zoning changes. The review of all zoning changes shall be considered and evaluated against the following standards:

- *Consistency with the Comprehensive Plan.*
- *Land Use Analysis.*
- *Public Facilities and Services Analysis.*

**Consistency with the Comprehensive Plan:**

The request is to change the zoning designation of the subject parcels from P-1 (Professional Office) to B-3 (General Business Commercial District). Descriptions for both the existing and proposed zoning designations, including the description of the existing Future Land Use are provided as follows:

***Existing – Future Land Use***

**Comprehensive Plan, Future Land Use Element, Policy 1.6 – Business:** The Business designation shall meet Arcadia's demand for retail goods and services, and shall promote efficient use of infrastructure. Arcadia shall direct commercial development to areas which are well integrated with transportation facilities and surrounding land uses. Residential uses, such as above-ground-floor apartments, are permissible, provided that they are compatible and appropriately integrated with the surrounding area. Schools are permitted in this classification. The floor area ratio in the Business designation shall not exceed 3.0.

***Existing – Zoning***

**City Land Development Code, Section 4.06.03.01 – P-1 (Professional Office):** The purpose of this district is to encourage the compatible development of major professional and related office uses in areas which are suitable for such activities. An example of the compatible grouping of professional offices would include such relationships as legal offices near governmental buildings or physicians and paramedical offices near hospitals or clinics.

***Proposed –Zoning***

**City Land Development Code, Section 4.06.04.04 – B-3 (General Business Commercial District):** The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

The proposed zoning of B-3, General Business Commercial, is consistent with the existing Future Land Use designation of Business and is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan.

**Land Use Analysis**

The subject parcels have a Future Land Use of Business and zoning of P-1, and are primarily surrounded by lands with the same designations. The general land use characteristic of this area is identified by a mix of commercial/business and public/governmental land uses, with some low density residential nearby.

A *Land Use Matrix* is provided below outlining the existing and proposed zoning of the subject properties and the existing zoning of adjacent properties. The Future Land Use and existing land uses have also been provided. Existing Future Land Use and Existing and Proposed Zoning Maps are attached for reference.

**Land Use Matrix**

Northwest (across US 17)	North	Northeast
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)  <b>Existing Land Use:</b> Vacant Business/Commercial	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)  <b>Existing Land Use:</b> Vacant Business/Commercial	<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> P-1 (Professional Office)  <b>Existing Land Use:</b> Single Family Residential
West (across US 17)	Subject Parcels	East
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)  <b>Existing Land Use:</b> Vacant Business/Commercial	<b>Future Land Use:</b> Business  <b>Zoning:</b> <u>Existing:</u> P-1 (Professional Office)  <u>Proposed:</u> B-3 (General Business Commercial)  <b>Existing Land Use:</b> Vacant	<b>Future Land Use:</b> Business  <b>Zoning:</b> P-1 (Professional Office)  <b>Existing Land Use:</b> Single Family Residential
Southwest (across US 17 and SR 70)	South (across SR 70)	Southeast (across SR 70)
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)  <b>Existing Land Use:</b> Business/Commercial Use	<b>Future Land Use:</b> Public Buildings and Grounds  <b>Zoning:</b> P-1 (Professional Office)  <b>Existing Land Use:</b> County Government	<b>Future Land Use:</b> Public Buildings and Grounds  <b>Zoning:</b> P-1 (Professional Office)  <b>Existing Land Use:</b> County Government

The existing Future Land Use of the subject properties currently permits the operation of business and professional land uses. The proposed zoning change is consistent with the existing Business Future Land Use, the City’s Comprehensive Plan, and is compatible with surrounding properties and the character of the area.

**Public Facilities and Services Analysis:**

The following is a summary analysis of the potential impacts on existing public facilities and services:

***Potable Water:***

City water is available to serve the subject property. The City’s adopted level of service for supply of potable water is 102 gallons per person per day. Based on the City’s public supply annual report submitted to the Southwest Florida Water Management District for reporting period January 1 through December 31, 2014, the City is currently operating at 89 gallons per day per person which

is below the adopted level of service standard. The proposed zoning change and potential use of the property do not pose any negative impacts on the City's current system.

***Sanitary Sewer:***

City sewer is currently available to the site. The City's adopted level of service for wastewater generation is 171 gallons per person per day. The estimated processing of wastewater is approximately 89 gallons per day per person which is below the adopted level of service. The proposed zoning change and potential use of the property do not pose any negative impacts on the City's current system.

***Solid Waste:***

Solid waste collection in the City of Arcadia amounts to approximately 2.23 pounds per person per day, which is below the City's adopted level of service standard of 4.8 pounds per person per day. The proposed zoning change and potential use of the property do not pose any negative impacts on the City's solid waste collection.

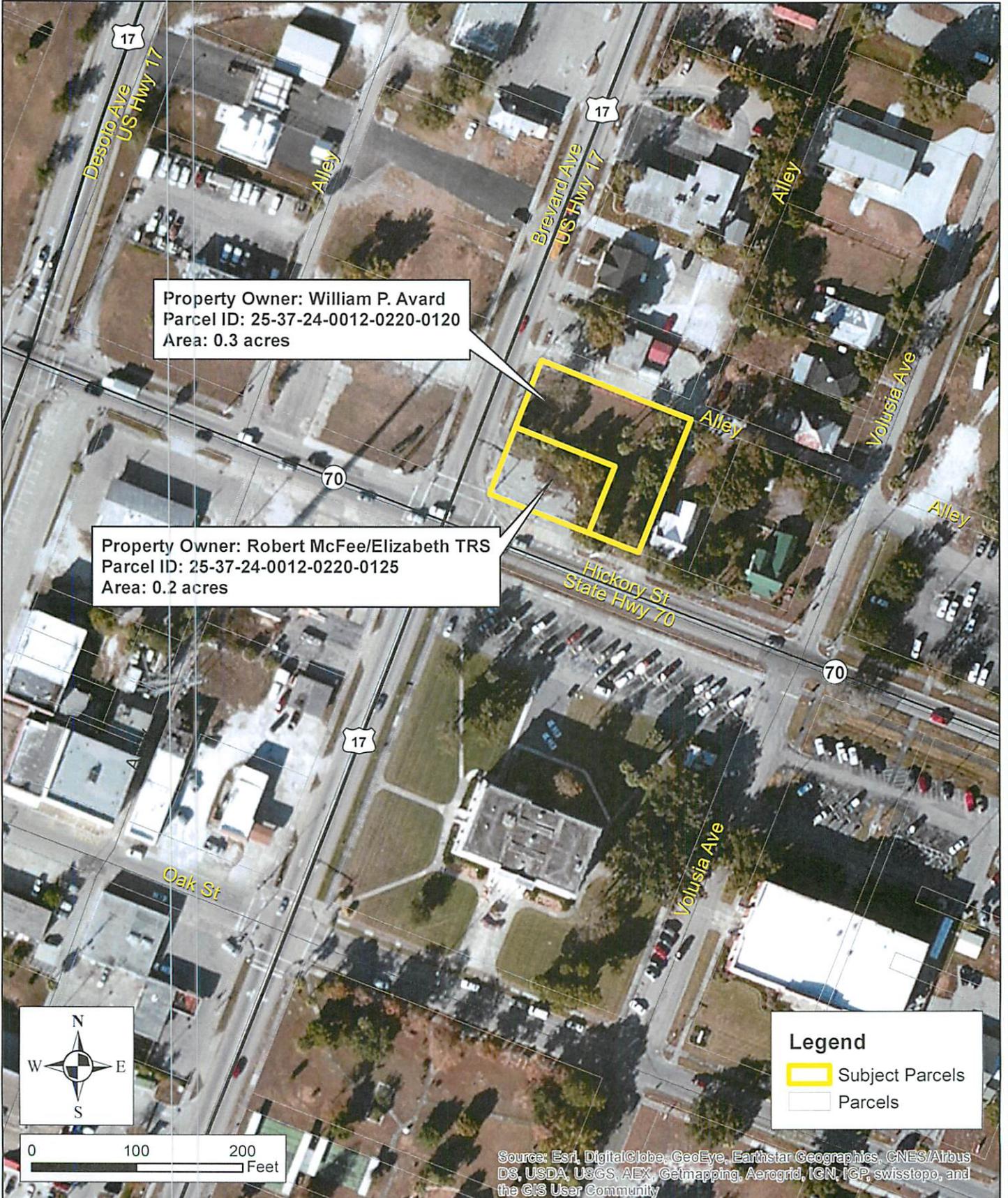
***Traffic/Transportation:***

The primary roadways serving the subject properties are North Brevard Avenue (US-17) and East Hickory Street (SR-70). The proposed zoning and any future development on the subject properties are not anticipated to have any negative impacts on traffic and transportation systems. At the time of development, traffic and access management conditions will be reviewed prior to site development approvals and issuance of building permits.

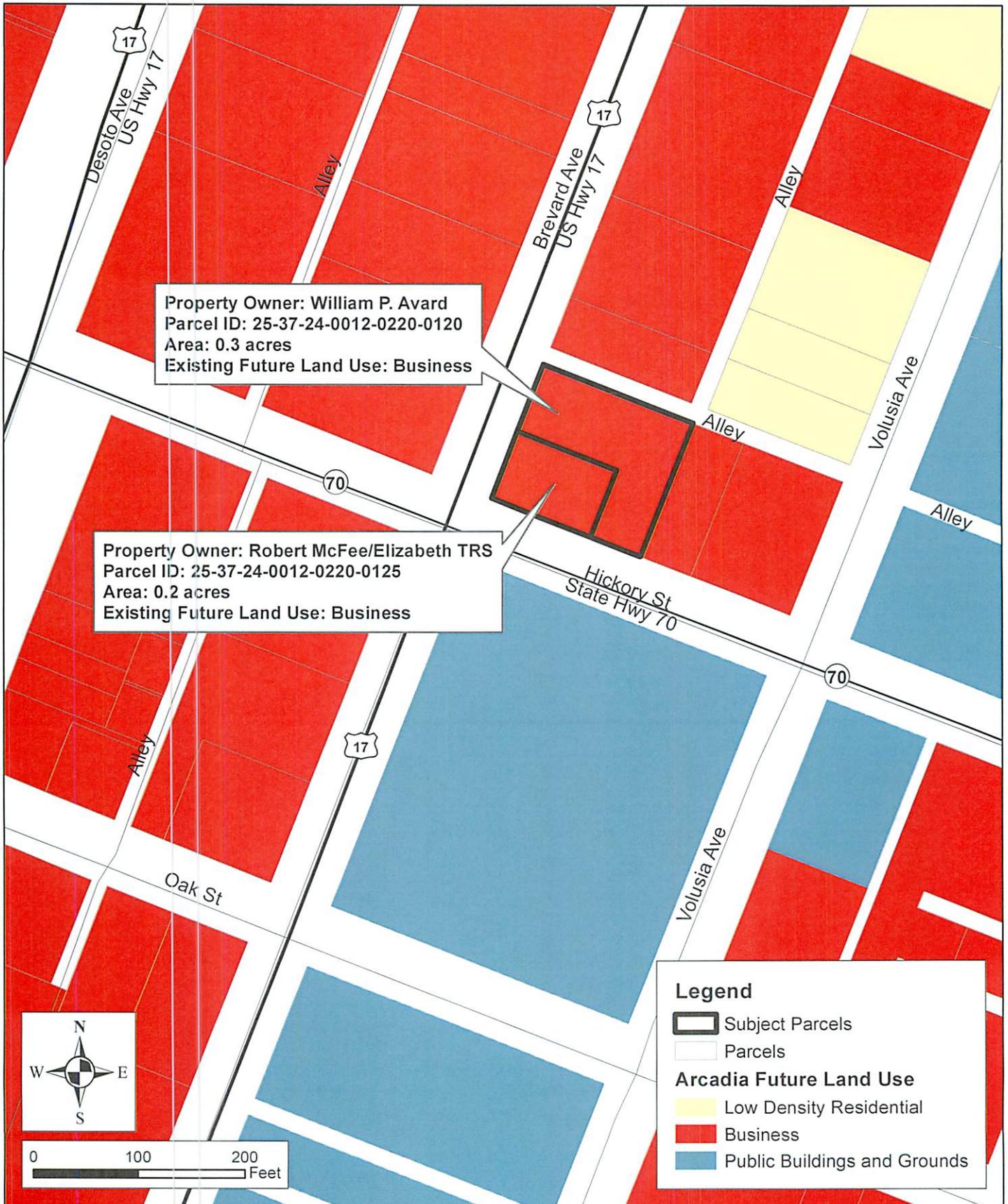
***Public School and Recreational Facilities:***

There are no public school or recreational facility impacts, as the proposed zoning does not provide for residential development.

# CITY OF ARCADIA AERIAL PHOTO MAP



# CITY OF ARCADIA FUTURE LAND USE MAP

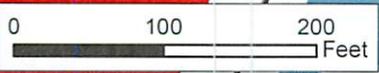


Property Owner: William P. Avard  
Parcel ID: 25-37-24-0012-0220-0120  
Area: 0.3 acres  
Existing Future Land Use: Business

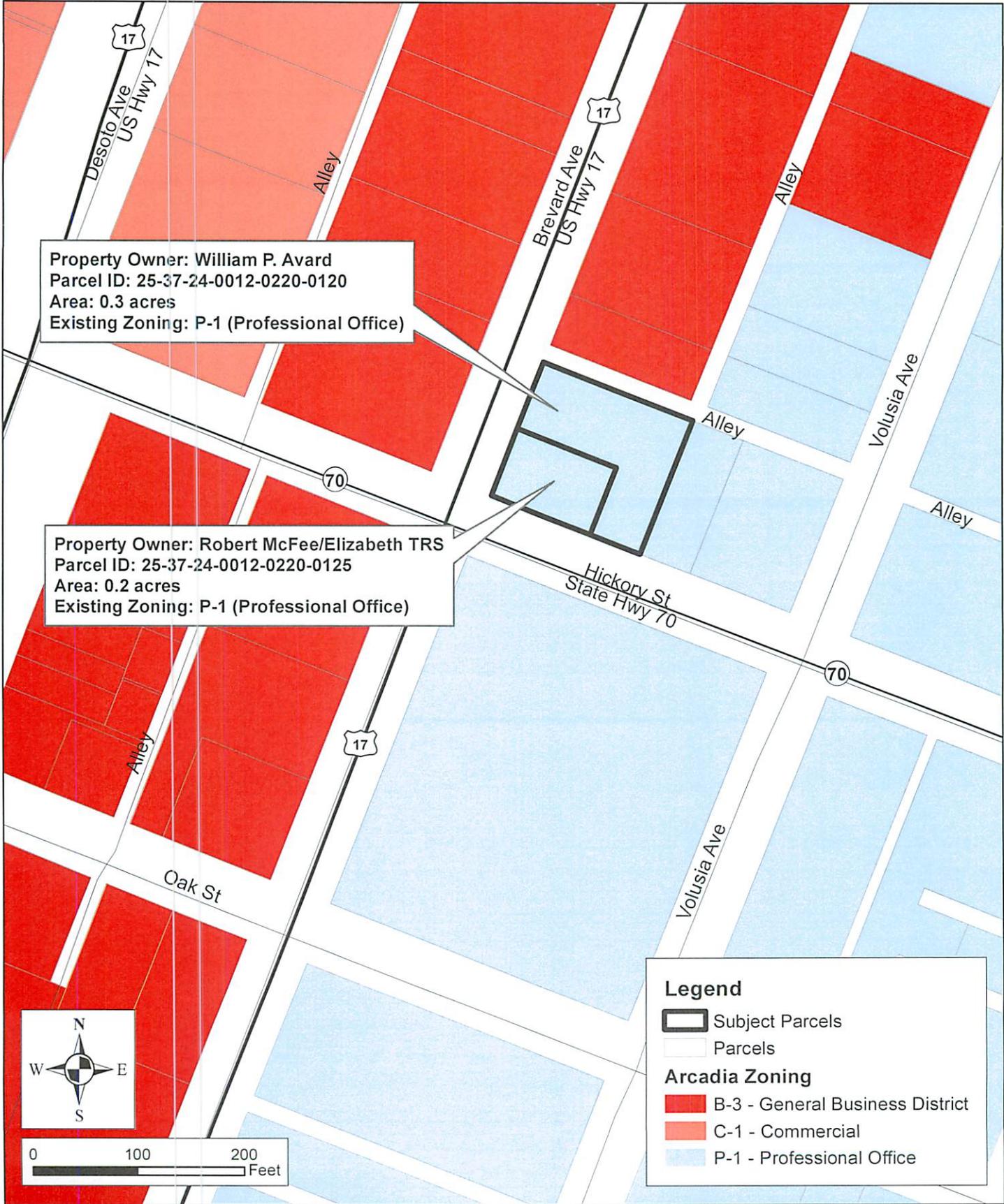
Property Owner: Robert McFee/Elizabeth TRS  
Parcel ID: 25-37-24-0012-0220-0125  
Area: 0.2 acres  
Existing Future Land Use: Business

**Legend**

- Subject Parcels (black outline)
- Parcels (white outline)
- Arcadia Future Land Use**
  - Low Density Residential (yellow)
  - Business (red)
  - Public Buildings and Grounds (blue)

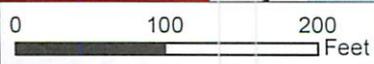
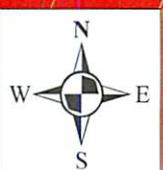


# CITY OF ARCADIA EXISTING ZONING MAP



Property Owner: William P. Avard  
Parcel ID: 25-37-24-0012-0220-0120  
Area: 0.3 acres  
Existing Zoning: P-1 (Professional Office)

Property Owner: Robert McFee/Elizabeth TRS  
Parcel ID: 25-37-24-0012-0220-0125  
Area: 0.2 acres  
Existing Zoning: P-1 (Professional Office)



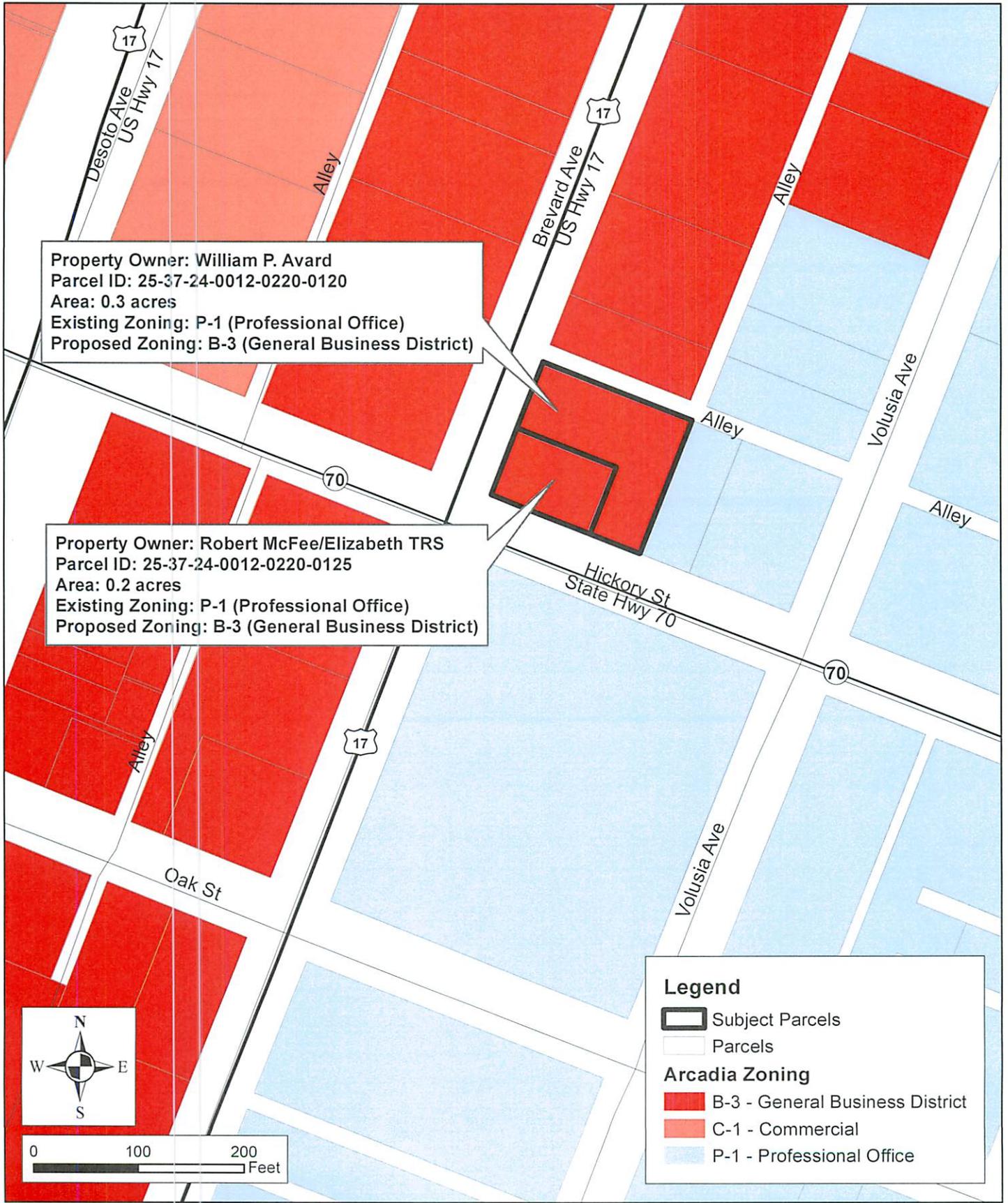
**Legend**

- Subject Parcels
- Parcels

**Arcadia Zoning**

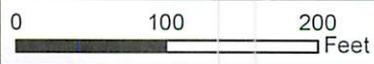
- B-3 - General Business District
- C-1 - Commercial
- P-1 - Professional Office

# CITY OF ARCADIA PROPOSED ZONING MAP ORDINANCE 1013



Property Owner: William P. Avard  
 Parcel ID: 25-37-24-0012-0220-0120  
 Area: 0.3 acres  
 Existing Zoning: P-1 (Professional Office)  
 Proposed Zoning: B-3 (General Business District)

Property Owner: Robert McFee/Elizabeth TRS  
 Parcel ID: 25-37-24-0012-0220-0125  
 Area: 0.2 acres  
 Existing Zoning: P-1 (Professional Office)  
 Proposed Zoning: B-3 (General Business District)



**Legend**

- Subject Parcels
- Parcels

**Arcadia Zoning**

- B-3 - General Business District
- C-1 - Commercial
- P-1 - Professional Office



**REZONING APPLICATION  
(ZONING MAP AMENDMENT)**

Date Stamp

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

Fee \$1,250.<sup>00</sup>  
Check # 1084  
R# 518637

File No.: 16-01 RZ

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. The Zoning Map regulates allowable land uses within the City through the creation of land use districts or zones, and then assigns individual parcels to a particular zoning district. A rezoning is a change in the zoning district designation for a property. The rezoning process exists to allow property owners to change the zoning district designation of their property to another zoning classification or land development regulations which may impact property use standards.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>TED ZOLKOS</u>	Name: <u>AVARD, William P</u>
Organization: <u>TURNER REALTY</u>	Organization: _____
Address: <u>105 N BREVARD</u>	Address: <u>110 N BREVARD AVE</u>
City: <u>ARCADIA, FL 34266</u>	City: <u>ARCADIA, FL</u>
State: <u>FL</u> Zip Code: <u>34266</u>	State: <u>FL</u> Zip Code: <u>34266</u>
Telephone No.: <u>(863) 990-2888</u>	Telephone No.: <u>(863) 494-4936</u>
Email: <u>TEDZOLKOS@HOTMAIL.COM</u>	Email: _____

**I. Property Information**

Parcel Address (if assigned): 110 N BREVARD AVE

Parcel Identification Number: 25-37-24-0012-0220-0120

Subdivision, Block and Lot Nos.: \_\_\_\_\_

Property Size (in acres): 0.15

Existing land use of subject property: VACANT

II. Regulatory and Land Use Information of Subject Property

Future Land Use Map Designation: \_\_\_\_\_

Adopted Zoning Map Designation: \_\_\_\_\_

Proposed Zoning Map Designation: B-3

Is the subject property adjacent to or nearby other similar zoned districts to the district being sought?

No  Yes, please list zoning districts: B-3

III. Proposed Development Activity

Residential  Commercial  Office/Professional  Other \_\_\_\_\_

Expected Total Residential Units: \_\_\_\_\_ Residential Density: Dwellings Units / Per Acre = \_\_\_\_\_

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 6,250

IV. Transportation Access Information

Identify primary roadways that serve the subject property: Highway 17 N & 70 W

Has a recent transportation and parking demand study been performed:  No  Yes

How many existing parking spaces are dedicated to the project site: 10 to 12

Identify roadways that are anticipated to be impacted through project site plan improvements:

Driveways: \_\_\_\_\_ Turn lanes: \_\_\_\_\_

Intersection Improvements: \_\_\_\_\_

V. Projected Impacts to Public Facilities and Services

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water, change in ERUs: \_\_\_\_\_

Sanitary Sewer, change in ERUs: \_\_\_\_\_

Public School and Enrollment Projections: \_\_\_\_\_

Known Environmental or Wellhead Protection Zones: \_\_\_\_\_



REZONING APPLICATION  
(ZONING MAP AMENDMENT)

Date Stamp

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

Amendment to  
16-01RZ

Fee \$1,250.00

R# \_\_\_\_\_

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 15 RZ

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. The Zoning Map regulates allowable land uses within the City through the creation of land use districts or zones, and then assigns Individual parcels to a particular zoning district. A rezoning is a change in the zoning district designation for a property. The rezoning process exists to allow property owners to change the zoning district designation of their property to another zoning classification or land development regulations which may impact property use standards.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>THEODORE J ZOLKOS JR</u>	Name: <u>ROBERTA &amp; ELIZABETH</u>
Organization: <u>TURNER REALTY</u>	Organization: <u>TRUST</u>
Address: <u>P.O. BOX 1457</u>	Address: <u>210 PALMETTO LAKE</u>
City: <u>ARCADIA</u>	City: <u>LARGO</u>
State: <u>FL</u> Zip Code: <u>34265</u>	State: <u>FL</u> Zip Code: <u>33770</u>
Telephone No.: <u>(863) 990-2888</u>	Telephone No.: <u>(727) 219-3653</u>
Email: <u>tedzolkos@hotmail.com</u>	Email: <u>DMCFEE9231@MSN.COM</u>

I. Property Information

Parcel Address (if assigned): 102 N BREVARD AVE Arcadia  
Parcel Identification Number: 25-37-24-0012 0230 0120  
Subdivision, Block and Lot Nos.: \_\_\_\_\_  
Property Size (in acres): 0.146  
Existing land use of subject property: P-1

.. **Regulatory and Land Use Information of Subject Property**

Future Land Use Map Designation: \_\_\_\_\_

Adopted Zoning Map Designation: \_\_\_\_\_

Proposed Zoning Map Designation: \_\_\_\_\_

Is the subject property adjacent to or nearby other similar zoned districts to the district being sought?

No  Yes, please list zoning districts: B-3

III. **Proposed Development Activity**

Residential  Commercial  Office/Professional  Other \_\_\_\_\_

Expected Total Residential Units: \_\_\_\_\_ Residential Density: Dwellings Units / Per Acre = \_\_\_\_\_

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: \_\_\_\_\_

IV. **Transportation Access Information**

Identify primary roadways that serve the subject property: US HWY 17 US 70

Has a recent transportation and parking demand study been performed:  No  Yes

How many existing parking spaces are dedicated to the project site: \_\_\_\_\_

Identify roadways that are anticipated to be impacted through project site plan improvements:

Driveways: \_\_\_\_\_ Turn lanes: \_\_\_\_\_

Intersection Improvements: \_\_\_\_\_

V. **Projected Impacts to Public Facilities and Services**

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water, change in ERUs: \_\_\_\_\_

Sanitary Sewer, change in ERUs: \_\_\_\_\_

Public School and Enrollment Projections: \_\_\_\_\_

Known Environmental or Wellhead Protection Zones: \_\_\_\_\_



CITY OF ARCADIA
ZONING AMENDMENT APPLICATION

OWNER'S SIGNATURE PAGE

(I) (We), WILLIAM P. AVARD being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Arcadia to process this petition in accordance with all adopted City rules and regulations and in conformance with State law, as applicable.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature of Owner: WILLIAM P. AVARD

Signature of Owner: WILLIAM P. AVARD

Printed Name of Owner

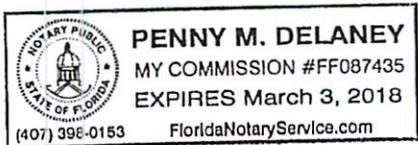
Signature of Owner

Printed Name of Owner

STATE OF FLORIDA
COUNTY OF DESOTO

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 26th day of January, 2011, by WILLIAM P. AVARD, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



Penny M. Delaney

Notary Public

Notarial Seal and Commission

Expiration Date



CITY OF ARCADIA
ZONING AMENDMENT APPLICATION

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), TED ZOLKOS being duly sworn, depose and say that (I) (we) serve as agent or lessee for the owner(s) in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature of Agent, Lessee, or Buyer(s) TED ZOLKOS
Printed Name of Agent, Lessee, or Buyer(s) Ted Zolkos
Signature of Agent, Lessee, or Buyer(s)
Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA AGENT, LESSEE, OR BUYER(S) NOTARIZATION
COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this 27th day of January 2016 by Ted Zolkos, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.

Penny M. Delaney
Notary Public



Notarial Seal and Commission
Expiration Date 3-3-18



CITY OF ARCADIA
ZONING AMENDMENT APPLICATION

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), THEODORE J. ZOLKOS JR. being duly sworn, depose and say that (I) (we) serve as AGENT (agent or lessee) for the owner(s) in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

X [Signature]
Signature of Agent, Lessee, or Buyer(s)

Robert A. McFee Jr.
Signature of Agent, Lessee, or Buyer(s)

ROBERT A. McFEE (OWNER)
Printed Name of Agent, Lessee, or Buyer(s)

[Signature]
Printed Name of Agent, Lessee, or Buyer(s)

X Mary Elizabeth McFee
Signature of Agent, Lessee, or Buyer(s)

AKA Mary Elizabeth Lawton
Signature of Agent, Lessee, or Buyer(s)

Mary Elizabeth McFee
Printed Name of Agent, Lessee, or Buyer(s)

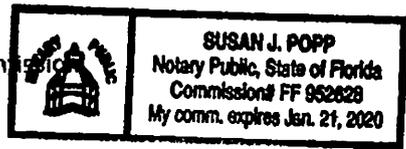
Mary Elizabeth Lawton
Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA COUNTY OF Pinellas
AGENT, LESSEE, OR BUYER(S) NOTARIZATION

The foregoing instrument was acknowledged before me this 20 day of February 2016, by Robert A. McFee, Jr. & Mary Elizabeth Lawton who is personally known to me or who has produced a driver's license as identification and who did not take an oath.

[Signature]
Notary Public

Notarial Seal and Commission
Expiration Date



# AGENDA No. 10



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: April 5, 2016

DEPARTMENT: Administration  
SUBJECT: Council Member Appointment to DeSoto County Tourist and Development Tax Committee  
RECOMMENDED MOTION: **Motion to approve appointment of Council Member \_\_\_\_\_ to serve as City's representative on the DeSoto County Tourist and Development Tax Committee.**

- SUMMARY:
- Councilmember Fink and Deputy Mayor Frierson were previously appointed to serve as the City's representatives on the DeSoto County Tourist and Development Tax Committee.
  - The DeSoto County Tourist and Development Tax Committee has traditionally held its meetings on Monday and Councilmember Fink has regularly attended all meetings.
  - The DeSoto County Tourist and Development Tax Committee recently changed its meeting day from Monday to Thursday. Councilmember Fink has explained while his attendance on Mondays was possible due to his workplace being closed on said date, the change to Thursdays has become problematic.
  - At a City Council meeting on March 15, 2016, Councilmember Fink offered his resignation as the City Council's representative and requested the City Council chose a replacement.

FISCAL IMPACT: \_\_\_\_\_  
 Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_  
Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_  
City Administrator: Terry Stewart  Date: 3-23-16

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

# AGENDA No. 11



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date:

April 5, 2016

DEPARTMENT: Administration

SUBJECT: GovDeals.com government internet auction site

**RECOMMENDED MOTION: Motion to approve the use of the GovDeals.com internet based government surplus auction site for disposal of surplus city property and to authorize the City Administrator to enter into a non-exclusive agreement for of the site.**

SUMMARY:

- All government entities wind up with materials, equipment and vehicles that have served their useful life and have limited or no continued value to an organization. Florida Statutes and City rules have specific regulations about the disposal of such property.
- GovDeals is an internet based auction site that is fully acceptable and satisfies all state and city regulations.
- The Florida Department of Management Services uses the GovDeals.com site for disposing of state surplus and confiscated items.
- The agreement for use of the site is non-exclusive, meaning the city may choose to use any other methodology for disposal of items at any time in its sole discretion.
- An attached document lists 124 Florida cities and 161 other governmental entities in Florida which use the GovDeals auction site for disposal of surplus and confiscated property.
- Before items are listed as surplus and moved forward for disposal, all such items will be scheduled on a council agenda for approval by the city council.
- For additional information on how the site works you may use the following link to access an Q&A page.
- The past three cities I have worked for have used GovDeals and significantly increased revenue from the sale of surplus property.

FISCAL IMPACT: \_\_\_\_\_

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 3-23-16

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

## **FPO- Flexible Pricing Options talking points**

Since 1999 GovDeals has offered the same 7.5% fee to its clients and remains strongly committed to this pricing today. This consistent and transparent pricing allows clients to choose GovDeals knowing they have the best rate available. The 7.5% fee allows GovDeals to provide difference-making services that produce the time proven best results, NET of fee, when compared to any other company or method of disposition. In 2004 GovDeals began reducing the 7.5% fee charged when an individual item sold for more than \$100,000, thus providing an instant discount on such items.

In November 2008 GovDeals introduced Financial Settlement Services (FSS). This is an **optional** service where the buyer pays GovDeals by credit card or wire transfer with a 5% premium charged to the buyer. GovDeals remits the winning bid amount and any taxes charged to the seller. At the seller's option, GovDeals can withhold its 7.5% fee when remitting. The vast majority of our new clients elect to use FSS and have their fees withheld, reducing the client's expense of approving and remitting fees back to GovDeals.

Some sellers choose or would like the option to pass fees on to the buyer to reduce or totally offset our fee. Before now, GovDeals did not provide a method for our system to support this, therefore our sellers had to collect such fees from buyers outside the transparency and all important audit trail built into the GovDeals system.

We now have system features in place to facilitate and manage distribution of our 7.5% fee, with or without the 5% FSS buyer premium, between you as seller and the winning bidder. Based on your choice, this will result in your fee being from 0 to 7.5% with your buyer paying from 0 to 12.5%. Bidders will clearly see any fees that will be added to a winning bid amount. Of course, any applicable taxes will also be displayed.

Winning bidders have paid a 5% Buyer Premium for FSS transactions with little or no apparent reduction in net auction results since we introduced the FSS program in November 2008. We believe there are positive factors at play here: many buyers enjoy the convenience of paying online; GovDeals attracts a large targeted, focused bidder base that recognizes the value in the items sold on the site; and, the highly competitive end of auction activity GovDeals generates and promotes bidding above and beyond competitive results elsewhere. Therefore, when evaluating comparative solutions, it remains critical that you continue to focus on the **net funds flowing back into your entity's account**, as well as consider the costs associated with factors such as high bidder default rates. Subjectively, one might expect that bidders may take any buyer premium amount into account when bidding to win your items on GovDeals. Given the positive effect of the remarkably competitive bidder climate we continue to create, your results should remain far ahead of any other solution. GovDeals will continue to deliver the absolute best net results for your surplus and confiscated item sales, regardless of fee and fee structure. So, no matter how you distribute your surplus program's fees, **the most important decision you make will to be to choose GovDeals.**

**Why do Florida governments utilize GovDeals?**  
**GovDeals is a highly efficient, proven system that produces higher prices for clients.**  
**Other Florida governments are using GovDeals with great success.**

**CITY**

- 1) Archer
- 2) Astatula
- 3) Atlantic Beach
- 4) Auburndale
- 5) Bartow, FL
- 6) Belle Glade
- 7) Belleair
- 8) Belleview
- 9) Callaway
- 10) Cape Coral
- 11) Chiefland
- 12) City of Lake Mary, FL
- 13) Clearwater
- 14) Clermont
- 15) Cooper City
- 16) Coral Gables
- 17) Crescent City
- 18) Dade City
- 19) Daytona Beach
- 20) DeFuniak Springs
- 21) Delray Beach
- 22) Deltona
- 23) Dundee
- 24) Dunedin
- 25) Fernandina Beach
- 26) Fort Myers Beach
- 27) Fort Myers
- 28) Fort Pierce
- 29) Fort Walton Beach
- 30) Fruitland Park
- 31) Gainesville
- 32) Green Cove Springs
- 33) Groveland
- 34) Gulf Breeze
- 35) Gulfport
- 36) Hallandale Beach
- 37) Highland Beach
- 38) Holly Hill
- 39) Hollywood
- 40) Indian River Shores
- 41) Indian Rocks Beach
- 42) Indian Shores
- 43) Jacksonville Beach
- 44) Jacksonville
- 45) Juno Beach
- 46) Kenneth City
- 47) Kissimmee
- 48) LaBelle
- 49) Lake Alfred
- 50) Lake Butler
- 51) Lake City
- 52) Lake Park
- 53) Lake Placid Police Department
- 54) Lake Placid
- 55) Lake Wales
- 56) Lantana
- 57) Leesburg
- 58) Lynn Haven
- 59) Madeira Beach
- 63) Mexico Beach
- 64) Miami Shores Village
- 65) Miami-Dade County
- 66) Midway
- 67) Milton
- 68) Naples
- 69) Neptune Beach
- 70) Newberry
- 71) North Lauderdale
- 72) North Palm Beach
- 73) North Port
- 74) North Redington Beach
- 75) Ocala
- 76) Okeechobee
- 77) Oldsmar
- 78) Ormond Beach
- 79) Pahokee
- 80) Palatka
- 81) Palm Bay
- 82) Palm Beach Gardens
- 83) Palm Beach Shores
- 84) Panama City
- 85) Parker
- 86) Pembroke Park
- 87) Penney Farms
- 88) Pensacola
- 89) Pinellas Park
- 90) Plantation
- 91) Port Richey
- 92) Rockledge, FL
- 93) Royal Palm Beach Village
- 94) Safety Harbor
- 95) San Antonio
- 96) Sanibel
- 97) Satellite Beach
- 98) Sebastian
- 99) Sebring
- 100) Seminole
- 101) South Palm Beach
- 102) Springfield
- 103) St. Augustine
- 104) St. Cloud
- 105) St. Pete Beach
- 106) St. Petersburg
- 107) Sunny Isles Beach
- 108) Sweetwater
- 109) Tallahassee
- 110) Tamarac
- 111) Tampa
- 112) Tarpon Springs
- 113) Tavares
- 114) Temple Terrace
- 115) Valparaiso
- 116) Wellington Village
- 117) West Melbourne
- 118) West Palm Beach
- 119) West Palm Beach- Fleet Department
- 120) Weston
- 121) Wilton Manors

- 60) Malabar
- 61) Mary Esther
- 62) Melbourne

**COUNTY**

- 1) Bay County Board of Commissioners
- 2) Broward County Board of County Commissioners
- 3) Charlotte County
- 4) Citrus County Board of County Commissioners
- 5) Clay County Board of County Commissioners
- 6) Columbia County
- 7) DeSoto County
- 8) Escambia County
- 9) Gadsden County Board of County Commissioners
- 10) Glades County Board of County Commissioners
- 11) Highlands County Board of County Commissioners (HCBC)

**FEDERAL**

- 1) USPS Sarasota

**FIRE & RESCUE**

- 1) Big Corkscrew Island Fire Control & Rescue District
- 2) Delray Beach Fire Rescue
- 3) Englewood Area Fire Control District
- 4) Fort Myers Beach Fire Control District
- 5) Immokalee Fire Control District
- 6) Iona-McGregor Fire District
- 7) Key Largo Fire Rescue and EMS District
- 8) Lealman Fire District
- 9) North Naples Fire Control and Rescue District

**HIGHER ED**

- 1) Chipola College
- 2) College of Central Florida
- 3) Flagler College
- 4) Florida Atlantic University
- 5) Florida Gateway College
- 6) Florida International University
- 7) Florida SouthWestern State College
- 8) Florida State College at Jacksonville
- 9) Florida State University
- 10) Gulf Coast State College

**K-12**

- 1) Brevard County Public Schools
- 2) District School Board of Pasco County
- 3) Duval County Public Schools
- 4) Florida School for the Deaf and Blind
- 5) Hernando County School District
- 6) Hillsborough County School District
- 7) Lee County School District
- 8) Leon County School Board
- 9) Levy County School Board
- 10) Martin County Schools
- 11) Monroe County School District
- 12) Okeechobee County School District
- 13) Pemaquid Emahakv Charter School

**LAW ENFORCEMENT**

- 1) Biscayne Park Police Department
- 2) Citrus County Sheriff's Office
- 3) Collier County Sheriff's Office, FL
- 4) Dixie County Sheriff's Office
- 5) Eatonville Police Department
- 6) Escambia County Sheriff
- 7) Flagler County Sheriff
- 8) Florida Polytech University Police Department
- 9) Gilchrist County Sheriff's Office
- 10) Hendry County Sheriff's Office
- 11) Indian River County Sheriff's Office
- 12) Jackson County Sheriff's Office

- 122) Winter Garden
- 123) Winter Park

- 12) Hillsborough County
- 13) Indian River County
- 14) Marion County Board of County Commissioners
- 15) Martin County
- 16) Nassau County Board of County Commissioners
- 17) Pinellas County Board of Commissioners
- 18) Polk County Board of Commissioners
- 19) St. Johns County Board of County Commissioners
- 20) St. Johns County Tax Collector
- 21) Walton County Board of County Commissioners

- 10) North River Fire District
- 11) Palm Harbor Fire and Rescue
- 12) Parker Volunteer Fire Department
- 13) Parrish Fire District
- 14) Pinellas Suncoast Fire and Rescue District
- 15) South Trail Fire Department
- 16) South Walton Fire District
- 17) Southern Manatee Fire Rescue
- 18) West Manatee Fire & Rescue

- 11) Lake Sumter State College
- 12) Lively Technical Center
- 13) Northwest Florida State College
- 14) Pasco-Hernando Community College
- 15) St Petersburg College
- 16) St. Johns River State College
- 17) State College of Florida Manatee-Sarasota
- 18) University of Central Florida
- 19) University of Florida

- 14) Pinellas County Schools
- 15) Santa Rosa County School District
- 16) School Board of Alachua County
- 17) School Board of Clay County
- 18) School Board of Indian River County
- 19) School Board of Polk County
- 20) School Board of Seminole County
- 21) School of Arts and Sciences
- 22) Southeastern Military Academy
- 23) St. Lucie County School Board
- 24) St. Peter's Academy
- 25) The School Board of Osceola County

- 13) Jacksonville Sheriff's Office
- 14) Midway Police Department
- 15) Nassau County Sheriff's Office
- 16) Office of The State Attorney- 20th Judicial Circuit
- 17) Palm Beach County Sheriff's Office
- 18) Palm Beach County Sheriff's Foundation
- 19) Pinellas County Sheriff
- 20) Putnam County Sheriff's Office
- 21) St. Augustine Beach Police Department
- 22) Sumter County Sheriff's Office
- 23) Tequesta Police Department
- 24) West Melbourne Police Department

**OTHER**

- 1) Florida Army National Guard
- 2) Heartland Library Cooperative
- 3) Justice Coalition
- 4) Juvenile Welfare Board for Pinellas County
- 5) Loxahatchee River District

**PARKS & REC**

- 1) Barefoot Bay Recreation District

**PUBLIC AUTHORITY**

- 1) Santa Rosa Island Authority

**STATE**

- 1) Florida Department of Agriculture and Consumer Services
- 2) State of Florida

**TRANSPORTATION**

- 1) Boca Raton Airport Authority
- 2) Canaveral Port Authority
- 3) Charlotte County Airport Authority
- 4) Hillsborough County Aviation Authority - Lost and Abandoned Property
- 5) Hillsborough County Aviation Authority
- 6) Hillsborough County Public Transportation Commission
- 7) Lakeland Area Mass Transit District
- 8) Lee County Port Authority

**UTILITY**

- 1) Barron Water Control District
- 2) Clay County Utility Authority
- 3) Emerald Coast Utilities Authority
- 4) Englewood Water District
- 5) Hillsborough County Public Utilities Department
- 6) Hudson Water Works
- 7) Jefferson County Solid Waste Department
- 8) Key Largo Wastewater Treatment District
- 9) Kissimmee Utility Authority
- 10) Lake County Water Authority

- 6) Marion County Facilities Management
- 7) Port LaBelle Community Development District
- 8) Putnam County Law Enforcement Benefit Foundation
- 9) St. Lucie West Services District
- 10) Westchase Community Development District

- 2) Lowry Park Zoological Society of Tampa

- 2) Toho Water Authority

- 3) State of Florida Administrative Property
- 4) State of Florida Department of Environmental Protection

- 9) Melbourne Airport Authority
- 10) Miami-Dade Transit
- 11) North Florida Transportation Planning Organization
- 12) Panama City - Bay County Airport and Industrial District
- 13) Pinellas Suncoast Transit Authority
- 14) Sarasota-Manatee Airport Authority
- 15) South Florida Regional Transportation Authority

- 11) Lake Worth Drainage District
- 12) Lee County Hyacinth Control District
- 13) Lee County Mosquito Control District
- 14) Lee County Solid Waste Division
- 15) Okaloosa Gas District
- 16) Okeechobee Utility Authority
- 17) Seacoast Utility Authority
- 18) South Florida Water Management District
- 19) St. Johns River Water Management District
- 20) Tampa Bay Water

# GovDeals

## Online Auction Memo of Understanding

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This Online Auction Memo of Understanding (MOU) is between GovDeals, Inc. (“GovDeals”), a Delaware corporation having its principal place of business at 100 Capitol Commerce Boulevard - Suite 110 - Montgomery, Alabama, 36117 and the City of Arcadia (“Client”), having its principal place of business 17 North Polk Avenue – Post Office Box 351 – Arcadia, Florida 34266.

- 1.0 Description of Services:** GovDeals provides a means for Client to post assets for sale and for potential buyers to bid on these assets via an online auction system. Although GovDeals provides system access for Client to list assets, GovDeals is not a party to the actual sale and has no control over the listed information or the ability of the buyer and Client to complete the transaction.
- 2.0 GovDeals’ Responsibilities:** In addition to maintaining and operating an online auction system, GovDeals will provide Client with the following services for the period agreed to in 5.0 below:
  - 2.1** Access to a GovDeals online “Client Asset Server” (CAS), which will allow Client to load assets to the online auction system, maintain information about assets and view and run reports. The CAS will provide Client with the following capabilities:
    - Accept descriptive information concerning an asset including unlimited photos
    - Allow different auction phases based upon dates and times
    - Allow Client to set minimum starting prices, bid increments and reserves
  - 2.2** Training and support services to assist Client in implementing the GovDeals online auction system, which will include:
    - Familiarization with the nature and operation of CAS
    - Guidance in the posting of assets and provide ongoing support
    - Procedures for taking and posting pictures of assets
    - Based on mutual agreement between GovDeals and Client, training and support services will be provided on-site or via telephone or Internet
  - 2.3** Help Desk support available via telephone or email during normal business hours, except announced holidays.
  - 2.4** Provide marketing of assets posted to the online auction site and promote use of the site to potential buyers.
    - Work with Client to identify items that may benefit from marketing attention.
    - Provide documented proof of all marketing efforts made on behalf of Client.
    - Assist in determining values and starting prices for unique and high dollar assets.
- 3.0 Fees:** Please elect a Flexible Pricing Option (FPO) from Exhibit A and enter selection below signature block on MOU page two (2).
- 4.0 Payment:**
  - 4.1** If Client elects to collect auction proceeds, GovDeals will invoice Client for fees on the first business day of the month following the month assets are sold. Client agrees to remit payment to GovDeals within thirty (30) calendar days from receipt of invoice, unless an applicable prompt payment act or similar legislation specifies a different time period.

- 4.2 Client shall promptly, but no more than fifteen (15) business days after the auction end date, notify GovDeals of any transaction that was not completed. The fees for said transaction shall be credited to Client during the next invoice period.
- 4.3 If Client elects GovDeals to collect auction proceeds electronically via PayPal, credit card or wire transfer please review and complete **Exhibit B**.
- 5.0 **Term of MOU:** This MOU shall commence on the date it is signed by the second party and will continue for a period of twelve months unless otherwise terminated upon sixty days written notice by either party. This MOU shall automatically extend for additional one-year periods, unless either party notifies the other in writing of its intent not to renew at least sixty days prior to the anniversary date.
- 6.0 **Terms and Conditions:** Please find **Exhibit C** attached as an example of suggested Client Terms and Conditions. At any time during the term of this MOU, Client may modify the Terms and Conditions. Any substitutions or modification must be submitted to GovDeals in writing before posting assets to the GovDeals auction site.
- 7.0 **Governance:** This MOU will be governed, interpreted, construed and enforced in accordance with the laws of the State of Florida.
- 8.0 **Non-Exclusive Engagement:** This MOU is not exclusive. Client may utilize other approaches, including traditional auctioneer services or sealed bids. However, it is understood and agreed that Client will not utilize other disposal approaches for an asset at the same time the asset is listed on the GovDeals online auction site or sell by some other means to a prior bidder any item currently or previously listed on the GovDeals site for the purpose of avoiding payment of the GovDeals fee. Client agrees to not manipulate or interfere with the bidding process on the GovDeals site.

**This online auction memo of understanding is agreed to by:**

**GovDeals, Inc**

**Client: City of Arcadia**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: Roger Gravley

Print Name: \_\_\_\_\_

Title: President

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Memo of Understanding Contact:**

Attention: Sales Support  
 100 Capitol Commerce Blvd, Ste 110  
 Montgomery, AL 36117  
 Telephone Number: 866.377.1494  
 Fax Number: 334.387.0519  
 Email: [salessupport@govdeals.com](mailto:salessupport@govdeals.com)

**Flexible Pricing Options (FPO)**

Select one from options described in **GovDeals Memo of Understanding- Exhibit A:**

Client Collects Proceeds

- Option A1 (7.5% Seller- 0% Buyer)  
 Option A2 (0% Seller- 7.5% Buyer)

Client elects FSS (GovDeals collects Proceeds)

- Option B1 (7.5% Seller- 5% Buyer)  
 Option B2 (5% Seller- 7.5% Buyer)  
 Option B3 (2.5% Seller- 10% Buyer)  
 Option B4 (0% Seller- 12.5% Buyer)

## EXHIBIT A - Online Auction Memo of Understanding

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### Flexible Pricing Options (FPO)

**The Client has the option to choose from the following alternative plans:**

#### **A - Client Collects Proceeds**

**Option A1:** The Client pays a 7.5% fee, but not less than \$5.00, which will be reduced according to the Tiered Fee Reduction Schedule described below. GovDeals will invoice the client each month for fees on items sold in the previous month. The client is allowed thirty (30) calendar days from date of invoice receipt to remit payment.

**Option A2:** The Client pays a 7.5% fee, but not less than \$5.00, and is given the capability to easily pass the entire fee on to the winning bidder as an Administrative Fee based on the Tiered Fee Reduction Schedule described below. The amount invoiced to the winning bidder will include the gross sale amount of the item, the administrative fee, and any special fees and sales tax. GovDeals will invoice the client each month for fees on items sold in the previous month. This invoice will equal the Administrative fees collected, therefore, making the client's effective fee zero percent (0%). The client is allowed thirty (30) calendar days from date of invoice receipt to remit payment.

**B - Client Elects GovDeals Financial Settlement Services (FSS) allowing GovDeals to Collect Proceeds. Only one option below can be used and once this option is chosen, it cannot be changed for twelve (12) months.**

**Option B1:** The Client pays a 7.5% fee, but not less than \$5.00, and the winning bidder pays a 5% Buyers Premium.\*

**Option B2:** The Client pays a 5% fee, but not less than \$5.00, and the winning bidder pays a 7.5% Buyers Premium.

**Option B3:** The Client pays a 2.5% fee, but not less than \$5.00, and the winning bidder pays a 10% Buyers Premium.

**Option B4:** The Client pays 0% and the winning bidder pays a 12.50% Buyers Premium.

\*If the Client chooses to pay the full 7.5% fee, they will have access to the **Tiered Fee Reduction Schedule**.

#### **Tiered Fee Reduction Schedule**

GovDeals' **Tiered Fee Reduction Schedule** below explains how the base auction fee of 7.5% is reduced for assets that sell in excess of \$100,000 on [www.govdeals.com](http://www.govdeals.com).

- 1. When an asset sells for up to \$100,000 in a winning bid, the GovDeals fee is seven and one-half percent (7.5%) of the winning bid, but not less than \$5.00.**
2. Where an asset sells for more than \$100,000, and up to \$500,000 the GovDeals fee is seven and one-half percent (7.5%) of the winning bid up to \$100,000, plus five and one-half percent (5.5%) of the winning bid for auction proceeds in excess of \$100,000 up to \$500,000.
3. Where an asset sells for greater than \$500,000, and up to \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the bid amount in excess of \$500,000 up to \$1,000,000.
4. Where an asset sells for greater than \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the next \$500,000 of the winning bid, plus a fee of two and one-half percent (2.5%) of the bid amount in excess of \$1,000,000.

## EXHIBIT B - Online Auction Memo of Understanding

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### Financial Settlement Services (FSS)

It is understood the Client elects GovDeals to collect all proceeds due the Client from the winning bidder and remit the proceeds to the Client less the GovDeals fee. Optionally, the Client may elect to not have GovDeals withhold the fee by electing the appropriate section on the following page of this exhibit.

GovDeals will charge the winning bidder a "Buyer's Premium", therefore, the Client is not allowed to charge the winning bidder an additional "Buyer's Premium".

GovDeals will collect all proceeds from the winning bidder, including the "Buyer's Premium" through PayPal, credit card or wire transfer. This is the only means of payment by the bidder.

The Client will not release an asset to the winning bidder until the Client has received verification from GovDeals that payment has been received from the winning bidder. Prior to an item being released to the winning bidder, the Client will ensure the winning bidder or his/her agent has signed a "Bill of Sale" containing the following notation: "Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid". The Bill of Sale must be printed from the Client Asset Server (CAS). Any other "Bill of Sale" used by the Client must be submitted to GovDeals for approval.

No proceeds will be remitted to the Client for any asset sold without verification of payment from GovDeals and verification from the Client the item has been picked up by the winning bidder. Approved payment from the winning bidder through PayPal, credit card or wire transfer will be noted in CAS. It is the Client's responsibility to notify GovDeals when an item has been picked up, which is accomplished by the Client accessing CAS and selecting the "Picked Up" option from the "Paid, not picked up" report.

GovDeals will remit all proceeds collected, less the "Buyer's Premium" and the GovDeals fee to the Client on a weekly basis for all assets marked in CAS as 'Picked Up'. However, if you choose to be invoiced for the GovDeals' fee, GovDeals will remit all proceeds collected, less the "Buyer's Premium" only. All proceeds will be remitted electronically by Automatic Clearing House (ACH) unless elected on the following page of this exhibit to receive a paper check. Whether proceeds are remitted electronically via ACH or via paper check, a detailed backup will be submitted to the Client to support the amount remitted.

Under no circumstance will the Client collect any proceeds directly from the winning bidder and if requested to do so, the Client should refer the winning bidder directly to GovDeals for payment instructions.

GovDeals will absorb all costs of Charge Backs by PayPal or a credit card company where an item is released to the winning bidder after the Client receives proper payment notification from GovDeals, GovDeals receives proper pickup notification from the Client and the Client obtained and retained a signed "Bill of Sale" from the winning bidder.

GovDeals will refund proceeds collected to the winning bidder in those rare occasions where the winning bidder pays for an asset but never picks it up and subsequently convinces PayPal or the credit card company to withdraw the amount from GovDeals' bank account. It is the Client's responsibility to request a credit on the asset paid for but not picked up as soon as the allowable pick up time passes. By taking the credit, it insures GovDeals will not charge the Client a fee and will allow the Client to resell the asset. If the asset is mistakenly placed in 'picked up' status by the Client and GovDeals has remitted payment, the Client agrees to refund this amount back to GovDeals.

A GovDeals' Client Services Representative or a GovDeals Help Desk Representative will train the Client on how to effectively use the Financial Settlement Services feature and provide ongoing support as needed. There are no additional costs to the Client for training and support.

GovDeals is covered by a Crime Insurance Policy with a limit of \$5,000,000, which will protect the Client against any loss of funds.

## Financial Settlement Services (FSS) Election and Information

**Please complete payment instructions below:**

If client elects FSS, this section must be completed when submitting the signed MOU back to GovDeals.

Accounting Contact: \_\_\_\_\_  
(Person to receive checks and invoices) Name and Title

E-Mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**(Please choose only one option for payment)**

If payment will be made by ACH, please provide the following information:

Name of Bank	
County of Bank	
Name of Client: (Name on bank account)	
Bank Routing Number	
Bank Account Number	
Checking/Savings	

**OR:**

If payment will be made by paper check, please provide the following information:

Make check payable to: \_\_\_\_\_  
Client's Legal Name

Mail check to: \_\_\_\_\_  
Street Address / P.O. Box Number

\_\_\_\_\_  
City, State and Zip Code

Please check here *only* if Client elects to **NOT** allow GovDeals to deduct the GovDeals fees from proceeds due the client.

**City of Arcadia**  
**Arcadia, Florida**

**Online Sales - Terms and Conditions**

**All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.**

**Guaranty Waiver.** All assets are offered for sale “AS IS, WHERE IS.” **City of Arcadia (Seller)** makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.

**Description Warranty. Seller** warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If **Seller** confirms the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of the **Seller** shall not exceed the actual purchase price of the property. Please note upon removal of the property, **all sales are final.**

**Personal and property risk.** Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and **GovDeals** from liability therefore.

**Inspection.** Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.

**Consideration of Bid. Seller** reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.

**Buyer's Certificate.** Successful bidders will receive a Buyer's Certificate by email from **GovDeals**.

**Buyers Premium. If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.**

**Payment.** Payment in full is due not later than **5 business days** from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website.

Acceptable forms of payment are:

- PayPal
- Wire Transfer
- Visa

- MasterCard
- American Express
- Discover

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

**\*The next section (payment) is used if the client collects the proceeds and may be modified to reflect exact forms of payment accepted by the client. The Buyers Premium and Payment section (above) is used only when GovDeals collects proceeds.**

**\*Payment.** Payment in full is due not later than **5 business days** from the time and date of the Buyer's Certificate. Acceptable forms of payment are:

- U. S. Currency
- Certified Cashiers Check
- Money Order
- Company Check (with Bank Letter guaranteeing funds – **mandatory**)

Checks shall be made payable to: **City of Arcadia**. Payments shall be made at the location listed in the Buyer's Certificate.

**Removal.** All assets must be removed within **ten (10) business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

**Vehicle Titles.** **Seller** will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.

**Default.** Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller** reserves the right to reclaim and resell all items not removed by the specified removal date.

**Acceptance of Terms and Conditions.** By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on **GovDeals**. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.

**State/Local Sales and/or Use Tax.** Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.

**Sales to Employees.** Employees of the **Seller** may bid on the property listed for auction, so long as they do NOT bid while on duty.