

**AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 N. POLK AVE., ARCADIA, FL
TUESDAY, SEPTEMBER 17, 2013
6:00 PM**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

PUBLIC HEARING – (Open Public Hearing)

**RESOLUTION NO. 2013-21; A RESOLUTION
ADOPTING THE MILLAGE RATE TO BE LEVIED
BY THE CITY OF ARCADIA, FLORIDA FOR
FISCAL YEAR 2013-2014 (Finance Director)**

**RESOLUTION NO. 2013-22; A RESOLUTION
ADOPTING THE FINAL BUDGET FOR THE CITY
OF ARCADIA, FLORIDA FOR FISCAL YEAR
2013-2014 (Finance Director)**

CLOSE PUBLIC HEARING

OPEN REGULAR CITY COUNCIL MEETING

PRESENTATION

CONSENT AGENDA

1. Check Warrant Reports: 09/10/13
2. Request for Special Event Permit for Tree of Knowledge, Oak Street and Vicinity, Arcadia Plein Air Paint-out, Applicant, DeSoto Arts & Humanities Council
3. Request for Issuance of a Certificate of Appropriateness and Sign Permit for 122 North Brevard Avenue, Arcadia Family Optometry Center, Contractor Mr. Mike Riggins, Coastal Sign

DISCUSSION ITEMS

4. September 8, 2013 Various Updates (Finance Director)
5. Request for Issuance of a Certificate of Appropriateness and Waiver of Fees for Installation of Split Rail Fence, Applicant DeSoto County Historical Society (City Planner)
6. Prayer Policy (Attorney)
7. Purchasing Policy (Administrator)

ORDINANCES

8. **ORDINANCE NO. 992: SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES TO REPEAL CHAPTER 58; TO ADOPT A NEW CHAPTER 58; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT**

If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. (City Planner)

9. ORDINANCE NO. 993; SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

COMMENTS FROM DEPARTMENTS

10. City Marshal
11. Attorney
12. City Administrator
 - a. Smith Brown Gym Update

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

MAYOR AND COUNCIL MATTERS

ADJOURN

If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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RESOLUTION NO. 2013-21

A RESOLUTION ADOPTING THE
MILLAGE RATE TO BE LEVIED BY
THE CITY OF ARCADIA, FLORIDA
FOR FISCAL YEAR 2013-2014

WHEREAS, Florida Statutes 200.065(2)(d) requires that the City of Arcadia, Florida adopt a Resolution stating the millage rate to be levied for Fiscal year 2013-2014, and

WHEREAS, the Resolution shall state the percent, if any, by which the millage rate to be levied exceeds the rolled-back rate.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Arcadia that:

1. The City of Arcadia does hereby adopt its Tentative Millage Rate of 8.6694 mills to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the City of Arcadia to fund the fiscal Year 2013-2014 budget, and

2. The percentage by which this millage rate to be levied is less than the rolled back rate of 8.7867 mills, computed pursuant to Florida law, is -1.33 per cent.

PASSED AND ADOPTED by the City Council this 17th day of September 2013.

By:

Keith Keene, Mayor

ATTEST:

Gia S. Lancaster, CMC
City Clerk

RESOLUTION NO. 2013-22

A RESOLUTION ADOPTING THE
FINAL BUDGET FOR THE CITY
OF ARCADIA, FLORIDA FOR FISCAL
YEAR 2013-2014

WHEREAS, The City council of the City of Arcadia, Florida has followed the procedures for budget preparation, public notices, and public hearings as prescribed by Florida Statutes, and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Arcadia that the following funds be adopted as the City of Arcadia's Final Budget For Fiscal Year 2013-2014.

GENERAL FUND	\$ 4,779,659
WATER AND SEWER FUND	3,763,700
AIRPORT FUND	563,578
SMALL COUNTY SURTAX/CAPITAL IMP. FUND	456,529
SOLID WASTE FUND	742,575
COMMUNITY DEVELOPMENT BLOCK GRANT	<u>700,000</u>
TOTAL ALL FUNDS	<u>\$11,006,041</u>

PASSED AND ADOPTED by the City Council this 17th day of September 2013.

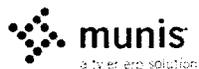
By:

Keith Keene, Mayor

ATTEST:

Gia S. Lancaster, CMC
City Clerk

Thomas J. Wohl, City Attorney



Financials, Revenue & Citizen Services and Human Capital Management

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WARRANT LIST BY VOUCHERPG 19
apwarrnt

WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94001	2290	WILLIAM J. NIELANDER, P.A.	513	100	INV	08/30/2013	119.10	CASE NO. P13-1305
94002	2290	WILLIAM J. NIELANDER, P.A.	514	100	INV	08/30/2013	119.10	CASE NO. P13-1307
94003	2290	WILLIAM J. NIELANDER, P.A.	515	100	INV	08/30/2013	119.10	CASE NO. P12-0734
94004	2290	WILLIAM J. NIELANDER, P.A.	516	100	INV	08/30/2013	119.10	CASE NO. P13-1691
94005	2290	WILLIAM J. NIELANDER, P.A.	517	100	INV	08/30/2013	119.10	CASE NO. P13-1308
94007	10015	DISBURSEMENT ACCT PETTY CAS	20130724	100	INV	08/30/2013	86.95	MATERIALS TO STRIPE GI
94012	2473	KED GROUP, INC	2994	100	INV	09/21/2013	18,133.95	K-1000
94013	130025	MADER ELECTRIC MOTOR	35221	100	INV	09/11/2013	1,875.50	EMU PUMP
94014	2776	VERIZON WIRELESS	JUL 2013	100	INV	09/02/2013	262.26	JULY 8TH-AUGUST 7TH BI
94015	10030	W & S ENTERPRISE ACCOUNT	120115	100	INV	09/17/2013	6,444.00	ACCT # 4250123800
94016	10030	W & S ENTERPRISE ACCOUNT	120114	100	INV	09/17/2013	25.00	ACCT # 4250123400
94017	222	JEAN-PIERRE LACROIX	WEB000274	100	INV	09/11/2013	130.00	REPAIR TRAFFIC LIGHTS
94018	2844	ADVANCE AUTO PARTS	9127309387823	100	INV	09/06/2013	8.99	OILER FILTER 1 EA DRIV
94020	701	RML SERVICES	10601	100	INV	09/06/2013	1,946.00	3.5 TON COMPRESSOR
94021	701	RML SERVICES	10598	100	INV	09/06/2013	2,000.00	4 TON COMPRESSOR
94022	200075	TOTAL PEST CONTROL OF FLA I	846135	100	INV	09/04/2013	45.00	COMMERCIAL PEST CONTRO
94023	2080	KLENECORP	3577	100	INV	09/06/2013	71.25	FIXED CAPTAIN ANDERSON
94024	2457	PITNEY BOWES INC	30442222/8	100	INV	09/08/2013	99.16	POSTAGE BY PHONE
94025	1451	DESOTO AUTO MALL	20427	100	INV	09/08/2013	181.75	FRT COVER
94026	10140	ALERT PLUMBING SERVICE, INC	057870	100	INV	09/06/2013	94.00	PLUMBER IN WOMEN'S ROO
94027	70010	GALL'S INC	000850253	100	INV	09/01/2013	29.50	DICKIES PREMIUM INDUST
94028	1679	ARCADIA PRINTING, LLC	12079	100	INV	09/01/2013	50.00	CITY CODE VIOLATION WA
94029	2926	GIA LANCASTER	20130828	100	INV	09/06/2013	95.98	WAY BLDG DISPLAY CAGE
94030	60015	FEDERAL EXPRESS CORP	2-373-90417	100	INV	09/06/2013	52.68	ACCT # 1175-2414-0
94031	2128	ODYSSEY MANUFACTURING CO.	186931	100	INV	09/06/2013	356.25	HYPCHLORITE SOLUTIONS



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WARRANT LIST BY VOUCHER

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WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94032	2128	ODYSSEY MANUFACTURING CO.	186930	100	INV	09/06/2013	456.75	HYPOCHLORITE SOLUTIONS
94033	222	JEAN-PIERRE LACROIX	WEB000270	100	INV	09/01/2013	175.00	WORKED ON BELT PRESS
94034	222	JEAN-PIERRE LACROIX	WEB000272	100	INV	09/02/2013	130.00	SERVICE CALL @ GIBSON
94035	1405	THE SUN	2929926	100	INV	09/06/2013	59.68	ACCT # 114862, AD # 29
94036	10015	DISBURSEMENT ACCT PETTY CAS	20130827	100	INV	09/06/2013	41.99	CAKE
94037	10015	DISBURSEMENT ACCT PETTY CAS	20130827B	100	INV	09/06/2013	25.85	WATER, PLATES, SILVERW
94038	2688	SWAINE & HARRIS, PA	13881	100	INV	09/06/2013	210.00	EMAILS WITH RICK SUDOL
94039	20021	BARNEY'S PUMPS INC	SO00008004	100	INV	09/06/2013	2,900.00	UNITRON CONTROLS 230/3
94040	2688	SWAINE & HARRIS, PA	13876	100	INV	09/06/2013	4,415.59	MATTER NO 6524-001
94041	2688	SWAINE & HARRIS, PA	13879	100	INV	09/06/2013	17.00	MATTER NO 6524-009
94042	2688	SWAINE & HARRIS, PA	13880	100	INV	09/06/2013	119.00	MATTER NO 6524-011
94043	2688	SWAINE & HARRIS, PA	13877	100	INV	09/06/2013	98.00	MATTER NO 6524-005
94044	940	NEXTEL COMMUNICATIONS	273625411-137	100	INV	08/25/2013	113.72	ACCT # 273625411
94046	2238	FLORIDA DEPARTMENT OF HEALT	14-54-0021/2013	100	INV	09/06/2013	568.00	MOBILE HOME PARK
94047	2662	THOMPSON TRACTOR CO	104186	100	INV	09/01/2013	83.60	RELAY
94048	2624	INTERSTATE BATTERIES OF FOR	30014048	100	INV	09/06/2013	178.00	31-MHD
94049	1327	HUMANA MEDICAL PLAN	017880608	100	INV	09/15/2013	889.82	GROUP # 11256
94050	1327	HUMANA MEDICAL PLAN	017880134	100	INV	09/15/2013	175.68	GROUP # VS3156
94051	60090	FLORIDA POWER & LIGHT	25662-31979/7	100	INV	08/30/2013	7.89	ACCT #25662-31979
94052	60090	FLORIDA POWER & LIGHT	456462-36987/7	100	INV	08/30/2013	9.86	ACCT # 45462-36987
94053	60090	FLORIDA POWER & LIGHT	45462-36987/7	100	INV	08/30/2013	9.86	ACCT # 45462-36987
94054	60090	FLORIDA POWER & LIGHT	52645-58262/7	100	INV	08/30/2013	7.82	ACCT # 52645-58262
94055	60090	FLORIDA POWER & LIGHT	55132-30994/7	100	INV	08/30/2013	34.04	ACCT # 55132-30994
94056	60090	FLORIDA POWER & LIGHT	55492-33921/7	100	INV	08/30/2013	10.77	ACCT # 55492-33921
94057	60090	FLORIDA POWER & LIGHT	55772-39956/7	100	INV	08/30/2013	18.36	ACCT # 55772-39956



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WARRANT LIST BY VOUCHER

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WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94058	60090	FLORIDA POWER & LIGHT	72435-72539/7	100	INV	08/30/2013	7.82	ACCT # 72435/72539
94059	60090	FLORIDA POWER & LIGHT	81378-39059	100	INV	08/30/2013	7.82	ACCT # 81378-39059
94061	60090	FLORIDA POWER & LIGHT	96681-21073/7	100	INV	08/30/2013	15.00	ACCT # 96681-21073
94066	130020	MAASSEN OIL CO., INC.	183468	100	INV	09/06/2013	84.80	GREASE FOR GARBAGE TRU
94067	2985	DENBY GROUP LLC	55267	100	INV	09/13/2013	1,386.00	YOU'VE GOT MAIDS, SEPT
94068	10015	DISBURSEMENT ACCT PETTY CAS	20130830	100	INV	09/13/2013	48.15	FLOWERS FOR ANA (VALLE
94069	632	HALL MANUFACTURING, INC	57042	100	INV	06/30/2013	57.74	FEDEX GROUND TRACKING
94070	1963	BV OIL COMPANY, INC	03-591365	100	INV	09/19/2013	34.28	FUEL
94071	2687	TYLER TECHNOLOGIES, INC	045-94401	100	INV	09/21/2013	587.50	TRAINING FROM ERIN MAX
94072	2439	TD EQUIPMENT FINANCE INC	00406629	100	INV	08/30/2013	11,772.65	LEASE PAYMENT
94074	2682	SIMPLIFILE, LLC	201329981; 201330441	100	INV	09/13/2013	141.50	TRANSACTION FEES, COUN
94075	40072	DESOTO CNTY SHERIFF'S OFFIC	AUGUST 2013	100	INV	09/13/2013	850.17	TOWER RENT AND ELECTRO
94076	1211	MAX'S WINDOW CLEANING	1351	100	INV	09/22/2013	58.82	WINDOW CLEANING
94077	2477	STATE OF FLORIDA	6355	100	INV	09/13/2013	8.91	JULY 2013
94078	2477	STATE OF FLORIDA	3G-7384	100	INV	09/13/2013	208.80	ARCADIA PD
94079	170025	QUILL CORPORATION	11286	100	INV	09/20/2013	151.60	HAMMERMILL COPY PLUS P
94080	1108	FLORIDA MUNICIPAL INSURANCE	0015	100	INV	10/01/2013	568.00	AD&D STATURTORY COVERA
94081	3036	FAIRFIELD INN AND SUITES BY	20130826	100	INV	09/13/2013	316.00	4 NIGHTS @ SPECIAL RAT
94082	2098	UNIVERSITY OF CENTRAL FLORI	0140133	100	INV	09/13/2013	85.00	F.A.C.E. EXAM AT USF I
94083	3037	MCQUAY, CARL	20130830	100	INV	09/13/2013	161.00	MEALS 9/30/13-10/4/12
94084	2405	ALL ABOUT IRRIGATION LLC	836	100	INV	09/13/2013	870.00	TORO 785 COMPLETES, TO
94085	2671	LESTER HORNBAKE	650735	100	INV	09/13/2013	420.00	DELIVERED 2 LOADS SHEL
94086	2141	DISH	8255707080524833/9	100	INV	09/14/2013	92.00	ACCT # 825570708052483
94087	2974	EXPRESS SERVICES, INC.	12979211-5	100	INV	09/14/2013	602.81	ACCOUNTS PAYABLE CLERK
94088	2974	EXPRESS SERVICES, INC.	12933179-9	100	INV	09/06/2013	694.44	ACCOUNTS PAYABLE CLERK



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WARRANT LIST BY VOUCHER

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WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94089	2974	EXPRESS SERVICES, INC.	12917814-1	100	INV	08/31/2013	771.60	ACCOUNTS PAYABLE CLERK
94090	2974	EXPRESS SERVICES, INC.	12885210-0	100	INV	08/24/2013	771.60	ACCOUNTS PAYABLE CLERK
94091	2974	EXPRESS SERVICES, INC.	12842982-6	100	INV	08/16/2013	771.60	ACCOUNTS PAYABLE CLERK
94092	2257	PEACE RIVER DISTRIBUTING CO	00050233	100	INV	09/13/2013	88.20	DRAFTS
94094	60090	FLORIDA POWER & LIGHT	14787-37974/8	100	INV	09/18/2013	51.12	ACCT # 14787-37974
94095	60090	FLORIDA POWER & LIGHT	24677-32950/8	100	INV	09/18/2013	394.23	ACCT # 24677-32950
94096	60090	FLORIDA POWER & LIGHT	34007-36975/8	100	INV	09/18/2013	7.69	ACCT # 34007-36975
94097	60090	FLORIDA POWER & LIGHT	44487-35995/8	100	INV	09/18/2013	170.15	ACCT # 44487-35995
94098	60090	FLORIDA POWER & LIGHT	42569-28096/8	100	INV	09/18/2013	2,759.64	ACCT # 42569-28096
94099	439	SECURITY ALARM CORPORATION	122321	100	INV	09/07/2013	4.41	MONITORING-COMM-SECURI
94100	2128	ODYSSEY MANUFACTURING CO.	187353	100	INV	09/21/2013	456.75	HYPOCHLORITE SOLUTIONS
94101	222	JEAN-PIERRE LACROIX	WEB000283	100	INV	09/21/2013	195.00	SERVICE CALL @ HICKORY
94102	190016	SAFETY PRODUCTS INC	096954	100	INV	09/13/2013	36.92	BATTERY
94103	20021	BARNEY'S PUMPS INC	INV00007623	100	INV	09/25/2013	625.00	BALDOR MOTOR
94104	2128	ODYSSEY MANUFACTURING CO.	187354	100	INV	09/24/2013	337.50	HYPOCHLORITE SOLUTIONS
94105	200075	TOTAL PEST CONTROL OF FLA I	846398	100	INV	09/13/2013	155.00	LAWN SERVICE
94106	172	MCGEE TIRE STORES	503477	100	INV	09/06/2013	532.66	TIRES
94107	2353	RED E SERVICES INC	3682	100	INV	09/19/2013	225.00	REPAIRS ON F750 TRUCK
94108	230045	WESTERN AUTO ASSOC STORE	10070740	100	INV	09/13/2013	16.99	SNAPPER PART
94109	439	SECURITY ALARM CORPORATION	121788	100	INV	08/30/2013	120.00	NEW MOTION SENSOR. REP
94110	439	SECURITY ALARM CORPORATION	121813	100	INV	08/31/2013	316.75	MONITORING SERVICE 8/2
94111	1963	BV OIL COMPANY, INC	03-592615	100	INV	09/13/2013	106.85	FUEL
94112	1963	BV OIL COMPANY, INC	03-592385	100	INV	09/27/2013	879.64	FUEL
94115	2455	CENTURYLINK	311032795/9	100	INV	09/17/2013	149.48	ACCT # 311032795
94116	2455	CENTURYLINK	312284684/9	100	INV	09/17/2013	260.00	ACCT # 312284684



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 23
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WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94117	2455	CENTURYLINK	312077636/9	100	INV	09/17/2013	123.78	ACCT # 312077636
94118	2455	CENTURYLINK	311745767/9	100	INV	09/17/2013	17.98	ACCT # 311745767
94119	2455	CENTURYLINK	311367811/9	100	INV	09/17/2013	30.94	ACCT # 311367811
94120	2455	CENTURYLINK	312161469/9	100	INV	09/17/2013	61.93	ACCT # 312161469
94121	2477	STATE OF FLORIDA	3G-7380	100	INV	09/26/2013	536.22	TELEPHONE THRU 8/4/13
94122	2638	TOSHIBA	2450464	100	INV	10/12/2013	276.92	CUST PO # 24022
94123	2455	CENTURYLINK	312119325/9	100	INV	09/17/2013	40.94	ACCT # 312119325
94124	230033	WESCO TURF INC	40555350	100	INV	09/20/2013	92.14	FAN COOLTOP
94125	10030	W & S ENTERPRISE ACCOUNT	120293	100	INV	09/23/2013	107.24	ACCT # 1010000100
94126	10030	W & S ENTERPRISE ACCOUNT	120844	100	INV	09/23/2013	30.24	ACCT # 1050582900
94127	10030	W & S ENTERPRISE ACCOUNT	120845	100	INV	09/23/2013	30.24	ACCT # 1050583500
94128	10030	W & S ENTERPRISE ACCOUNT	120863	100	INV	09/23/2013	25.32	ACCT # 1050589700
94129	10030	W & S ENTERPRISE ACCOUNT	120993	100	INV	09/23/2013	748.44	ACCT # 1070554000
94130	10030	W & S ENTERPRISE ACCOUNT	120994	100	INV	09/23/2013	98.28	ACCT # 1070554200
94131	10030	W & S ENTERPRISE ACCOUNT	121073	100	INV	09/23/2013	386.62	ACCT # 1070622600
94132	10030	W & S ENTERPRISE ACCOUNT	121072	100	INV	09/23/2013	30.24	ACCT # 1070622400
94133	10030	W & S ENTERPRISE ACCOUNT	121074	100	INV	09/23/2013	357.80	ACCT # 1070625900
94135	10030	W & S ENTERPRISE ACCOUNT	121078	100	INV	09/23/2013	180.84	ACCT # 1070631500
94136	180003	R & R PRODUCTS, INC.	CD1716069	100	INV	09/20/2013	199.58	BEDKNIFE. SCREW
94137	2353	RED E SERVICES INC	3677	100	INV	09/19/2013	112.50	REPAIRED KUBOTA TRACTO
94138	2080	KLENECORP	3632	100	INV	09/13/2013	142.50	MOVED COMPUTERS AT GOL
94139	2080	KLENECORP	3637	100	INV	09/13/2013	1,442.10	PROJECTOR, GFI LICENSE
94140	2080	KLENECORP	3618	100	INV	09/13/2013	1,282.50	WORKED WITH MUNIS, LIC
94141	2080	KLENECORP	3617	100	INV	09/13/2013	1,543.75	MUNIS, INSTALLED BATTE
94142	1507	DM CENTER FOR FAMILY HEALTH	20130820	100	INV	09/13/2013	250.00	DRUG TEST AND PHYSICAL



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 24
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WARRANT: 20130812 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94143	60090	FLORIDA POWER & LIGHT	14005-32931/8	100	INV	09/25/2013	225.90	ACCT # 14005-32931
94144	60090	FLORIDA POWER & LIGHT	96306-03240/8	100	INV	09/25/2013	8.17	ACCT # 96306-03240
94145	60090	FLORIDA POWER & LIGHT	89300-24164/8	100	INV	09/25/2013	121.84	ACCT # 89300-24164
94146	60090	FLORIDA POWER & LIGHT	84164-36965/8	100	INV	09/25/2013	7.69	ACCT # 84164-36965
94147	60090	FLORIDA POWER & LIGHT	84154-38939/8	100	INV	09/25/2013	11.93	ACCT # 84154-38939
94148	60090	FLORIDA POWER & LIGHT	84094-35982/8	100	INV	09/25/2013	190.38	ACCT # 84094-35982
94149	60090	FLORIDA POWER & LIGHT	78275-70040/8	100	INV	09/25/2013	435.52	ACCT # 78275-70040
94150	60090	FLORIDA POWER & LIGHT	74834-32949/8	100	INV	09/25/2013	148.62	ACCT # 74834-32949
94151	60090	FLORIDA POWER & LIGHT	74824-34912/8	100	INV	09/25/2013	101.30	ACCT # 74824-34912
94152	60090	FLORIDA POWER & LIGHT	44439-25062/8	100	INV	09/25/2013	1,813.23	ACCT # 44439-25062
94153	60090	FLORIDA POWER & LIGHT	43412-39939/8	100	INV	09/25/2013	11.33	ACCT # 43412-39939
94154	60090	FLORIDA POWER & LIGHT	43372-30934/8	100	INV	09/25/2013	519.71	ACCT # 43372-30934
94155	60090	FLORIDA POWER & LIGHT	33450-32977/8	100	INV	09/25/2013	49.54	ACCT # 33450-32977
94156	60090	FLORIDA POWER & LIGHT	33392-38911/8	100	INV	09/25/2013	7.69	ACCT # 33392-38911
94157	60090	FLORIDA POWER & LIGHT	24705-32926/8	100	INV	09/25/2013	69.57	ACCT # 24705-32926
94158	60090	FLORIDA POWER & LIGHT	16775-87477/8	100	INV	09/25/2013	7.69	ACCT # 16775-87477
94159	60056	FLA DEPT OF REVENUE	20130824	100	INV	09/13/2013	775.52	BUSINESS PARTNER # 125
94160	10015	DISBURSEMENT ACCT PETTY CAS	1000303656127	100	INV	09/06/2013	6.42	FIRST-CLASS MAIL LARGE
94161	2926	GIA LANCASTER	3240004198117	100	INV	09/13/2013	18.02	ENVELOPES FOR BL RENEW
94162	2597	HOME DEPOT CREDIT SERVICES	AUGUST 2013	100	INV	09/18/2013	580.11	ACCT # MATERIALS FOR C
94163	60020	FENDER AUTO PARTS	6912	100	INV	09/06/2013	14.96	HI-POWER BELT FOR BUSH
94165	2688	SWAINE & HARRIS, PA	13878	100	INV	09/13/2013	360.00	REGARDING CITY OF ARCA
WARRANT TOTAL							86,408.77	

** END OF REPORT - Generated by Erika Larson **



09/10/2013 12:42
elarson

City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 4
apwarrnt

WARRANT: 20130811 09/10/2013

DUE DATE: 09/10/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
94000	1963	BV OIL COMPANY, INC	AUG 2013 FUEL	100	INV	08/30/2013	333.27	AIRPORT AUGUST 2013 FU
94166	2688	SWAINE & HARRIS, PA	13882	100	INV	09/13/2013	235.00	REGARDING CITY OF ARCA
94167	10030	W & S ENTERPRISE ACCOUNT	120019	100	INV	09/17/2013	45.36	ACCT # 4230114700
94168	2612	HANSON PROFESSIONAL SERVICE	1040146	100	INV	09/13/2013	2,381.99	MARKING AND PAVEMENT C
94169	2612	HANSON PROFESSIONAL SERVICE	1040145	100	INV	09/13/2013	7,295.85	AIRFIELD LIGHTING REPL
94170	60090	FLORIDA POWER & LIGHT	32291-29311/8	100	INV	09/19/2013	43.60	ACCT # 32291-29311
94171	60090	FLORIDA POWER & LIGHT	57004-27361/8	100	INV	09/19/2013	28.64	ACCT # 27004-27361
94172	60090	FLORIDA POWER & LIGHT	03080-31905/8	100	INV	09/19/2013	7.72	ACCT # 03080-31905
94173	60090	FLORIDA POWER & LIGHT	03130-38937/	100	INV	09/19/2013	140.83	ACCT # 03130-38937
94174	60090	FLORIDA POWER & LIGHT	03160-30915/8	100	INV	09/19/2013	123.27	ACCT # 03160-30915
WARRANT TOTAL							10,635.53	

** END OF REPORT - Generated by Erika Larson **

To: PD
Set For 9/17/13
Council Agenda



City of Arcadia SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 9-10-2013
 Event Name ARCADIA PHEW AIR PAINT-OUT
 Event Location Throughout City of Arcadia & MARTIN ART GALLERY
 Date(s) of Event SAT NOV 16, 2013 Hours of Event 8am - 3pm (downtown)
3pm - 7:30 pm (Martin Gallery)
 Expected Attendance _____
 Event Sponsor Desoto Arts & Humanities Council Non-Profit? YES NO
 Description of Event ARTISTS will check in @ Last Chapter Coffee Shop and then select painting sites throughout the historic district. Artists will set up on sidewalks, and will be instructed to leave 4' clearance for pedestrians
 Contact Person SUSAN HOFFMAN Telephone (941) 315 4819
 Fax # 863 494 3533 Email susan.hoffman@gmail.com
 Insurance Carrier Auto Owners (Desoto Ins. Agency)
 Insurance Agent Phil Hunt Agent's Phone _____

- Alcoholic Beverages? 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: Each Artist will have an 8 1/2 x 11 identifying sign

Other Pertinent Information: It is expected the event will draw many onlookers. DC Historical Society will also offer walking tours on the day of the event.

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

Received by: G. Spencer Date: 9/10/13
 City Marshal _____ Approved _____ Disapproved _____
 City Administrator _____ Approved _____ Disapproved _____
 City Council _____ Approved _____ Disapproved _____

pd. chg #2590

INDEMNIFICATION & HOLD HARMLESS

I, SUSAN E. HOFFMAN, as VICE PRESIDENT of DeSoto Arts & Humanities Council, do hereby agree to hold the City of Arcadia, (Club, organization, group, etc)

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 ARCADIA PLAZA AIR PAINT OUT be held at throughout historic district on November 16, 2013.

By: Susan E Hoffman (Signature)

Printed Name: SUSAN E. HOFFMAN

Entity Name: DeSoto Arts and Humanities Council

Its: VICE PRESIDENT

Date: 9/10/2013

STATE OF FLORIDA
COUNTY OF DeSoto

Sworn to and subscribed before me this 10 day of September, 2013, by SUSAN E. HOFFMAN, as VICE PRES. of DeSOTO ARTS & HUM. COUNCIL who [] is personally known to me or [] has produced _____ as identification.

Tami Jewell
NOTARY PUBLIC

(SEAL)



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 rights-of-way 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	Expo's	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 EVENT 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 rights-of-way,
- c. Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, etc.)
- d. Indicate whether additional electric service 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 & recycling.

- 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 cost 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 http://www.myfloridalicense.com/dbpr/sto/file_download/file-download-abandt.shtml

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

9/10/13

Date

SUSAN E. HOFFMAN

PRINTED Name of Above

863-703-0373

Contact Phone #



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: SEPTEMBER 17, 2013

DEPARTMENT: GROWTH MANAGEMENT
SUBJECT: CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT – ARCADIA FAMILY OPTOMETRY

RECOMMENDED MOTION: **MOTION TO APPROVE ISSUANCE OF CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT FOR INSTALLATION OF FREE STANDING GROUND MONUMENT SIGN LOCATED AT 122 NORTH BREVARD AVENUE**

SUMMARY:

The Historic Preservation Commission met on Tuesday, September 9, 2013 and voted to approve the following request 4-2. The two dissenting members voiced concerns regarding the brightness of the digital lighting.

The permit was reviewed by staff for technical compliance and has been found to meet the City’s land development code for type, size and zoning yard placement standards.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (X) Other - Policy

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: _____ Date: _____

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



City of Arcadia, Florida
Community Development

MEMORANDUM

TO: Historic Preservation Commission

FROM: Tom Slaughter, AIPC, City Planner

DATE: August 29, 2013

SUBJECT: Certificate of Appropriateness within Historic District

FILE NO.: 13-06CA

I. Project Information

Petitioner: Arcadia Family Optometry

Address: 122 North Brevard Avenue

Prop. ID No.: 25-37-24-0012-0220-0230

Request: Installation of a freestanding, ground monument sign.

Aerial:



Site Photos:

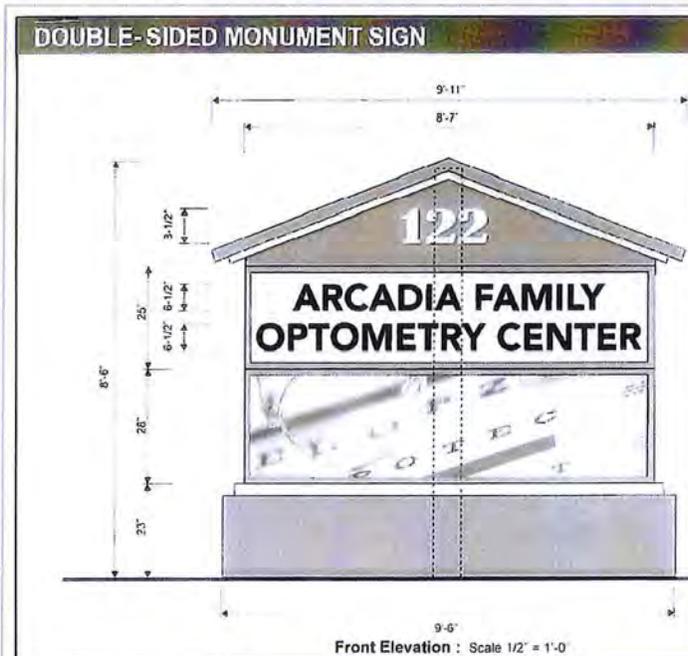


II. Proposed Improvements:

Mike Riggins, Coastal Sign Installation, on behalf of the Arcadia Family Optometry, the property owner, is requesting approval through the City's Historic Preservation Ordinance "Certificate of Appropriateness" to construct a freestanding, monument-styled ground sign on a medical-professional zoned currently utilized for an eye optometry practice. An existing pole sign, shown in the accompany photo, will be removed.



The new monument ground sign will be located in the front yard approximately where the existing pole sign is located. No primary or secondary building improvements are proposed. The proposed sign structure is 9'11" wide and 8'6" in height. The sign will be a two sided structure to permit viewing from either direction on North Brevard Avenue. In addition, the sign will have two zones which make up the sign copy area. The top area will include the business name "Arcadia Family Optometry Center"



and property address. This message panel is static. The lower portion of the signage copy area will include a digital message board which is dynamic and will permit the business owner to change message or announcement. The total sign copy area and the computer message boards are approximately 32 square feet in size. Consistent with Sec. 6-58 of the Code of Ordinances, the sign copy area for the computerized message board will be no greater than 16 square feet in area. The property is located on North Brevard, which is classified as a major thoroughfare type roadway. The computerized message board is a permitted use and meets roadway classification standards per Sec. 6-58(b)(1) for computerized message board type sign

approval restricted to locations along "major thoroughfares". The monument ground sign, sign copy areas, computerized message boards, sign structure placement and yard setback meet all standards and restrictions contained in the City's Sign Code. No variance, modification or relief from any City land development code standard is proposed.

III. Code Compliance and Findings:

The property is designated on the City's adopted Future Land Use Map as "Business" land use classification, and zoning designation as "General Business (B-3) District" as depicted on the Zoning Map. Staff confirms through an on-site visit the existing conditions described in this report. Support of a Certificate of Appropriateness by the City is a prerequisite for the applicant to petition for a City Signage Permit (No. 13-07SP) through the City and through Desoto County for the Building Permit.

The signage permit has been reviewed by staff for technical compliance and has been found to meet the City's land development code for type, size, and zoning yard placement standards. Upon approval of the sign permit by staff, along with a Certificate of Appropriateness by the Historical Preservation Committee, the applicant will be permitted to install the new ground sign consistent with approved design and site standards.

IV. Historic Preservation Standards of Review:

The City of Arcadia Ordinance No. 955, Historic Preservation, requires any application for the construction, reconstruction, alteration and demolition of a historic structure, historic site or a structure within a historic district to petition for a Certificate of Appropriateness, reviewed by the Historic Preservation Commission and issued by City Council, prior to any construction activities.

The Historic Preservation Commission shall review the application for conformity with the following criteria, and shall recommend to the City Council issuance of the Certificate of Appropriateness, unless:

1. *in the case of a designated historic structure or historic site the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon said work is to be done;*
2. *in the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;*
3. *in the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;*
4. *the building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; or*
5. *in the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.*

DeSoto County Property Appraiser

2012 Certified Values

CAMA updated: 8/8/2013

Parcel: 25-37-24-0012-0220-0230

Tax Collector

Tax Estimator

Property Card

Interactive GIS Map

<< Next Lower Parcel | Next Higher Parcel >>

Parcel List Generator

Print

Owner & Property Info

Search Result: 1 of 1

Owner's Name	MANATEE COUNTY RURAL
Site Address	122 N BREVARD AVE
Mailing Address	HEALTH SERVICES INC 12294 HWY 301 PARRISH, FL 34219-0000
Use Desc. (code)	OFFICE BUI (001700)
Tax District	1 (Within City Limits)
Neighborhood	400000
Land Area	0.329 ACRES
Market Area	04
Description	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
TOWN OF ARCADIA O S LOT 23 LESS N 1.0 FT & ALSO LOT 24 N OF LAND LI BLK 22 IN SEC 31-37-25 INST:201114017588	

GIS Aerial



Property & Assessment Values

2012 Assessment Values

Mkt Land Value	cnt: (1)	\$32,269.00
Ag Land Value	cnt: (0)	\$0.00
Building Value	cnt: (1)	\$50,025.00
XFOB Value	cnt: (2)	\$1,550.00
Total Appraised Value		\$83,844.00

Just Value	\$83,844.00
Class Value	\$0.00
Assessed Value	\$83,844.00
Exempt Value	(code: 10) \$83,844.00
Total Taxable Value	County: \$0.00 City: \$0.00 Other: \$0.00 School: \$0.00

Sales History

Show Similar Sales within 1/2 mile

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
10/26/2011	201114017588	WD	I	U	17	\$195,000.00
7/22/1988	250/202	WD	I	Q		\$125,000.00
10/1/1980	167/850	WD	I	U	01	\$50,000.00

Building Footprint

Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
1	OFFICE LOW (004900)	1968	CONC BLOCK (15)	1200	1354
Note: All S.F. calculations are based on exterior building dimensions.					

Building Footprint Details

Code	Desc	Year Blt	Units	Dims	Condition (% Good)
1925	PVMT C	1970	0005550.000	0 x 0 x 0	(000.00)
2003	SIDEWALK	1970	0000138.000	0 x 0 x 0	(000.00)

Lnd Code	Desc	Units	Zoning *
001700	1STORY OFF (MKT)	14342 SF - (0000000.329AC)	B-3

* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning & Zoning Department at 863-993-4806.



25-37-24-0012-0220-0230
 MANATEE COUNTY RURAL
 0.329AC | 10/26/2011 - \$195,000 - I/U

DeSoto County Property Appraiser

PARCEL: 25-37-24-0012-0220-0230 - OFFICE BUI (001700)

TOWN OF ARCADIA O S LOT 23 LESS N 1.0 FT & ALSO LOT 24 N OF LAND LI
 BLK 22

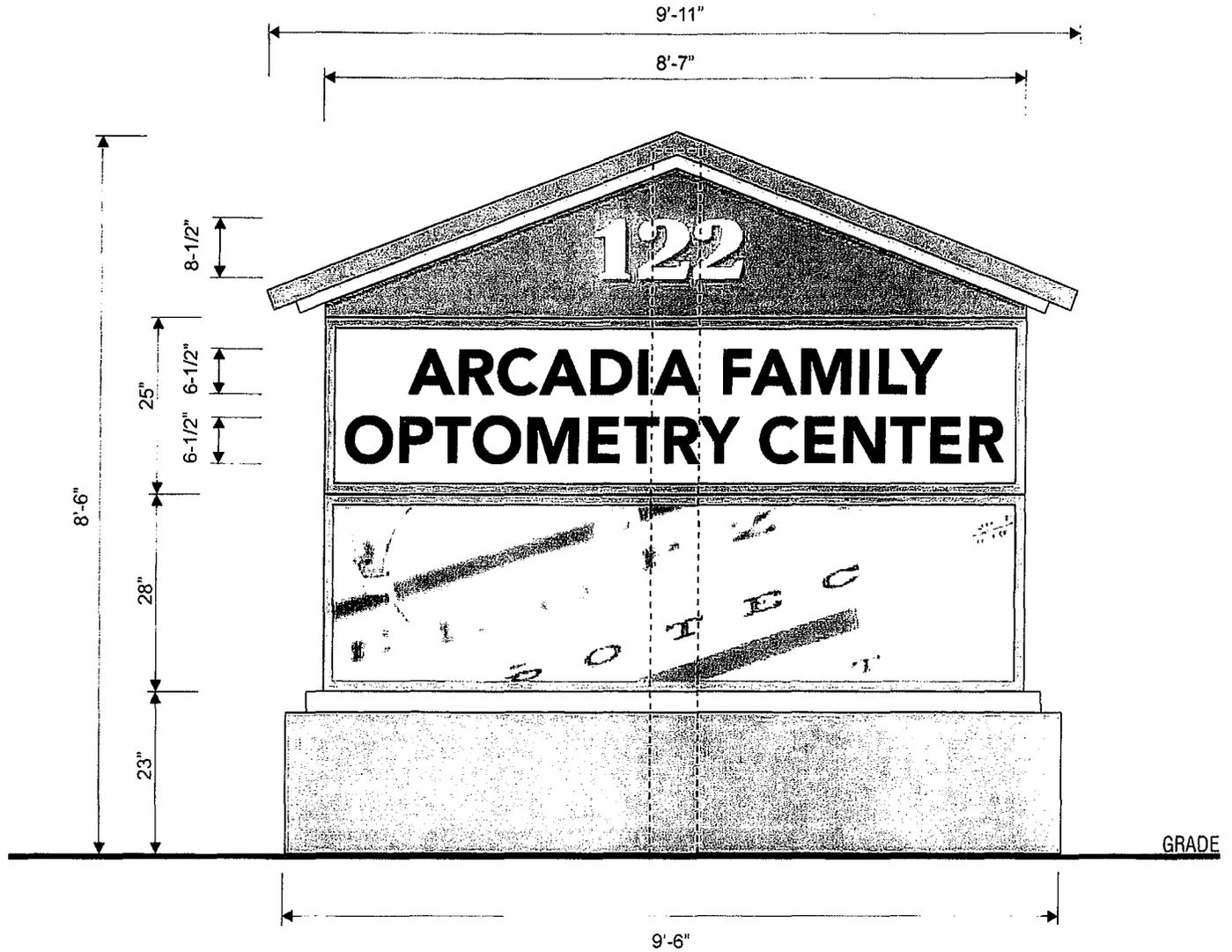
Name: MANATEE COUNTY RURAL	LandVal	\$32,269.00
Site: 122 N BREVARD AVE	BldgVal	\$50,025.00
HEALTH SERVICES INC	ApprVal	\$83,844.00
Mail: 12294 HWY 301	JustVal	\$83,844.00
PARRISH, FL 34219-0000	Assd	\$83,844.00
Sales	Exmpt	\$83,844.00
Info	County: \$0.00 City:	\$0.00
	Taxable	Other: \$0.00 School:
		\$0.00

0 37 74 111 ft



This information, GIS updated: 8/8/2013, was derived from data which was compiled by the DeSoto County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the

DOUBLE-SIDED MONUMENT SIGN



Front Elevation : Scale 1/2" = 1'-0"

SPECIFICATIONS:

Double-sided monument sign.

Fabricated all aluminum construction. Flat acrylic faces, pigmented white, first surface applied vinyl letters. Internal illumination by H.O. 20mm full color digital displays. Non-illuminated address numbers, 1/2" thick flush mounted, pigmented white acrylic.

Note: Verify all colors prior to fabrication.

SIGN TO BE CONSTRUCTED TO NEC 600 STANDARD

SIGN TO BEAR UL LABEL

SIGN TO HAVE ELECTRICAL DISCONNECT ON THE EXTERIOR

6" (0.2



COLORS

	Stucco finish to match PMS 7523
	Black
	White

NOTES:

MATERIALS:

ALL JOINTS TO BE WELDED ALL AROUND

GRADE A36 STEEL SHAPES

GRADE A53 B STEEL PIPE

GRADE A325 FASTENER BOLTS

FOUNDATION:

3000 PSI CONCRETE @ 28 DAYS

2000 PSF SOIL BEARING

150 PSF/LF SOIL LATERAL BEARING

UNDISTURBED SOIL

150 MPH WIND LOAD

RISK CATEGORY II

EXPOSURE C

2010 FLORIDA BUILDING CODE

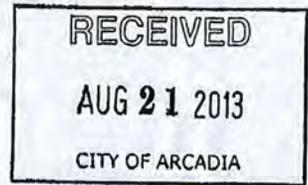
SECTION 16 WIND LOAD

ASCE 7-10



CERTIFICATE OF APPROPRIATENESS
(Historic Preservation Commission)

Date Stamp



Fee: \$165.⁰⁰

City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

R# 344570

City Website: arcadia-fl.gov

File No. : 13 - 06 CA

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>MIKE RIGGINS</u>	Name: <u>MANATEE COUNTY RURAL HEALTH</u>
Organization: <u>COASTAL SIGN INSTALLATION</u>	Organization: <u>ARCADIA FAMILY OPTOMETRY</u>
Address: <u>8725-66 CT No.</u>	Address: <u>12271- US 301 NORTH</u>
City: <u>PINELLAS PARK</u>	City: <u>PARRISH</u>
State: <u>FL</u> Zip Code: <u>33782</u>	State: <u>FL</u> Zip Code: <u>34219</u>
Telephone No.: (<u>727</u>) <u>209-2571</u>	Telephone No.: (<u>941</u>) <u>776-4000</u>
Email: <u>install@coastal sign-com</u>	Email: <u>rbannon@merchs.org</u>

I. Type of Building Structure and Development Activity Proposed

- New Construction
 Manufactured
 Mobile
 Addition
 Demolition
 Shed
 Ground Sign
 Fence
 Deck
 Other _____

II. Property Information

Parcel Address (if assigned): 122 NO. BREVARD AVE, ARCADIA FL 34266

Parcel Identification Number: 25-37-24-0012-0220-0230

Subdivision, Block and Lot Nos.: _____

III. Zoning Information and Development Standards (for New Building Structures only)

Zoning Map Designation: B-2

Lot Size (sq. ft.): _____ Lot Length: _____ Lot Width: 101'

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

	<u>5'</u> Front Yard		<u>5'</u> Front Yard
(if corner lot)	_____ secondary Front Yard	(if corner lot)	_____ secondary Front Yard
	<u>N/A</u> Side Yard		<u>N/A</u> Side Yard
	_____ Side Yard		_____ Side Yard
	_____ Rear Yard		_____ Rear Yard
	<u>10'</u> Between Buildings (per Code 110-631)		_____ Between Buildings

IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.

- Yes, please list attached exhibits: _____
- None. I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

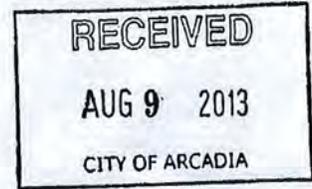
I understand that an incomplete application will be returned and will delay permit review.

<p>Planning and Zoning Review:</p> <p><input type="radio"/> Approved</p> <p><input type="radio"/> Denied</p>	<p>Utility Systems Review:</p> <p><input type="radio"/> Approved</p> <p><input type="radio"/> Denied</p>	<p>Notes, Restrictions, and Permit Coordination:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>_____ Zoning Inspector Signature</p> <p>Date: _____</p>	<p>_____ Utility Inspector Signature</p> <p>Date: _____</p>	



SIGNAGE PERMIT APPLICATION

Date Stamp



City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

Fee \$60.⁰⁰

R# 344562

City Website: arcadia-fl.gov

File No. : 13 - 07 SP

Signage regulations are designed to ensure public safety and minimize the negative visual impacts of outdoor advertising within the City. All commercial, professional and residential zoning districts establish regulations which limit the number, size, type, placement, and appearance of all signage and signage structures. Receiving a Sign Permit from the City is generally the first step in the approval process, followed by applying for a Building Permit from the Desoto County Building Department for the actual sign installation or construction activities for securing or powering the structure.

APPLICANT'S INFORMATION (Agent or Contractor) <i>CELL PHONE (727)</i>	PROPERTY OWNER'S INFORMATION (Leave Blank if Same as Applicant)
Name: <u>MIKE RIGGINS 709-0061</u>	Name: <u>MANATEE COUNTY RURAL HEALTH SERVICES, INC.</u>
Organization: <u>COASTAL SIGN INSTALLATION</u>	Organization: <u>ARCADIA FAMILY OPTOMETRY</u>
Address: <u>8725 - 66 CT. NORTH</u>	Address: <u>12271 US Hwy 301</u>
City: <u>PINELLAS PARK</u>	City: <u>PARRISHT, FL</u>
State: <u>FL</u> Zip Code: <u>33782</u>	State: <u>FLORIDA</u> Zip Code: <u>34219</u>
Telephone No.: <u>(727) 209-2571</u>	Telephone No.: <u>(941) 776-4000</u>
Email: <u>install@coastalsign.com</u>	Email: <u>rbannon@mcrhs.org</u>

I. Property Information

Parcel Address (if assigned): 122 North Brevard Ave, Arcadia, FL 34266

Parcel Identification Number: 25-37-24-0012-0220-0230

Business Name: ARCADIA FAMILY OPTOMETRY CENTER

Street Name that Signage Will Face: BREVARD

Is Signage for a Building with: Single Tenant Multi-Tenant Building Structure

Duration of Sign Placement: Permanent Temporary (No. of Days): _____

Zoning District of Subject Property: _____

Lot Frontage (in feet): 101' Building Frontage (in feet): _____

SIGNAGE INFORMATION SHEET: SIGN PERMIT APPLICATION

I. Sign Design and/or Site Plan Details

1. Applications which lack essential information required by the City's Code of Ordinances cannot be processed for technical utility and zoning compliance review and will be returned to you for completion.
2. Provide site plan information and project details in a clear, legible format. If we are unable to understand or read project details, it may contribute to unnecessarily extending permit review processing time.
3. Reference your survey and plat information to ensure your improvements are within areas of legal ownership, and utility and service access are within approved easements and public right-of-ways.
 - DeSoto County Property Appraiser property search website at: www.desotopa.com/GIS/Search_F.asp
4. Exceeding height allowances or proposed encroachments into required yard setbacks (extending beyond zoning envelope or build-to lines) will require a zoning variance application and may not be supported by the City.

General Information to Provide on Site Plan

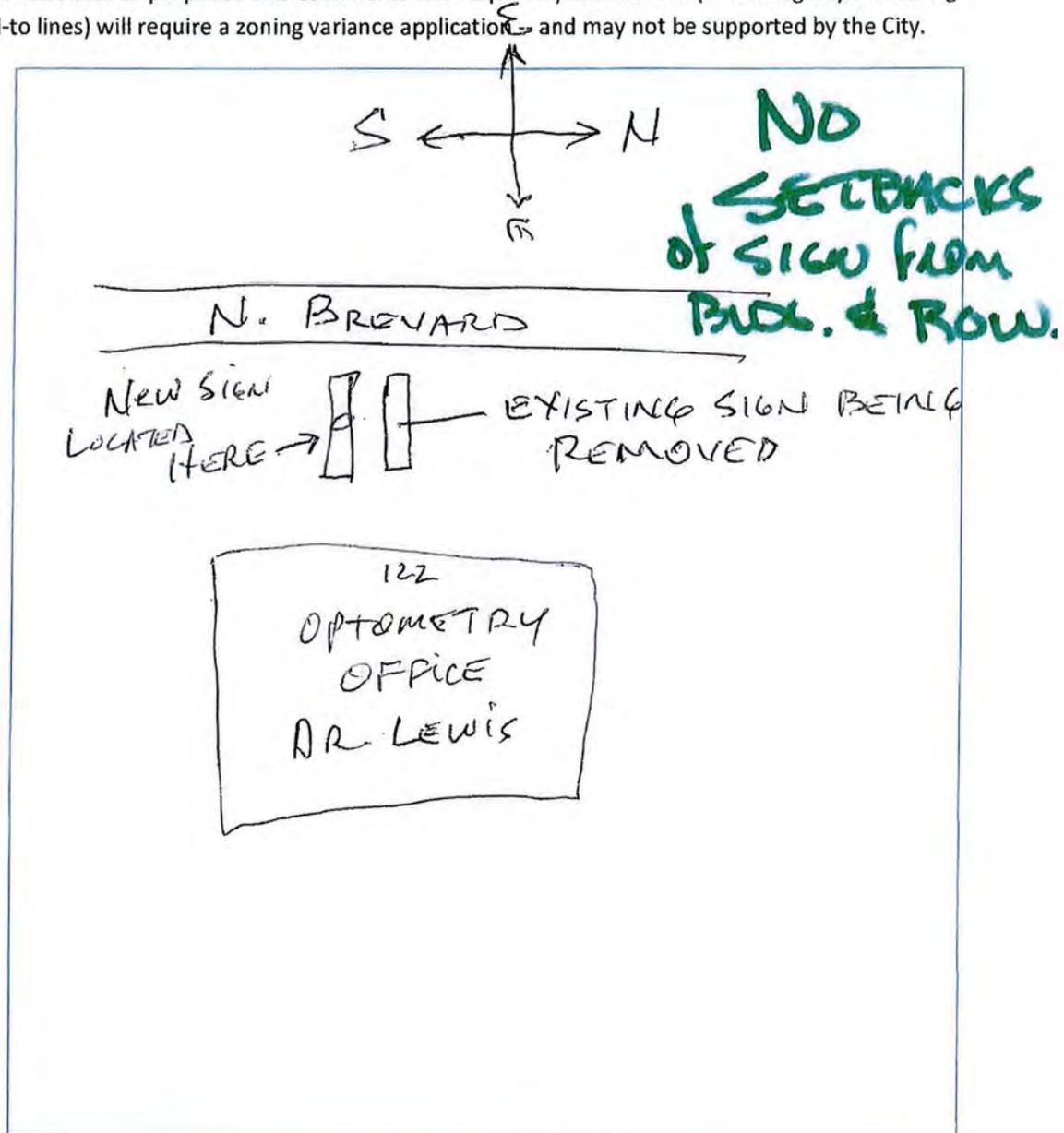
- North arrow
- Street names
- Property lines
- Right-of-ways
- Utility easements
- Identify primary building structures or points of reference
- Show measurement details in feet/inches

Signage Details

- Draw Full Sign
- Identify all signage architectural and design elements
- Identify sign copy area and include measurement of:
 - Height
 - Length

Site Plan Details

- Placement in yard
- For monument signs, include base, column and cap of structure
- Sign footprint
- Sign structure:
 - Height
 - Length
 - Width
- Include property address on signage structure



DeSoto County Property Appraiser

2012 Certified Values

CAMA updated: 8/8/2013

Parcel: 25-37-24-0012-0220-0230

Tax Collector

Tax Estimator

Property Card

Interactive GIS Map

<< Next Lower Parcel

Next Higher Parcel >>

Parcel List Generator

Print

Owner & Property Info

Search Result: 1 of 1

Owner's Name	MANATEE COUNTY RURAL
Site Address	122 N BREVARD AVE
Mailing Address	HEALTH SERVICES INC 12294 HWY 301 PARRISH, FL 34219-0000
Use Desc. (code)	OFFICE BUI (001700)
Tax District	1 (Within City Limits)
Neighborhood	400000
Land Area	0.329 ACRES
Market Area	04
Description	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
TOWN OF ARCADIA O S LOT 23 LESS N 1.0 FT & ALSO LOT 24 N OF LAND LI BLK 22 IN SEC 31-37-25 INST:201114017588	

GIS Aerial



Property & Assessment Values

2012 Certified Values

Mkt Land Value	cnt: (1)	\$32,269.00
Ag Land Value	cnt: (0)	\$0.00
Building Value	cnt: (1)	\$50,025.00
XFOB Value	cnt: (2)	\$1,550.00
Total Appraised Value		\$83,844.00

Just Value	\$83,844.00
Class Value	\$0.00
Assessed Value	\$83,844.00
Exempt Value	(code: 10) \$83,844.00
Total Taxable Value	County: \$0.00 City: \$0.00 Other: \$0.00 School: \$0.00

Sales History

Show Similar Sales within 1/2 mile

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
10/26/2011	201114017588	WD	I	U	17	\$195,000.00
7/22/1988	250/202	WD	I	Q		\$125,000.00
10/1/1980	167/850	WD	I	U	01	\$50,000.00

Building Characteristics

Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
1	OFFICE LOW (004900)	1968	CONC BLOCK (15)	1200	1354
Note: All S.F. calculations are based on exterior building dimensions.					

Extra Features & Out Buildings

Code	Desc	Year Blt	Units	Dims	Condition (% Good)
1925	PVMT C	1970	0005550.000	0 x 0 x 0	(000.00)
2003	SIDEWALK	1970	0000138.000	0 x 0 x 0	(000.00)

Land Characteristics

Lnd Code	Desc	Units	Zoning *
001700	1STORY OFF (MKT)	14342 SF - (0000000.329AC)	B-3

* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning & Zoning Department at 863-993-4806.



DeSoto County Property Appraiser

PARCEL: 25-37-24-0012-0220-0230 - OFFICE BUI (001700)

TOWN OF ARCADIA O S LOT 23 LESS N 1.0 FT & ALSO LOT 24 N OF LAND LI
BLK 22

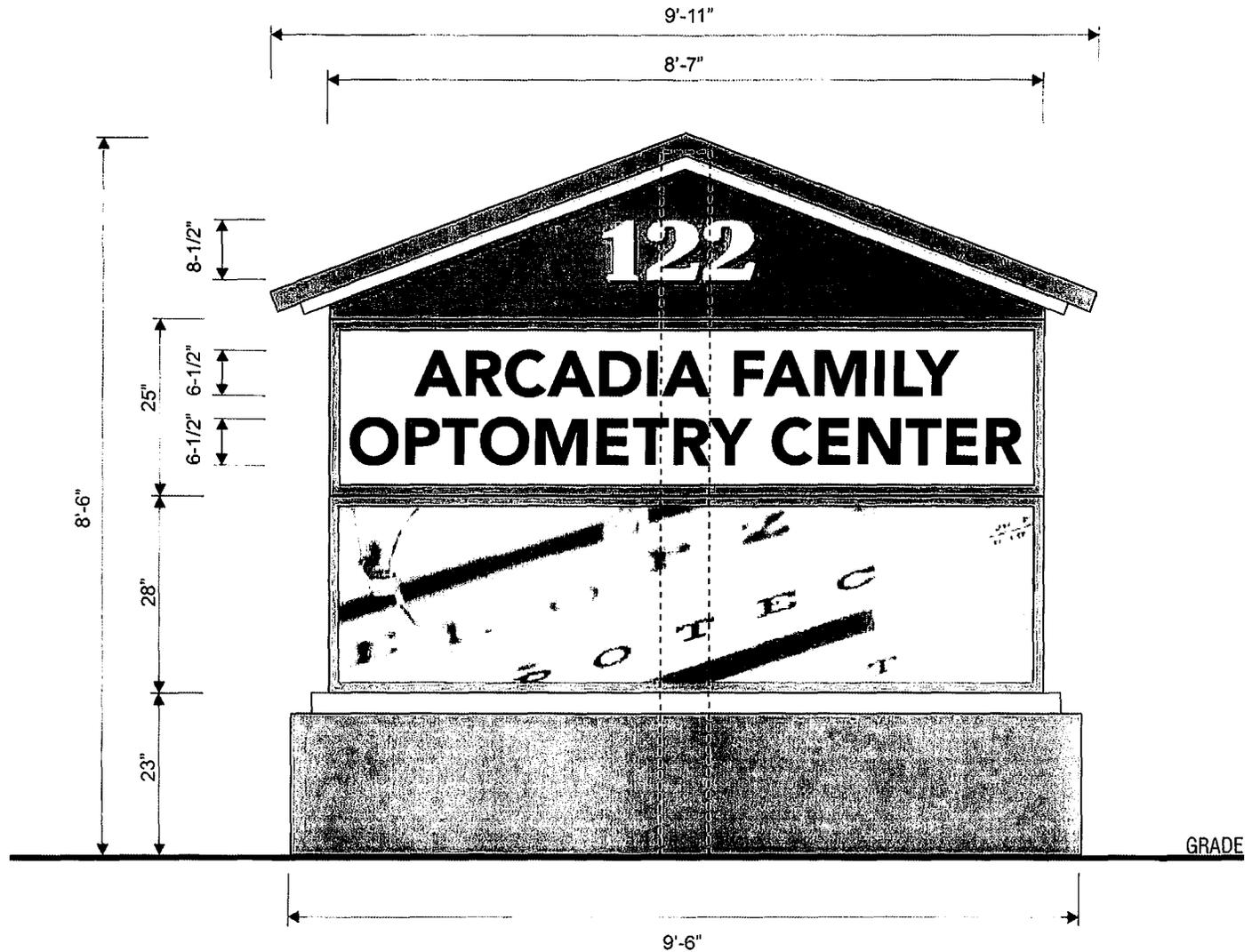
Name: MANATEE COUNTY RURAL	LandVal	\$32,269.00
Site: 122 N BREVARD AVE	BldgVal	\$50,025.00
HEALTH SERVICES INC	ApprVal	\$83,844.00
Mail: 12294 HWY 301	JustVal	\$83,844.00
PARRISH, FL 34219-0000	Assd	\$83,844.00
Sales	Exmpt	\$83,844.00
Info	County: \$0.00 City:	\$0.00
	Taxable	Other: \$0.00 School:
		\$0.00

0 37 74 111 ft



This information, GIS updated: 8/8/2013, was derived from data which was compiled by the DeSoto County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the

DOUBLE-SIDED MONUMENT SIGN



Front Elevation : Scale 1/2" = 1'-0"

SPECIFICATIONS:

Double-sided monument sign.

Fabricated all aluminum construction. Flat acrylic faces, pigmented white, first surface applied vinyl letters. Internal illumination by H.O. 20mm full color digital displays. Non-illuminated address numbers, 1/2" thick flush mounted, pigmented white acrylic.

Note: Verify all colors prior to fabrication.

SIGN TO BE CONSTRUCTED TO NEC 600 STANDARD

SIGN TO BEAR UL LABEL

SIGN TO HAVE ELECTRICAL DISCONNECT ON THE EXTERIOR

6" (0.2



COLORS	
	Stucco finish to match PMS 7523
	Black
	White

NOTES:

MATERIALS:

ALL JOINTS TO BE WELDED ALL AROUND

GRADE A36 STEEL SHAPES

GRADE A53 B STEEL PIPE

GRADE A325 FASTENER BOLTS

FOUNDATION:

3000 PSI CONCRETE @ 28 DAYS

2000 PSF SOIL BEARING

150 PSF/LF SOIL LATERAL BEARING

UNDISTURBED SOIL

150 MPH WIND LOAD

RISK CATEGORY II

EXPOSURE C

2010 FLORIDA BUILDING CODE

SECTION 16 WIND LOAD

ASCE 7-10



TO: CITY ADMINISTRATOR, MAYOR AND COUNCIL MEMBERS
FROM: RENÉE A. GREEN, FINANCE DIRECTOR
SUBJECT: UPDATE
DATE : SEPT. 8, 2013

This is an update to inform you of where we are with our projects, etc. The last update I submitted was in February and April.

ITEMS COMPLETED:

1. The move to the Way Building has been completed. This has made the utility and finance personnel more secure with the windows and the locked doors. This has also made our customers more courteous to the staff. The foul language and insults, threats etc. have been minimized but not deleted. We still deal with many phone calls a day with cursing and raving at the employees and me. We have installed recorders and it is noticed at the window that conversations will be recorded. When I receive phone calls I tell the customer that their conversation is being recorded. I would love to play some of these recordings to you!!!! I have called the police department and had an officer come in and listen to the really nasty calls. This will never stop, but it has made a difference.
2. Why we have windows and locked doors? For security. We take in thousands of dollars each day, mostly cash and on the busy days there could be \$40,000 to \$50,000 in cash. At noon we take their money from their tills and put in the safe, that way they do not have all of this money in their drawer.

In the old building there was no security -- cash would have easily been stolen. No protection between customers and staff. I had to call the police 3 times just in one day to remove customers from the building! I have had customers come across the counter and tried to grab me. This environment was not safe and we all had to be very careful. Anyone could walk into the ut office or finance office at any time and rob us.

I had asked Marshall Lee if we couldn't have an officer sit in the hallway on busy days. That never happened. We had to call them. We did have silent alarms but by the time a police officer got there someone would have been hurt or killed.

I don't think you realize how dangerous this job is, especially in this bad economic time. On Tuesday night I would like to play a recording of a customer – this happens almost once every hour sometimes more often.

3. We are working on the computer upgrade. This I hope will be completed in October. New equipment, better internet service have been a major part of this. This upgrade along with still redoing the input of information into the system correctly will make our reports much more accurate and will save a tremendous amount of time once we are up to "par" on the information. In the past, as I have said before, only bare necessity information was being entered into our accounts. This created having to redo reports, spend hours on collecting the right information etc.
4. Staff has been training with Munis (in our new training set up) on utility work orders, correcting the payroll information, general ledger reports, business licenses and other areas. I believe that staff should always be current with new procedures and how to create better accountability and perform necessary steps to make our financial information, work input etc.
5. We are working to improve our purchasing procedures and to eliminate spending without cause. Accounts are being checked before entering an invoice. The departments have been very good at understanding how and why this is being done. We feel with talking with department heads, providing them with monthly budget to actual reports has made a difference in not only spending but understanding where the spending is recorded and why. This takes more time on Finance, but it has proven to be beneficial.
6. This was the first year that our budget was prepared through our accounting system. In the past multiple spreadsheets were used and sometimes did not even balance. Staff had to be trained on how to do payroll scenarios and pull those into the budget levels. We used 3 levels: level 1 was the request originally with the departments. Level 2 was the changes the City Administrator and I did. Level 3 was the changes which Council requested. This at the end produced a balanced budget and all information will be in the budget process system to roll over to the new year.

Yes it took time for all of us to learn the correct way to do this, but it will be much easier next year. By using this process the council was given proposals which contained all information concerning payroll positions, how revenues were derived at, and information on any account for detail of what and why that particular dollar amount was budgeted. Having this information in the system will allow us during the year to go back easily and view an account and know what had been budgeted in that account instead of just trying to remember and having to go through many work sheets.

7. A budget to actual report through June for 75% of the year was sent to all council members in the past two weeks. In this report you will notice the following:

- Water/Sewer Revenues are at 90.6% -- 15.% above the estimated projections.
- Water/Sewer Expenses are at 52.9% --- a 22.1% reduction! KUDOS!
- General Fund Revenues are at 68.3% -- 6.7% less than expected; This is due to items such as the reimbursement from The State FDOT of \$55,053 which is not received until July or August (an annual payment)
- Golf Course revenues are over 75%: Cemetery lot sales are over 75%: Utility Taxes to General Fund are over 75%: and increases in several revenue sources such as zoning fees, Sales tax proceeds, building permits , century link refunds and others.
- Golf Course spending has dropped due to our new manager and his oversight of expenses. Improvements are being made. Financial accountability is working.

Overall the General Fund is within its estimated revenues and we expect at the end of September to be over our budgeted amounts.

- General Fund expenditures are at 73.7 % down 1.3% than estimated. KUDOS! Departments! And Thank –you!
 - Airport Fund is over in revenues due to the collection of our insurance on the airport which is now being billed and collected. The Airport owed back funds which were not being paid to the City for their coverage. This is now being billed and accounted for on a regular basis.
8. The 2013-2014 Budget has been prepared and balanced without using reserves. Our fund balance does not quite reach the 17%, but overall this is a great accomplishment for the City. If we keep spending down in 2014 we should have more funds to put back into our reserve accounts and we hope to continue for the years following. This takes effort and understanding for all of our departments.
9. Yes, there is approx. \$600,000 in the water/sewer contingency fund – but keep in mind the water/sewer fund is over 1 mill. In the hole and any funds we can put back will bring our fund balance reserves up. The water/sewer fund in the past has borrowed money from our surtax funds and the general funds. This is now being paid back on an annual basis.
10. The Water/Sewer fund made the bond covenants for the first time in almost 9 years. With the budget we have in place for 2014 and with the oversight of staff for current year 2013 I feel we will continue to make these covenants. But it takes the entire staff's cooperation to accomplish this.
11. Our main concern is the State Legislative Audit Committee findings. Before I accepted this job I stated to the City Administrator that I was surprised The City had not been called on this before this year. Well this year it happened. With the new procedures being implemented, making departments being accountable and pulling all of our resources and

knowledge together, we feel the Committee when they meet this month will realize that the City is making a solid effort to correct past problems.

12. We will continue to achieve our goals and make this City accountable and more financially stable.
13. We will continue working with staff and do training so every area is covered.
14. It has been a hard and challenging year, but we are making progress.

Thank you to Staff, our City Administrator and to the Mayor and all Council Members for trying to make the right decisions, the difficult decisions and for support of the Staff.

Thanks!

Renée



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: SEPTEMBER 17, 2013

DEPARTMENT: GROWTH MANAGEMENT

SUBJECT: CERTIFICATE OF APPROPRIATENESS – DESOTO COUNTY HISTORICAL SOCIETY

RECOMMENDED MOTION: MOTION TO APPROVE ISSUANCE OF CERTIFICATE OF APPROPRIATENESS FOR INSTALLATION OF SPLIT RAIL FENCE LOCATED AT 300 NORTH MONROE STREET.

***THE HISTORICAL SOCIETY HAS REQUESTED A WAIVER OF FEES DUE TO THEIR 501(C)(3) STATUS

SUMMARY:

The Historic Preservation Commission met on Tuesday, September 9, 2013 and voted to approve the following request 6-0.

The fence permit was reviewed by staff for technical compliance and has been found to meet the City's land development code for zoning yard standards.

Please advise as to request for waiver of fees.

FISCAL IMPACT: _____

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance Resolution Budget Other - Policy

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: _____ Date: _____

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



City of Arcadia, Florida
Community Development

MEMORANDUM

TO: Historic Preservation Commission
FROM: Tom Slaughter, AIPC, City Planner
DATE: August 29, 2013
SUBJECT: Certificate of Appropriateness within Historic District
FILE NO.: 13-05CA

I. Project Information

Petitioner: Desoto County Historical Society

Address: 300 North Monroe Street

Prop. ID No.: 25-37-24-0166-0110-0040

Request: Installation of a split rail fence at perimeter of yard.

Aerial:



Site Photos:



II. Proposed Improvements:

President Bebe Bradbury, on behalf of the Desoto County Historical Society, the property owner, is requesting approval through the City's Historic Preservation Ordinance "Certificate of Appropriateness"



to construct a perimeter fence on a vacant lot currently utilized for a parking lot. The fencing will provide vehicle access ingress and egress from Polk Avenue and Whidden Street and help delineate the



parking boundaries of the vacant lot. No primary or secondary building improvements are proposed. Placement of the rail-type fence is depicted on the attached aerial photo. The proposed rustic split rail fence installation will be constructed using period materials and design techniques of early Desoto County range enclosures. Each fence rail panel is approximately eight (8) feet in length with corresponding fence posts at the terminus of each eight foot long fence section. No variance, modification or relief from any City land development code standard is proposed.



III. Code Compliance and Findings:

The property is designated on the City's adopted Future Land Use Map as "Low Density Residential" land use classification, and zoning designation as "One Family Dwelling (R-1B) District" as depicted on the Zoning Map. Staff confirms through an on-site visit the existing conditions described in this report. Support of a Certificate of Appropriateness by the City is a prerequisite for the applicant to petition for a City Zoning Certificate (No. 13-18ZC) for the locally issued fence permit.

The fence permit has been reviewed by staff for technical compliance and has been found to meet the City's land development code for zoning yard standards. Upon approval of the fence permit by staff, along with a Certificate of Appropriateness by the Historical Preservation Committee, the applicant will be permitted to install the new fence consistent with approved design and site standards.

IV. Historic Preservation Standards of Review:

The City of Arcadia Ordinance No. 955, Historic Preservation, requires any application for the construction, reconstruction, alteration and demolition of a historic structure, historic site or a structure within a historic district to petition for a Certificate of Appropriateness, reviewed by the Historic Preservation Commission and issued by City Council, prior to any construction activities.

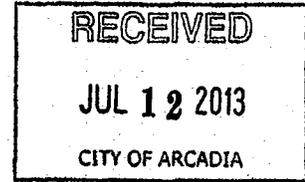
The Historic Preservation Commission shall review the application for conformity with the following criteria, and shall recommend to the City Council issuance of the Certificate of Appropriateness, unless:

1. *in the case of a designated historic structure or historic site the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon said work is to be done;*
2. *in the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;*
3. *in the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;*
4. *the building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; or*
5. *in the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.*



CERTIFICATE OF APPROPRIATENESS
(Historic Preservation Commission)

Date Stamp



City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

Fee: \$165.⁰⁰

PLEASE
WAVE

R# _____

City Website: arcadia-fl.gov

File No. : 13 - 05 CA

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

PLEASE WAIVE FEE

APPLICANT'S INFORMATION
(Agent or Contractor)

PROPERTY OWNER'S INFORMATION
(Leave Blank if Same as Applicant)

Name: 501-(c)(3) NOT FOR PROFIT
Organization: DESOTO COUNTY HISTORICAL SOCIETY
Address: PO Box 1824
City: ARCADIA
State: FL Zip Code: 34265
Telephone No.: (863) 494-6607
Email: BEERBRADBURY@GMAIL.COM

Name: _____
Organization: _____
Address: _____
City: _____
State: _____ Zip Code: _____
Telephone No.: () _____
Email: _____

I. Type of Building Structure and Development Activity Proposed

- New Construction Manufactured Mobile Addition Demolition
- Shed Ground Sign Fence Deck Other _____

II. Property Information

Parcel Address (if assigned): 300 N. Monroe Ave
Parcel Identification Number: 25-37-24-0166-0110-0040
Subdivision, Block and Lot Nos.: Gibson & Smiths Blk 11 Lots 4 thru 8

III. Zoning Information and Development Standards (for New Building Structures only)

Zoning Map Designation: R-1B

Lot Size (sq. ft.): .696 Acres Lot Length: _____ Lot Width: _____

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

Fence

25 Front Yard
 (if corner lot) _____ secondary Front Yard
7.5 Side Yard
7.5 Side Yard
20 Rear Yard
 _____ 10' Between Buildings
 (per Code 110-631)

NA Front Yard
 (if corner lot) _____ secondary Front Yard
 _____ Side Yard
 _____ Side Yard
 _____ Rear Yard
 _____ Between Buildings

IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.

Yes, please list attached exhibits: _____

None. I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

I understand that an incomplete application will be returned and will delay permit review.

Planning and Zoning Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Zoning Inspector Signature Date: _____	Utility Systems Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Utility Inspector Signature Date: _____	Notes, Restrictions, and Permit Coordination: _____ _____ _____
---	--	--

SITE PLAN INFORMATION SHEET: ZONING CERTIFICATE APPLICATION

I. Site Plan Requirements

1. Applications which lack essential information required by the City's Code of Ordinances cannot be processed for technical utility and zoning compliance review and will be returned to you for completion.
2. Provide site plan information and project details in a clear, legible format. If we are unable to understand or read project details, it may contribute to unnecessarily extending permit review processing time.
3. Reference your survey and plat information to ensure your improvements are within areas of legal ownership, and utility and service access are within approved easements and public right-of-ways.
 - DeSoto County Property Appraiser property search website at: www.desotopa.com/GIS/Search_F.asp
4. Exceeding height allowances or proposed encroachments into required yard setbacks (extending beyond zoning envelope or build-to lines) will require a zoning variance application -- and may not be supported by the City.

General Information to Provide on Site Plan

- North arrow
- Street names
- Property lines
- Right-of-ways
- Utility easements
- Identify primary building structures or points of reference
- Show measurement details in feet/inches

Fences and Walls

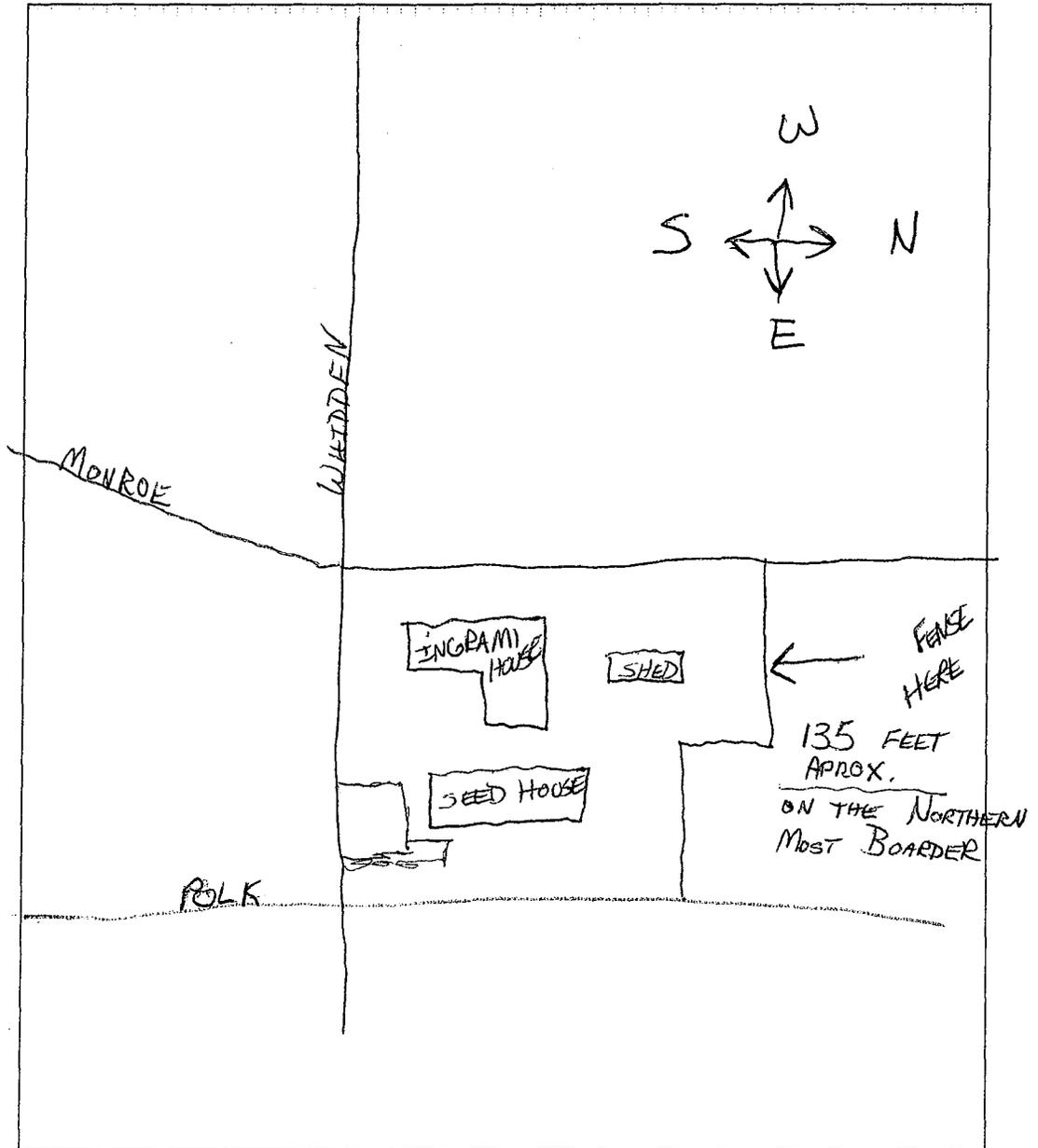
- Types of material
- Height of structure
- Location and linear runs of all fence lines

Sheds and Detached Covered Structures

- Placement in yard
- Footprint
- Height
- Length
- Width

Driveways, Sidewalks and Other Curb-Cuts

- Types of all surface stabilizing material
- Location, including length and width of infrastructure area
- Impervious surface coverage estimate
- Detailed cross-section depicting sub grade soils, base materials, and binder or surface courses





ZONING CERTIFICATE APPLICATION (MINOR STRUCTURES)

Date Stamp

RECEIVED
JUL 16 2013
CITY OF ARCADIA

City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

Fee: \$65.⁰⁰

PLEASE
WAIVE

R# _____

City Website: arcadia-fl.gov

File No. : 13 - 18 ZC

The Zoning regulations are used for controlling land use, height, setbacks, and similar concerns with occupying land. A zoning permit authorizes the use of property and building structures, they are typically required when a building permit is not needed for certain minor, low intensity development activity. They are also called "Certificates," as they certify the use or building structure complies with the zoning regulations contained in the Arcadia Land Development Code.

APPLICANT'S INFORMATION (Agent or Contractor)	PROPERTY OWNER'S INFORMATION (Leave Blank if Same as Applicant)
Name: <u>501 (C) (3) NOT FOR PROFIT</u>	Name: _____
Organization: <u>DE SOTO COUNTY HISTORICAL SOCIETY</u>	Organization: <u>DE SOTO CO. HIST. SOC</u>
Address: <u>PO Box 1824</u>	Address: <u>300 N. MONROE</u>
City: <u>ARCADIA</u>	City: <u>ARCADIA</u>
State: <u>FL</u> Zip Code: <u>34265</u>	State: <u>FL</u> Zip Code: <u>34266</u>
Telephone No.: <u>(863) 494-6607</u>	Telephone No.: <u>(863) 494-6607</u>
Email: <u>REBE BRADBURY @GMAIL.COM</u>	Email: _____

I. Type of Development Activity Proposed (Check all development activities)

- | | | | | |
|--|--|-----------------------------------|--|-------------------------------|
| <input checked="" type="checkbox"/> Fence | <input type="checkbox"/> Shed
(under 1,000 sq. ft.) | <input type="checkbox"/> Car Port | <input type="checkbox"/> Roofed, Pole Barn
(no sides) | <input type="checkbox"/> Deck |
| <input type="checkbox"/> Driveway
(under 1,000 sq. ft.) | <input type="checkbox"/> Culvert | <input type="checkbox"/> Curb Cut | <input type="checkbox"/> Paved Area/Patio
(under 1,000 sq. ft.) | Other _____ |

II. Property Information

Parcel Address (if assigned): 300 N. Monroe Ave

Parcel Identification Number: 25-37-24-0166-0110-0040

III. Land Use and Utility Standards

Is the property located within a Historic District: No Yes (if yes, please see staff for HPC application)

Zoning Map Designation: R-1B

Lot Size (sq. ft.): 696 Acres Lot Length: _____ Lot Width: _____

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

FENCE

25 Front Yard
 (if corner lot) _____ secondary Front Yard
7.5 Side Yard
7.5 Side Yard
20 Rear Yard
10' Between Buildings
 (per Code 110-631)

N/A Front Yard
 (if corner lot) _____ secondary Front Yard
 _____ Side Yard
X Side Yard
 _____ Rear Yard
 _____ Between Buildings

IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, and vender specification sheets for prefabricated materials. Please indicate all attached exhibits that you are submitting (check all that apply):

- | | | | |
|--|---------------------------------|---|--------------------------------|
| <input type="radio"/> Property Survey | <input type="radio"/> Site Plan | <input type="radio"/> Building Elevation | <input type="radio"/> Drawings |
| <input type="radio"/> Engineered Plans | <input type="radio"/> Photos | <input type="radio"/> Vender Spec. Sheets | Other _____ |

None. I intend to utilize City provided site plan sheet.

I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

Planning and Zoning Review:

Utility Systems Review:

Notes, Restrictions, and Permit Coordination:

Approved

Approved

Denied

Denied

[Signature]

Zoning Inspector Signature

Utility Inspector Signature

NOON CH BY

HPC AND CITY

COUNCIL

Date: 7/30/13

Date: _____



Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 04/05
05/29/09

85-8013127211C-7	07/31/2009	07/31/2014	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

DESOTO COUNTY HISTORICAL SOCIETY INC
5173 NE MASTERS AVE
ARCADIA FL 34266-5802

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 04/05

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (FAC).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others by your organization of tangible personal property, sleeping accommodations or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, FAC).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third degree felony. Any violation will necessitate the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Central Registration at 850-487-4130. The mailing address is PO BOX 6480, Tallahassee, FL 32314-6480.

HPC FILE

Gia Lancaster

From: TJ Wohl [tj@heartlandlaw.com]
Sent: Thursday, August 29, 2013 11:22 AM
To: 'Carol Mahler'
Cc: Gia Lancaster
Subject: RE: Historic Preservation Commission for Arcadia

Carol,

As we discussed, it is my opinion that there is no voting conflict regarding this matter as you and three other members of the Historic Preservation Commission are merely volunteers with the Desoto County Historical Society and have not been "retained" by the Historical Society.

Additionally, it does not appear that a decision by the Historic Preservation Commission would inure a special benefit or gain to you or any of the other three members of the the Historic Preservation Commission.

Please feel free to contact me should you have any questions or concerns.

Sincerely,
TJ

Thomas J. Wohl
Swaine & Harris, P.A.
425 S. Commerce Ave.
Sebring, FL 33870
Office: (863) 385-1549
Fax: (863) 471-0008
tj@heartlandlaw.com

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Pursuant to federal regulations imposed on practitioners who render tax advice ("Circular 230"), we are required to advise you that any tax advice contained herein is not intended or written to be used for the purpose of avoiding tax penalties that may be imposed by the Internal Revenue Service. If this advice is or is intended to be used or referred to in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement, the regulations under Circular 230 require that we advise you as follows: (1) this writing is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on a taxpayer; (2) the advice was written to support the promotion or marketing of the transaction(s) or matter(s) addressed by the written advice; and (3) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

From: Carol Mahler [<mailto:carolmahler3@gmail.com>]
Sent: Thursday, August 22, 2013 5:16 PM
To: tj@heartlandlaw.com
Cc: Gia Lancaster
Subject: Historic Preservation Commission for Arcadia

Dear Mr. Wohl,

I serve on the Historic Preservation Commission that advises the City Council of Arcadia. I am also a member of the DeSoto County Historical Society as are others who serve on the Historic Preservation Commission.

The Society has "requested approval through the City's Historic Preservation 'Certificate of Appropriateness' to construct a perimeter fence on a vacant lot" that they own.

May I--and the others who are members of both organizations--vote on this issue?

Yours sincerely,
Carol

--

Carol Mahler
P.O. Box 1644
Nocatee, FL 34268
863-445-0789
carolmahler3@gmail.com
www.carolmahler.com

Author of
Guy LaBree: Barefoot Artist of the Florida Seminoles
<http://upf.com/book.asp?id=MAHLEF09>

Adventures in the Charlotte Harbor Watershed: A Story of Four Animals and Their Neighborhoods
<http://www.chnep.org/Adventures.html>

How Do I Follow? Poems by Carol Mahler

RESOLUTION 2013 – ___

**A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA
RELATED TO CITY COUNCIL MEETINGS; CODIFYING ITS
POLICY REGARDING INVOCATIONS BEFORE MEETINGS OF
THE ARCADIA CITY COUNCIL; MAKING FINDINGS;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Arcadia (“the Council”) is an elected legislative and deliberative public body, serving the citizens of Arcadia Florida; and

WHEREAS, the Council wishes to maintain a tradition of solemnizing its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Council; and

WHEREAS, the Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, our country’s Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our Council, upon which we desire to invoke divine guidance and blessing; and

WHEREAS, such invocation before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature’s practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom.” *Id.*, at 786; and

WHEREAS, the Council desires to avail itself of the Supreme Court’s recognition that it is constitutionally permissible for a public body to “invoke divine guidance” on its work. *Id.*, at 792. Such invocation “is not, in these circumstances, an ‘establishment’ of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*; and

WHEREAS, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), “Our history is replete with official references to the value and invocation of

Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders.” *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, that “government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs.” *Id.*, at 693 (O’Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “We are a religious people whose institutions presuppose a Supreme Being.” *Id.*, at 313-14; and

WHEREAS, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer...,” *Id.*, at 471; and

WHEREAS, the Supreme Court has determined, “The content of [such] prayer is not of concern to judges where . . . there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

WHEREAS, in *Pelphrey, et al v. Cobb County, Georgia, et al*, 547 F.3d 1263 (11th Cir., Oct. 28, 2008), the United States Court of Appeals for the Eleventh Circuit, which includes Florida, held that the practice of allowing clergy to offer uncensored religious invocations at the beginning of sessions of a county Council and county planning Council did not violate the Establishment Clause, as long as the invocations did not advance or disparage a belief or affiliate government with specific faith; and

WHEREAS, the Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

DeSoto County area. The Congregations List is compiled and used for purposes of logistics, efficiency and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Council's invitation and participate. Should a question arise as to the authenticity of a religious congregation, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for Section 501(c)(3) tax-exempt status.

- d. The Congregations List shall also include the name and contact information of any chaplain who may serve any fire department or law enforcement agency of Arcadia and DeSoto County.
- e. The Congregations List shall also include the name and contact information of any religious congregation located outside the Arcadia and DeSoto County area, if such religious congregation is attended by a resident or residents of Arcadia and DeSoto County, and if such resident requests the inclusion of said religious congregation by specific written communication to the Clerk.
- f. The Congregations List shall be updated, by reasonable efforts of the Clerk, on or about the month of November of each calendar year.
- g. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Clerk shall mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.
- h. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear Religious Leader,

The Arcadia City Council makes it a policy to invite members of the clergy in Arcadia and DeSoto County to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the Council. As the leader of one of the religious congregations with an established presence in the local community, or in your capacity as a chaplain for a local fire department or law enforcement agency, or as the religious leader of one or more Arcadia and DeSoto County residents, you are eligible to offer this important service at an upcoming meeting of the Council.

If you are willing to assist the Council in this regard, please send a written reply at your earliest convenience to the Council Clerk at the

address included on this letterhead. Clergy are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Council requests only that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

On behalf of the City Council of City of Arcadia, I thank you in advance for considering this invitation.

*Sincerely,
City Clerk*

SECTION 6. As the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocations.

SECTION 7. No invocation speaker shall receive compensation for his or her service.

SECTION 8. The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council meetings. In any event, no invocation speaker shall be scheduled to offer a invocation at consecutive meetings of the Council, or at more than _____ () Council meetings in any calendar year.

SECTION 9. Neither the Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

SECTION 10. Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation, and invite only those who wish to do so to stand for those observances of and for the Council.

SECTION 11. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Arcadia and DeSoto County.

SECTION 12. To clarify the Council’s intentions, as stated herein above, the following disclaimer shall be included in at least 10 point font at the bottom of any printed Council meeting agenda: “Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA
in regular session this _____ day of _____, 2013.

ATTEST:

CITY OF ARCADIA, FLORIDA

GIA LANCASTER
CITY CLERK

KEITH KEENE
MAYOR

APPROVED AS TO FORM:
THOMAS J. WOHL
CITY ATTORNEY

PURCHASING POLICY



CITY OF ARCADIA

FOREWORD

The purpose of this manual is to provide all departments with the procedures and policies to be used in the procurement of goods and services and to provide for the fair and equitable treatment of all persons involved in public purchasing by the City of Arcadia; to maximize the purchasing value of public funds; and to provide safeguards for maintaining a procurement system of quality and integrity.

The purchasing function involves the procurement of materials, supplies, equipment, and services at best value, consistent with the quality needed to meet the required standards established and approved by the City Council. Our goal is the promotion of the best interest of the City of Arcadia through intelligent action and fair dealings, resulting in obtaining maximum savings for the City.

Rules and regulations are necessary for the proper operation of the purchasing function and it is essential all who are involved in the purchasing operation be well informed. This manual was developed to aid all employees directly or indirectly associated with the function of purchasing.

The objectives of the Purchasing Manual are as follows:

- 1 To deal fairly and equitably with all vendors wishing to do business with The City of Arcadia.
- 2 Provide professional procurement services for all our customers within the City.
- 3 Assure adherence to all laws, regulations, and procedures related to City procurement.
- 4 Maximize competition for all procurements of the City.
- 5 Obtain maximum savings through innovative buying and application of value analysis techniques.
- 6 Purchase goods and services at the best value if not lowest price, consistent with quality performance, and delivery requirements from capable vendors meeting the City's requirements.

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LIST OF EXHIBITS

1. **Blanket Purchase Order Request Form**
2. **Professional Service/Construction Change Order Form**
3. **Voucher Requisition Form**
4. **Emergency Purchase Order Form**
5. **Sole Source Justification Form**
6. **Memo to Request Piggyback**
7. **Standard Piggyback Contract**
8. **Selection Committee Guidelines**
9. **Travel Policy**

PURCHASING DIVISION: RESPONSIBILITIES, PURPOSE, FUNCTIONS AND OBJECTIVES

Mission

The mission of the Purchasing Division is to procure quality goods and services at the lowest possible cost consistent with the quality needed to provide the very best service to the public, while assuring fair and equal opportunity to all qualified vendors.

Responsibilities, Purpose, Function, Objectives

The Purchasing Division shall be responsible for the implementation and administration of this Policy. Subject to the provisions of this Policy and the Code of Ordinances, the City Administrator shall serve as the principal officer for the procurement of all goods and services required by the City.

All changes to this Policy require approval of the City Council. This Policy supersedes all previously adopted purchasing and surplus property policies.

1.01 Purpose

This Policy establishes a centralized purchasing system for the City of Arcadia, the purpose of which is to:

- A. Establish the rules governing purchasing by the City;
- B. Promote public confidence in the integrity and transparency of the procedures followed to procure the goods and services required by the City;
- C. Ensure fair and equitable treatment of all people who participate in the purchasing system;
- D. Maximize economy in purchasing activities and, to the fullest extent possible, the purchasing value of City funds.

1.02 Function

- A. Develop purchasing objectives, policies, programs and procedures for the acquisition of materials, equipment, supplies and services.
- B. Ensure all purchases are made as per Federal and State laws, and City Policy.
- C. Coordinate and supervise purchasing procedures of user departments.
- D. Initiate reports necessary for analysis of purchasing performance.
- E. Assemble specifications in cooperation with user departments that are subsequently included in Request for Information (RFI), Invitation for Bids (IFB), Invitation to Negotiate (ITN), Request for Proposals (RFP) and/or Request for Qualifications (RFQ).
- F. Contract for the purchase of supplies and services needed by any department of the City exceeding the thresholds for formal solicitations.
- G. Provide contract administration.

- H. Administer materials management in the form of a centralized store for printed materials.
- I. Manage the sale of the City's surplus items.
- J. Prepare and submit the annual operating budget for the Purchasing Division.
- K. Promote good will and public relations between the City of Arcadia and its vendors. Encourage full and open competition wherever possible. Assure fair and equitable business dealings with all vendors.
- L. Stay informed about current developments in the field of purchasing, including but not limited to prices, market conditions and new products, and secure for the City the benefits of research conducted in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations and private business and organizations.

Objectives

- A. To deal fairly and equitably with all vendors wishing to do business with the City of Arcadia.
- B. Provide professional procurement services for all departments and divisions within the City.
- C. Assure adherence to all laws, regulations and procedures related to City procurement.
- D. Maximize competition for all procurements of the City.
- E. Obtain maximum savings through innovative buying and application of value analysis techniques.
- F. Purchase goods and services from capable vendors at the lowest price, consistent with the quality, performance and delivery requirements of the City.

GENERAL GUIDELINES

This section is an introduction to the general guidelines and/or rules for the purchasing process, which establishes policy. Subsequent sections provide those procedures and methods to be utilized to carry out this policy. This Purchasing Manual shall have the force and effect of municipal local law as if fully stated in the City's Code upon approval and adoption by the Arcadia City Council. Additionally, the terms and provisions of this Purchasing Manual shall be deemed by operation of law to be a part of the terms and conditions of each procurement, purchase order and contract involving the City of Arcadia as a party, except to the extent that an authorized official has expressly provided for a written exception to one or more of the requirements provided for in this Purchasing Manual with respect to a particular procurement, purchase order or contract.

All City departments/divisions are required to follow the Purchasing Policy.

NOTE: No item or service is to be ordered, received or paid for without a Purchase Order, Blanket Purchase Order, or Emergency Purchase Order.

CATEGORY ONE: PURCHASES UP TO \$1,000.00 Purchases in this category require one verbal quote.

CATEGORY TWO: PURCHASES OF \$1,000.01 TO \$4,999.99 Purchases in this category require three verbal quotes.

CATEGORY THREE: PURCHASES OF \$5,000.00 TO \$15,000.00 Purchases in this category require at least three written quotes. Written quote package shall be submitted to the Finance Director for compliance review prior to issuing the PO.

CATEGORY FOUR: PURCHASES OVER \$15,000.00 Requires a formal solicitation.

The City Council or the City Administrator or his/her designee may waive formal bidding procedures when it is deemed advantageous to the City.

2.01 Approval Authority

- A. For purchases and contracts up to CATEGORY THREE the approval authority is the City Administrator (Code of Ordinances Chapter 2-95(6)).
- B. All purchases within CATEGORY FOUR must be approved by the City Council. To place an item on the City Council's agenda, the department will forward all necessary documentation to the City Administrator. The City Administrator will submit to the City Clerk for inclusion on the Agenda.

2.02 Exclusions

The following purchases are excluded from the competitive requirements of Section 2.01:

- A. Agreements between the City Council and non-profit organizations or governmental entities including the procurement, transfer, sale or exchange of goods and/or services.
- B. Procurement of dues and memberships in trade or professional organizations; subscriptions for periodicals; advertisements; postage; used equipment; abstracts of titles for real property; title insurance for real property; real property; water, sewer, and electrical utility services; copyrighted materials; patented materials; art and artistic services; employment agreements; medical services; service required by proprietary ownership such as CSX Railroad carrier, original equipment manufacturers (OEM) and fees and costs of job-related travel, seminars, tuition, registration and training.
- C. Purchase of construction materials included in the scope of an awarded construction contract in order to realize sales tax savings, in accordance with Section 212.08(6), F.S.
- D. Purchases from State of Florida or Federal GSA Contracts as well as contracts awarded by any local, state, or national government agency, cooperative purchasing organizations or purchasing associations.
- E. Items purchased for resale to the general public.

Such purchases, transactions and expenditures listed above shall be authorized by the City Administrator. Certain procurements within the above categories may be obtained via competitive means when it is determined that adequate sources for the goods or services required are available.

2.03 Miscellaneous Guidelines That Are Generally Applicable For All Procurement

These general guidelines are mandatory requirements imposed on all City staff, vendors and others who are involved with the City of Arcadia in any matter respecting procurement, purchasing, contracting and purchase orders in which the City of Arcadia is involved as a party or potentially involved as a party. The following additional requirements apply:

- A. In Section 8.03 hereinafter, there is a provision that provides that after the issuance of the invitation to bid has been issued, there is a blackout period in which a vendor or prospective

vendor will be disqualified if any representative directly or indirectly contacts any agent or employee of the City. This blackout provision shall apply to all methods of procurement specified or provided for in this Purchasing Manual, including without limitation, a Request for Proposal pursuant to Section X and a CCNA acquisition pursuant to Section XIII. The same language in Section 8.03 regarding the blackout period will apply to these other methods of procurement.

- B. The requirements, rules and procedures specified in this Purchasing Manual shall have the force of law and shall be fully enforceable in a court of competent jurisdiction as the local law applicable in matters related to procurement involving the City of Arcadia.
- C. In all instances in which the City Administrator determines to waive a requirement under this Purchasing Manual for reasons of emergency, necessity or other exigent circumstances in the best interest of the City of Arcadia, the City Administrator shall document and justify the reasons in writing. If the decision or procurement would be one subject to approval by the City Council, then the written justification for a waiver shall be presented to the City Council by the City Administrator. This requirement applies in the case of a decision to allow unbundling or disaggregation of purchases that will result in a lower threshold for bidding or competitive procurement and in the case where a decision is made to waive competitive procurement, and any other waiver of a requirement of this Purchasing Manual.
- D. There shall be no manipulation or separation of items to be purchased separately in order to avoid a competitive procurement threshold. If, in the ordinary course of business or in a commercially reasonable manner items would be purchased together, there will be no separation of those items into separate purchases for the purpose of avoiding a competitive procurement requirement. By way of illustration only and as examples not intended to be exclusive of all examples, the following examples are offered:
 - 1. A department anticipates purchasing 1,000 units of an item during the fiscal year. 1,000 units will exceed the Category Four threshold of \$50,000.00. It would be improper to avoid competitive procurement under Category Four by dividing the 1,000 units by 12 and procuring the requirements for the units on a monthly basis. Similarly, it would be improper to purchase each unit separately in an effort to reduce the expenditure to a Category One purchase. It is the responsibility of the user department to report the complete quantity of product that will be required for use in the department for the fiscal year or, in the event the item will be warehoused or inventoried, the user department shall identify the quantity required for inventory. Disaggregation or reduction of the anticipated quantity for the purpose of avoiding a competitive procurement threshold or category is improper.

Notwithstanding, for unique circumstances presented, the Finance Director may, by written memorandum to the City Administrator, justify in the interest of the City a reduction in the quantities proposed for purchase by the user department.

- 2. It is generally improper to unbundle a purchase of an item or group of items that should, in a commercially reasonable approach, be purchased together to accomplish a specific objective. It is always improper to unbundle the purchase of an item or to take any other action where the primary motivating factor is to reduce the dollar value of the purchase so as to avoid a higher category level of competitive procurement. For example, if a department user requests the purchase of a specialty vehicle, it would generally be improper to purchase integral components that are typically a fixture to the vehicle such as ladders, rigging, hoses, generators and other machines and equipment that are typically appurtenant to or a part of the specialty vehicle when purchased. Notwithstanding, if the Finance Director can justify to the City Administrator in a written

memorandum that the separate purchase of equipment will result in a benefit to the City or a cost savings if such items are purchased from another vendor, then the City Administrator may authorize that approach in the procurement.

- E. The City Administrator shall periodically report to the City Council on such basis and under such terms and conditions as may be directed by the City Council, all purchases made pursuant to the purchase order authority of the City Administrator, and all waivers of any requirements that are generally imposed by the City's purchasing policies and ordinances. No waiver shall be granted unless a waiver is permitted pursuant to an express provision in the Purchasing Manual, or by City ordinance or resolution. Contracts and purchases not within the purchase order authority of the City Administrator must first be authorized by vote of the City Council before the contract may be entered or the purchase made on behalf of the City. This requirement for prior approval by the City Council may be waived in emergency circumstances, but only to the extent expressly authorized in advance by resolution or ordinance of the City Council. The City Administrator may comply with this reporting requirement by putting the information on the City website in a manner so that the public may view the information online.

PURCHASE REQUISITIONS

Requisitions are used to initiate an order and to accurately describe the item(s) or services requested. In addition, the authorized requisition signifies authority to charge a specific account number and verifies there are sufficient funds available in the account specified.

- A. A requisition is required to start the procurement process for all purchase orders. Requisitions shall be made through the requisition entry process in MUNIS . The requisition consists of completed required data fields and all information necessary for the threshold of the requisition.
- B. Requisitions should be prepared far enough in advance to avoid creating an emergency and to allow competitive pricing. Prices must be found fair and reasonable.
- C. Exactness in preparing the requisition is essential. Incomplete or improperly completed requisitions will be returned to the department for correction. A member of the Purchasing Division will contact the requisitioner if the requisition is incomplete; if any changes are made to the requisition; or if the requisition cannot be processed.
- D. If there are insufficient funds for the purchase, the requisition will not be approved by the Purchasing Division and therefore will not be processed.
- E. All purchase requisitions shall be authorized and approved by the Department Head. Requisitions not properly authorized will not be accepted. The Purchasing Division, after review of the price quotes and/or referenced contract information, may or may not approve the requisition. The Purchasing Division reserves the right to verify quotations and pricing information and/or seek further competition.

For all purchases requisitions within CATEGORY FOUR, authorization from the City Council must be granted prior to processing.

3.01 Additional Approvals

The following requests for purchases and service must receive additional approvals prior to an approved requisition:

- A. The Public Works Department must approve vehicles, motorized equipment, roadway equipment and other related purchases. Allow sufficient time for the approval process. The Purchasing Division will process all such orders.
- B. The Information Technology Division must approve all requests for computer hardware, software and other technology related purchases. Allow sufficient time for the approval process. The Purchasing Division will process all such orders.
- C. The Administrative Department shall review all products and materials that include the official city seal and any other city related logos prior to production.
- D. The Human Resources Division shall review all requests for the temporary hiring of employees, contracted employees and interns, and upon approval will process all such requests.

A department that will provide additional approvals may also express a preference that durable goods and materials will be specified and purchased to achieve standardization and consistency of product. This may result in greater efficiency for stocking replacement parts, simplification of maintenance and repair, consolidation of warranty and service, uniform technological systems or for other reasons that are in the interest of the City of Arcadia. If there is a standardized system for things such as security alarm systems, software and other components and materials that will be used in multiple facilities or departments, or otherwise used throughout the municipal system, then the City Administrator shall document the justification in writing. Standardization will not be permitted when it is for the purpose of favoritism or intended to result in, or results in, a material diminishment of competitive procurement without substantial justification in the interest of the City of Arcadia.

PURCHASE ORDERS, BLANKET PURCHASE ORDERS, CHANGE ORDERS AND VOUCHERS

4.01 Purchase Orders

A purchase order (PO) is an offer to purchase goods or services from the buyer (City of Arcadia) to the seller at a predetermined dollar value. A purchase order authorizes a vendor to ship and invoice the materials and services as specified. Purchase orders shall be clear, concise and complete. This will prevent any unnecessary misunderstanding during correspondence with vendors. Only the Finance Department shall issue purchase orders, blanket purchase orders and change orders as outlined in the Policy. Pre-numbered, computer generated purchase orders shall be issued upon receipt of a properly authorized requisition, and after receipt of competitive bids, proposals or quotations, determination of funding availability and Council approval as necessary.

4.02 Routing of Order

A standard purchase order form is used to make all purchases and is routed as follows:

- 1 Vendor copy (white): mailed to vendor (with any attachments) by requesting department.
- 2 Department copy (green): retained by requesting department.
- 3 Finance copy (pink): submitted with invoice(s) and receiving report to Finance for payment processing.

4.03 Vendor Acknowledgement Forms

Some vendors send their own forms acknowledging a purchase order. Send these forms back to the supplier without signature. Our signature on their forms indicates we have accepted the supplier's terms and conditions, thereby making a new contract that supersedes the conditions of our purchase order. Contact the Finance Director directly should the vendor refuse to ship without such a written agreement. If the vendor refuses to deliver products or services without a signed acknowledgement form, the Finance Director will address the issue with the City Attorney and the vendor.

4.04 Receipt of Goods and Materials

The receiving Department/Division is responsible for inspecting and accepting or rejecting the goods and/or services.

- A. The receiving Department is responsible for inspecting incoming shipments for conformance with the purchase order or contract.
- B. Incoming shipments of goods and materials should be immediately checked for damage, shortages, overages and unauthorized substitutions.
- C. Interstate Commerce Commission regulations only require tailgate delivery unless an extra charge is paid for off-loading and setting in place or pricing includes —inside delivery.
- D. All deliveries should be FOB destination, freight prepaid; therefore Freight Collect deliveries should not occur. If a carrier has a COLLECT delivery, contact the Purchasing Division immediately.

4.05 Special Receiving Requirements

- A. Receipt of Vehicles/Equipment: deliveries will be directly to the Public Works Department, who shall take receipt.
- B. Receipt of computer hardware, software and other technology related purchases will be directly to the Information Technology Division, who shall take receipt.

4.06 Blanket /Inverted Purchase Orders

A blanket purchase order (BPO) is a purchase order issued for the purchase of indeterminable miscellaneous items or materials, supplies, parts, etc., over a certain period of time. The BPO term may not extend beyond the end of the fiscal year in which it is created. Shipments are made, as requested by the user department, against the blanket purchase order number for the term of the BPO. The BPO generally establishes a maximum dollar limit, the period covered and the terms and conditions. However, since the specific items to be purchased are usually unknown at the time of issuance of the BPO, no line item pricing is generally shown.

Blanket purchase orders cannot be utilized for the purchase of inventory items.

An inverted purchase order is used for payment on contracts where retainage is withheld from the invoices received. Inverted purchase orders will be generated for non-commodity projects only. Inverted purchase orders use the dollar value of the contract as the quantity and receipts are issued against line items.

4.07 Requests for Blanket Purchase Order

The requesting department must complete a **Blanket Purchase Order Request Form (See Exhibits)** that indicates the specific vendor, the type of items to be purchased and total amount to be encumbered for the term of the BPO. If the total amount exceeds the threshold for additional quotes, the quotes must be

attached to the form, or reference must be made to an established contract from another government agency that will be piggy-backed. The completed form must have the signature of the department head prior to submittal to the Finance Department.

Once the request has been received by the Finance Department, it will be reviewed for completeness and correctness prior to processing. If the total BPO amount exceeds CATEGORY FOUR or if the contract does not specify a maximum or specific dollar amount less than CATEGORY FOUR, authorization from the City Council must be granted prior to processing. Blanket purchase orders are numbered as regular purchase orders and contain the same information.

4.08 Usage of Blanket Purchase Order

BPO's are generally issued for no more than the current bid limit. The maximum total dollar amount cannot be exceeded for the term of the blanket purchase order. If it is apparent the amount will be exceeded, an additional amount must be requested by the user department via a change order request. The change order request may be denied by the Finance Department if it will cause the BPO to exceed the current bid limit.

The user department may purchase needed items against the blanket order number for the term of the BPO, or until reaching the BPO's total dollar amount. The user department is responsible for receipt of orders placed. Partial payments are made as orders are delivered until the BPO's total dollar amount is reached. To liquidate the BPO prior to the end of the fiscal year, submit a change order request form to the Finance Department requesting cancellation of the remaining balance.

4.09 Requests for Inverted Purchase Order

Requests for an inverted purchase order shall be made through the requisition entry process in MUNIS.

4.10 Change Orders

Certain conditions surrounding purchases may change in the course of a procurement, which necessitates a clarification or modification to the existing procurement document to fulfill legal requirements.

A change order is defined as a modification to an existing procurement document (purchase order, blanket purchase order, contract, etc.)

Change orders must be processed for all changes affecting the original purchase order such as quantity increases or decreases that reflect a 5% difference in the original unit price dollar value. All project close-outs require a change order, not adjustment through AP (regardless of the amount). Requests for changes in the funding source or vendor are unallowable. Change order requests submitted in an attempt to circumvent the bid process are prohibited. Source justification or competition may be required based on the requested increase amount.

For contracts awarded through the formal solicitation process, change order requests below CATEGORY FOUR, the City Administrator shall have approval authority. Change order requests that exceed CATEGORY FOUR shall require approval by the City Council.

It is inappropriate to request a change order or approve one that results in a cardinal change from the original purchase. A change order may not materially alter the initial goods or services being purchased. By way of example and illustration only, it would be inappropriate to bid carpet flooring materials and award that bid and then request a change order that would supply wood floors instead of carpeting.

4.11 Procedure to Request a Change Order

The department requesting a change order to a purchase order or blanket purchase order shall submit to the Finance Department a completed **Change Order Request Form (See Exhibits)** indicating the original purchase order number and the reason for the changes.

Unsigned change order requests, or those listing a price change with no explanation for the increase or decrease will be returned to the originator. Source justification or competition will be required based on the requested increase amount. Upon receipt of all proper documentation, the Finance Department will modify the purchase order or blanket purchase order to reflect the change.

Professional Services and Construction change orders will be processed using the **Professional Service/Construction Change Order Form (See Exhibits)**. Upon receipt of all proper documentation, and City Administrator or Council approval when necessary, the Finance Department will modify the purchase order or blanket purchase order to reflect the change.

All Professional Services and Construction change orders below CATEGORY FOUR will be approved by the City Administrator. All Professional Services and Construction change orders exceeding CATEGORY FOUR must receive prior approval from the City Council.

4.12 Vouchers

Vouchers may be used as a form of payment only in certain situations agreed to by Administration and Finance, such as the following:

Petty cash reimbursements
Travel expenses paid directly to City employees based on approved Advance Travel Authorization & Request Forms
Check replacements
Payments not for purchase of goods or services (e.g. payroll deductions or pension contributions)
Billing refunds (e.g. utility, EMS)
Transactions to liability accounts

To request payment via a voucher, the **Voucher Requisition Form (See Exhibits)** must be completed including signature approval from both the Department Head and City Administrator or designee.

At no time shall vouchers be used in an attempt to circumvent the Purchasing Policy or reporting purchases to the City Council for approval as outlined in this Policy.

EMERGENCY AND SOLE SOURCE PURCHASES

Emergency Purchases An emergency purchase is the purchase of goods and/or services made with or without competition because such acquisition is necessary to remedy or lessen the harmful effects of any actual or threatened occurrence which may interfere with the conduct of normal business operations or remedy or correct conditions which may pose an imminent or existing threat to the health, safety or welfare of persons or property with the City of Arcadia or in the event that the City may suffer a financial loss due to inaction. Departments shall not use the emergency purchase procedure to abuse or otherwise purposely circumvent established purchasing policies.

An emergency shall require the approval of the Finance Director or designee, in writing, prior to issuance of an emergency order. Emergency purchases within CATEGORY FOUR may only be authorized by the City Administrator or his designee in writing, and must be ratified by the City Council at the next regular council meeting.

5.01 Procedure

If an emergency occurs during regular City business hours, the user department shall immediately contact

the Finance Director to explain the nature of the emergency. Prior to awarding the emergency order to a vendor, an **Emergency Justification Form (See Exhibits)**, including a full written explanation of the emergency purchase and signed by the Department Head must be forwarded by the person who initiated the emergency purchase to the Finance Department along with any supporting documentation. If the purchase is approved, the Finance Department shall either purchase the required supplies or contractual services or authorize the user department to do so by providing a pre-numbered **Emergency Purchase Order Form (See Exhibits)**.

If an emergency occurs at a time other than during regular City business hours, the user department may purchase directly the required supplies or contractual services. The following business day, the user department must complete the steps outlined above. Failure to do so the following business day will result in disciplinary actions, up to termination.

Prior to making an emergency purchase, the Finance Department, or the user department, whichever makes the purchase, shall whenever practicable, secure competitive quotes and order delivery to be made by the lowest responsive vendor.

Emergency purchases within CATEGORY FOUR require the City Administrator's signature prior to submittal to the Finance Director.

5.02 General Information

When emergency purchases are made, the Finance Director or user department will make the purchase at the best possible price. A true emergency will often occur as a result of parts and labor needed for repairs to vehicles or equipment that must be kept in operating order. Emergencies are also created through negligence and are to be avoided. Lack of planning or funding surpluses does not constitute an emergency.

Emergency purchases are costly and should be kept to a minimum. They are usually made hurriedly, on a non-competitive basis and at top prices. Most vendors charge a premium when supplies must be obtained immediately.

Sole Source Purchases

Sole source purchases are defined as purchases of supplies, equipment and contractual services that meet **both** of the following criteria:

1. It is the only item that will produce the desired results or possess a unique performance capability?
2. It is available from only one source?

Sole source services must be available only from vendors (firms or individuals) who are uniquely qualified to perform such services.

5.03 Procedure

Sole source and proprietary source purchases are exempt from competitive requirements upon certification by the City Administrator stating the conditions and circumstances necessitating the purchase via the **Sole Source Justification Form (See Exhibits)**. This certification shall set forth the purpose and need in addition to why the item is the only one that will produce the desired results.

The user department shall attempt to locate competition. If no other sources are found, user department must forward a completed **Sole Source Justification Form** signed by the Department Head to the City Administrator. The completed **Sole Source Justification Form** must be accompanied by a letter from the

recommended vendor, signed and on company letterhead stating they are the sole supplier for this commodity/service. If the City Administrator determines the request to be a valid sole source, per Florida Statute 287.057(5)(c), the **Sole Source Justification Form** shall be posted electronically for a period of seven (7) business days to allow the vendor community to review the requested goods/services. Only after that period of time has passed can the purchase be made.

The user department shall be notified of disapproved requests and the purchase shall be made in accordance with standard procedures.

Sole Source Justification Forms shall expire annually on September 30th.

COOPERATIVE PURCHASING AND PIGGYBACK CONTRACTS

Cooperative Purchasing

The City may participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more public bodies or agencies for the purpose of combining requirements to achieve economies of scale, increase efficiency or reduce administrative expenses.

This procedure applies to the acquisition and/or disposition of all tangible personal property by pooling common requirements; preparing common specifications and purchasing supplies from contracts awarded by/available to other governmental entities.

6.01 Procedure

- A. The Finance Director shall be responsible for identifying requirements in common with other government agencies; for standardizing/modifying requirements to meet common goals and for developing specifications suitable for solicitation and award of competitive, cooperative contracts.
- B. Purchasing shall provide technical assistance during requirements planning and specification preparation and shall accomplish all actions relating to cooperative purchases initiated by the City.

Piggyback Contracts

The City may opt to fulfill its requirements by purchasing goods and services from contracts made available by Federal, State or other governmental agencies. Such purchases may be made without bidding, provided they are in the best interest of the City.

1. State Contracts – prior to requisitioning services or equipment utilizing a state contract, the Department must evaluate whether the contract includes **all** of their requirements. If all requirements are not covered, they must decide whether they want the entire purchase to be made on the open market or whether they want to use the state contract for the covered items only.
2. Purchase orders for Federal GSA contracts must be issued directly to the contractor that is listed on the contract. A dealer's offer to quote the GSA price does not equate to an order under a GSA contract since such orders are not supported by the terms and conditions of the contract. In essence, the dealer's quote is simply an open market bid. The Finance Director must verify the GSA Schedule for the contractor prior to approving the purchase order.
3. Piggyback purchases may also be made utilizing contracts from other governmental entities provided they have been awarded through a competitive process and the following criteria are met:

- a. The work/services/commodities must be specifically within the scope of the contract and the contract must be **active**. A purchase cannot be made utilizing a contract that has expired.
- b. None of the material or substantive requirements, terms and conditions may be modified from the original contract that is being piggybacked. Therefore, the product, price and any other material term of the contract being piggybacked may not be changed.

However, notwithstanding the foregoing, minor changes are allowed as provided on the Standard Piggyback Contract (Exhibit referred to in Section 6.02(D)).

- c. The contract must include language that authorizes outside agencies to piggy-back the contract.
- d. A bid tabulation if solicited by an IFB, or scoring matrix if an RFP was issued, proof of award and a copy of the contract must be obtained and provided to the Purchasing Division for review. Insurance and/or bonds, as applicable, in accordance with the City's standard procedures shall be obtained from the contractor for contracts involving: construction services performed at a City facility or on City property, or services performed for the City in which liability may be an issue.

6.02 Procedure

- A. Requesting department must obtain a complete hard copy of the contracting agencies bid document and fully executed contract, including awarded pricing. Upon receipt, a thorough review of both documents must occur to ensure that the contract can fulfill the user department's requirements and meets the above criteria.
- B. Requesting department must complete a **Memo to Request Piggyback (See Exhibits)** and submit to the Finance Director along with all bid and contract documents. Memo must include description of analysis completed by the requesting department to ensure this is the most advantageous contract and pricing.
- C. All requests to piggyback a contract with a projected annual spend within CATEGORY FOUR must be granted authorization by the City Council. Requests to piggyback a contract with a projected annual spend under CATEGORY FOUR may be authorized by the City Administrator.
- D. Once appropriate approval has been received, a **Standard Piggyback Contract (See Exhibits)** will be submitted to the contracted vendor by the Finance Department. Only after the document has been fully executed by both parties can the purchase take place.

6.03 Limitations

In addition to the requirements and limitations set out in Section 6.01, the types of governmental entities that may be used for piggyback contracts will be limited to state government, municipalities, counties, state agencies and any agency of the United States government. If it is in the interest of the City of Arcadia as determined by the Finance Director or City Administrator, a qualifying governmental entity from outside the State of Florida may be used.

7.01 Price Reasonableness

The City shall pay a fair and reasonable price for goods and services. This price is what a willing buyer would pay a willing seller. This applies to all purchases including those under \$1,000.

7.02 Order Splitting Prohibition

Submitting multiple requests within other than a reasonable time period for the same, like or related goods or services to avoid using the appropriate procurement method is prohibited. Order splitting is an inefficient practice and results in higher administrative costs to the City.

7.03 Quotes

The User Department shall obtain quotes. City employees should seek additional quotes if a price is not fair and reasonable. It is important to document the name and address of vendors contracted, item description or service offered, price quoted including shipping/freight, delivery dates, shipping point, names of persons giving and receiving the prices and the date the information was obtained. Quote request shall be inclusive of all items and specify what is acceptable to allow for maximum competition.

Do not share quotes from one vendor with other vendors before the quote process is complete and all the quotes have been received. Employees are prohibited from allowing a vendor to provide a revised quote after the quote deadline has passed in an effort to utilize a specific vendor. All things being equal, the lowest quote receives the order.

7.04 Freight Charges – Shipping and Handling

When obtaining a quote, ask the vendor to quote FOB Destination (Free on Board Destination). FOB Destination is the City's preferred shipping and handling method.

FOB Destination definition: The vendor retains title to the goods until the goods are received by the City. The vendor pays the shipping costs and is responsible for claims against the carrier. Be sure to specify **inside delivery** if the item needs to be delivered indoors to an office building or worksite.

FOB Plant/Origin definition: The City accepts title for the goods from the moment it is picked up by the carrier. The City pays shipping costs and is responsible for claims against the carrier. Occasionally a vendor may want to quote FOB Plant/Origin. FOB Destination should be quoted instead. Accepting a quote of FOB Plant/Origin has financial consequences for the city if the shipment is lost or damaged.

INVITATION FOR BID

Invitation for Bid (IFB), also known as sealed competitive bidding, is the preferred method of procuring a good or service. Award is made to the lowest responsive and responsible bidder and is based solely on the specifications set forth without negotiation or discussion with the vendor.

A term contract is a formal contract (not a purchase order) issued for specified time intervals as a result of a competitive solicitation process for specific items to be purchased for the duration of the contract. Each item on the term contract has a firm price or percentage discount which is known at the time of execution of the term contract. Term contracts are used to meet a recognized continuing City requirement.

All procedures related to competitive procurement and solicitation, including the application of Sunshine Law, Public Records and bid/proposal review and award announcements, shall be compliant with Florida law as it may be amended from time to time.

8.01 Definitions

Responsive bidder/offeror: a contractor, business entity or individual who has submitted a bid or proposal

that fully conforms in all material respects to the IFB/RFP and all of its requirements; including all form and substance.

Responsible bidder/offeror: A contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

8.02 Procedure

Formal sealed bids are required for all purchases within CATEGORY FOUR except those excluded above. In cases where a purchase or contract may extend over multiple periods or years, the total cumulative amount to be paid over the duration of the contract term will be the determining amount of the requirement for requesting formal sealed bids.

The User Department shall issue the IFB. A pre bid meeting may be held which may or may not be mandatory. Prospective bidders will have an opportunity to request clarification and ask questions. Answers to inquiries will be compiled in the form of an addendum which will be posted on the City's website for download. Bids will be received by the City Clerk's office and date/time stamped in until the date and time specified in the IFB document. Bids received after the deadline will be returned and not considered for award.

The User Department shall solicit bids from responsible prospective vendors obtained from publications, recommendations from the user department/division, previous vendors, internet, newspaper advertisements, etc. The User Department shall attempt to secure at least three (3) bids. These same bidding requirements shall apply to all purchases, including leases, non-professional services, general consulting, and professional services (non-CCNA).

In conjunction with the initiating Department, the City Administrator shall have the right to cancel a solicitation and/or reject all bids and authorize the entire transaction to be rebid.

8.03 Specifications

The preparation of technical specifications is the responsibility of the department with review by Legal Counsel and/or Engineering. Specifications shall permit competition except on proprietary materials or services.

In general, specifications should define the level of performance required rather than specific design or brand name. For the benefit of vendors and the division, specifications must be clear and concise. The Finance Director and/or City Administrator reserve the right to challenge specifications to allow open competition.

Once the specifications have been approved by all parties, the Department will submit a Solicitation Approval Form to City Administrator detailing the solicitation. Upon signed approval by the City Administrator the formal solicitation will be issued.

Once the formal solicitation has been issued, communication from a prospective bidder is prohibited, whether direct or indirect, regarding the subject matter or the specifications by any means whatsoever (whether oral or written), with any City employee, elected official, selection committee member, or representative of the City of Arcadia, from the issuance of the specifications until the Council makes the award. Communications initiated by a bidder may be grounds for disqualifying the offending bidder from consideration for award of the bid or any future bid. The only exceptions to the foregoing rule are as follows: (1) an invitation to give an oral presentation to the selection committee is received; (2) any questions relative to interpretation of specifications or the formal solicitation process shall be addressed to

the Bid Designee within the specification, in writing, via fax (863-494-4712) or email (purchasing@arcadia-fl.gov). No questions will be answered seven (7) or fewer business days from the date and time of the public opening.

Notwithstanding the blackout period after issuance of the procurement or solicitation, a vendor or bidder may contact the Bid Designee to discuss the procurement. Additionally, the blackout will not prohibit contact with City staff where the vendor is doing business with the City on another contract and the communication is regarding that contract that is already let, or where the vendor meets with staff in connection with other matters unrelated to the contract or procurement at issue.

The solicitation or bid will be deemed to be issued within the meaning of this provision at the earliest date and time upon its posting, electronic publication, or electronic posting on the City website. The manner of issuance is in the discretion of the City Administrator.

In any procurement that involves an interview, the person conducting the interview will request the interviewee and other staff to identify any contact after the blackout period commenced. The Finance Director or City Administrator may waive disqualification, in writing, for any communication that was inadvertent and was otherwise immaterial and resulted in no prejudice to another bidder.

The provisions herein concerning the blackout period and procedures related to this shall be deemed incorporated in the other sections of the Purchasing Manual related to other methods of procurement, including requests for proposals and CCNA pursuant to Section 287.055, Florida Statutes.

8.04 Bid Invitations

Upon request, the Invitation for Bid is provided to prospective bidders. Public notice of bids shall be posted in the City Hall lobby and advertised in a newspaper distributed in the City. Additional advertising may include publications, trade journals and purchasing web sites. All formal solicitations shall be made available on the City's internet site.

8.05 Pre-Bid or Pre-Proposal Conference

Pre-Bid/Pre-Proposal Conferences shall comply with the State of Florida's Sunshine and Public Records Law. Reasonable notice of the date, time and place of the meeting shall be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the Purchasing Division.

A Pre-Bid/Pre-Proposal Conference shall be held in the Council Chambers in coordination with the User Department. The meeting may be mandatory or non-mandatory based on the specific bid type and will be determined by the User Department and Finance representative. In attendance shall be a Finance Department representative (who chairs the meeting), a representative of the User Department (who shall be prepared to answer technical questions), staff with special expertise and any other City staff member as deemed appropriate by the City Administrator.

8.06 Issuance of Addenda

An addendum is a revision or amendment to the bid documents. If an issue is raised by a prospective bidder, at the pre-bid conference or subsequently via fax or email, that requires revision to the specification or solicitation documents, the revision is made in a written addendum. Verbal changes must not be made and interpretations of a material consequence must not be made verbally to potential bidders. Any such prohibited verbal changes or interpretations will not be considered valid. The following requirements must be met for issuance of an addendum:

- A. Issues for clarification will be received in writing by the Bid Designee who will draft an

addendum and submit to the User Department for additional information.

- B. In no instance shall consultants working on behalf of the City issue an addendum without prior review and approval by the City Administrator.
- C. The City Clerk shall process the addendum promptly upon completion and post to the City's website for download.

Prior to issuing an addendum, the User Department must consider the period of time remaining until the bid opening. If additional time is likely to be required by the bidder, the addendum should extend the opening date for a reasonable period of time to obtain the greatest level of competition and fairness to the potential vendor.

Bidders must acknowledge receipt of all addendums in their bid response at the designated time, date and location. Bids may be rejected due to failure of vendors to acknowledge receipt of addendums. The Finance Department, however, has discretion to not consider an addendum material to a bid process and may consider a bid responsive without an addendum acknowledgement.

8.07 Disposition of Bids

Bids and proposals shall be opened in public at the time and place stated in the public notice. No bids or proposals shall be accepted after the designated due date and time. Bids or proposals received after the specified date and time will be returned to the vendor unopened.

Offers by telephone, fax or email shall not be accepted. Bidders are responsible for delivery of bid documents directly to the City Clerk's Office. If the bid or proposal is delivered by an express mail carrier or by any other means, it is the bidder's responsibility to ensure delivery to the required address.

8.08 Site Visits

It may be a requirement for bidders to inspect the proposed work location prior to bidding. The User Department will be available to direct bidders to the general work areas by appointment. Bidders are required to contact the Bid Designee and set up a site visit for each location listed; this information is provided in the bid documents.

8.09 Award of Bids

The City shall consider other factors, in addition to price, when determining the lowest responsive and responsible bidder. These factors include but are not limited to:

- 1 The ability, capacity, equipment and skill of the bidder to perform the contract.
- 2 Whether the bidder can perform the contract within the time specified, without delay or interference.
- 3 The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- 4 The quality of performance on previous contract.
- 5 The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
- 6 The sufficiency of the bidder's financial resources to perform the contract or to provide the service.
- 7 The quality, availability and adaptability of the supplies or contractual services to the particular use

required.

- 8 The ability of the bidder to provide future maintenance and service and the financial impact upon the City to receive such future maintenance and service.
- 9 The number and scope of conditions attached to the bid.

Invitation for Bid (IFB) is the least formal review process and the award of the contract is to the lowest priced, responsive, responsible bidder. The Finance Department coordinates with the User Department to determine if the lowest price bid is responsive (i.e., complies with the City's specification). A review of the bid is required to determine if it conforms to the requirements stated in the solicitation. If the lowest priced bid is found non-responsive, then the next low bidder will be evaluated and so on until a responsive contractor is found.

The City Administrator reserves the right to challenge any award recommendations of the User Department.

The User Department shall assist the Finance Department with completion of the **Agenda Template Form (See Exhibits)** for award recommendation. Bid award recommendations for which the annual award to each vendor exceeds CATEGORY FOUR shall be submitted to the City Administrator for review. The City Administrator will submit to the City Clerk for inclusion on the Consent Agenda. Award shall not be final until issuance of a purchase order or contract by the Finance Department.

8.10 Waiver of Minor Informalities

The Finance Department shall have the authority to waive any and all minor informalities in any and all formal bids. The waiver and the reasons supporting the waiver shall be in writing and signed by the Finance Director or City Administrator.

8.11 Tie Bids

Award of all tie bids under the Council approval limit shall be made by the City Administrator. All tie bids in excess of the City Administrator's approval limit shall be awarded by the City Council. In accordance with Florida Statute 287.087, a firm certified as having implemented a drug-free workplace program shall have precedence. In the event that both or neither firm certifies that it has implemented a drug-free workplace program, local preference will be invoked and award made to the firm closest in proximity, or at the discretion of the City Administrator.

REQUEST FOR INFORMATION

In developing the specifications for a Request for Proposals (RFP), it may be determined that the User Department does not have sufficient expertise or a sufficiently specific idea of the good or service sought. In that case, the User Department will develop a Request for Information (RFI) before the RFP is developed.

The RFI will be sent to vendors on the registered vendors list, or other responsible prospective suppliers whose names and addresses are obtained from publications and various other sources. The RFI requests information on the specific goods or services sought or the desired results of a project if the specific process has not been determined. Minimum qualifications for proposers may be included in the RFI along with a general time line or other pertinent information. Additionally, request for estimated pricing elements may be included in the RFI, however, the vendors must be advised that the solicitation is for informational purposes only and no contract will be awarded as a result of their participation.

The RFI process should be considered if the following statements are true:

1. Time is not an issue;
2. The overall cost of the project warrants the additional time and expense of the RFI;
3. The user department does not have sufficient information to develop definite specifications for the RFP.

REQUEST FOR PROPOSALS

Although competitive sealed bidding (Invitation for Bid) is the preferred method of acquiring commercial off-the shelf equipment, supplies or services in excess of the mandatory bid limit, another method should be used for those circumstances when the selection of a firm should not be based on price alone. Many times the City must take into consideration the potential need for presentations, discussions or negotiations and use evaluation factors other than price to determine what is in the best interest of the City. Proposals shall be evaluated based on the requirements set forth in the solicitation.

In Requests for Proposals (RFP), the greatest emphasis should be on adequately defining the work or service needed and on adequately evaluating the capability of those firms interested in performing the service using established evaluation criteria stated in the RFP.

The RFP process allows for more flexibility than the IFB process. Negotiations and discussions can be conducted with all proposers along with minor changes of the scope. To finalize these negotiations and clarifications a Best and Final Offer (BAFO) request may be issued to all offerors remaining in the competitive range. This Section is subject to the Competitive Consultants Negotiation Act (CCNA) for all procurement required to be made pursuant to the provisions of Section 287.055, Florida Statutes, as provided in Section 13 of this Purchasing Manual.

10.01 Responsibility for Specifications

The User Department shall develop the specifications and/or scope of work for the RFP. The User Department shall submit the specifications and/or scope of work along with the evaluation criteria which should include price wherever possible. The Finance Department, in conjunction with the User Department will finalize the criteria that may include modifications to the criteria and/or weights. Such criteria shall be stated in the RFP document. The User Department shall assign a weight to each of the evaluation criteria by its relative importance, with the total weights equaling 100.

Once the specifications have been approved by all parties, the User Department will submit a Solicitation Approval Form to the City Administrator detailing the solicitation. Upon signed approval by the City Administrator the formal solicitation will be issued by the City Clerk.

Once the formal solicitation has been issued, communication from a prospective proposer is prohibited, whether direct or indirect, regarding the subject matter or the specifications by any means whatsoever (whether oral or written), with any City employee, elected official, selection committee member, or representative of the City of Arcadia, from the issuance of the specifications until the Council makes the award. Communications initiated by a bidder may be grounds for disqualifying the offending bidder from consideration for award of the bid or any future bid. The only exceptions to the foregoing rule are as follows: (1) an invitation to give an oral presentation to the selection committee is received; (2) any questions relative to interpretation of specifications or the formal solicitation process shall be addressed to the Bid Designee, in writing, via fax (863-494-4114) or email (purchasing@arcadia-fl.gov). No questions will be answered seven (7) or fewer business days from the date and time of the public opening.

10.02 Selection Committee

Members of a Selection Committee are to be selected and should include representatives from the User

Department, and other department/division(s) involved, as well as any other individual(s) with specialized expertise. A representative of the Finance Department shall chair the committee as a non-voting member.

The Selection Committee will consist of not less than three members, consisting of an odd amount of members, not to exceed seven (7) members, except in special circumstances pre-approved by the City Administrator. The members of the Selection Committee shall be identified prior to the solicitation issuance and a list sent to the Finance Department for review. Final approval of Selection Committee members rests with the City Administrator.

Once the members of the Selection Committee have been identified, they are to review the **Selection Committee Guidelines (See Exhibits)**, to gain a clear understanding of their responsibilities while serving on the Committee for the duration of the bid process.

The evaluation process is a key function in the selection of a quality contractor/consultant. It is very important that this process be conducted in a professional and consistent manner, therefore committee members need to be flexible and available for all meetings during the evaluation process, including demonstrations and presentations.

Selection Committee and all other meetings during the evaluation period prior to final selections must comply with the State of Florida Sunshine and Public Record Laws. Reasonable notice of the date, time and place of the meeting must be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the City Clerk.

On the date of RFP issuance, a copy of the document shall be provided to each member of the Selection Committee.

10.03 Procedure

The User Department, through the City Clerk, shall issue the RFP. A pre-proposal conference will be held which may or may not be mandatory. Prospective proposers will have an opportunity to request clarification and ask questions. Answers to inquiries will be compiled in the form of an addendum which will be posted on the City's website for download. Proposals will be received by the City Clerk's office and date/time stamped in until the date and time specified in the RFP document. Proposals received after the deadline will be returned and not considered for further evaluation.

Once the public acknowledgement of responses received has occurred, the City Clerk will review the responses to ensure compliance with the requirements detailed within the RFP document. Responsive proposals will be distributed to each of the selection committee members upon receipt of signed Evaluator's Statement of Independence and Non-Conflict of Interest form, located within the Selection Committee Guidelines.

The City Clerk will provide the committee members with all the necessary forms for the evaluation process. The Finance Department will monitor the evaluation process and provide guidance at the start of each formal evaluation. If requested, training on the evaluation process can be provided to the members with little or no previous evaluation experience.

The City Clerk will review forms for completeness and compliance with the policy. Any forms that are not properly completed or which lack appropriate comments or documentation to support the award recommendation may result in the delay of the award recommendation.

Selection Committee members shall review the responsive proposals and independently score each proposal for each criterion. These scores will be used to individually rank the proposals. Then each member's rankings will be accumulated to determine the group rankings.

A summary of total scores for all vendors shall be prepared after all members of the Selection Committee have reviewed and evaluated the written proposals. This will occur during a publicly noticed Selection Committee meeting. A copy of all evaluation forms and notes (and the committee's consensus score) shall

be maintained by the City Clerk as part of the official file. In conjunction with the initiating Department, the City Administrator shall have the right to cancel a solicitation and/or reject all proposals and authorize the entire transaction to be re-solicited.

10.04 Oral Presentations

Unless otherwise determined, all RFP processes should include oral presentations as part of the evaluation process. Oral presentations shall be conducted in accordance with Florida Statute 286.0113. Once the short listed firms have been identified, User Department staff must ensure compliance with the following process:

- a. Notify the contractors/consultants by mail, fax or e-mail of the City's determination. The notification shall include details of the oral presentations including but not limited to the following:
 - i. Date and time of the oral presentations
 - ii. Location of the meeting
 - iii. Time allotted for each firm
 - iv. Additional information if requested by the Selection Committee
- b. Department staff will coordinate the schedule of the oral presentations with the Selection Committee and confirm attendance of members.
- c. Once the oral presentations are completed, the Selection Committee will conduct a post-presentation ranking and determine the overall top ranked firm.
- d. Other options that may be considered by the Selection Committee are to reject all proposals, and/or reissue the formal solicitation with revised specifications.

10.05 Award Recommendation

The User Department shall complete the **Agenda Template Form (See Exhibits)** for award recommendation. Award recommendations for which the award to each vendor exceeds the Council approval limit shall be submitted by the City Administrator to the City Clerk for inclusion on the Consent Agenda. Award shall not be final until execution of a contract is complete.

BONDS, BID SECURITY AND INSURANCE

11.01 Bonds

Bonds are assurance that the vendor will perform accordingly, as specified in the bid or contract. Bonds shall conform to the minimum standards as set forth in Florida Statutes Chapter 255, Section 255.05(1)(a).

- (a) A performance bond is a contract of guarantee, executed subsequent to award by a successful bidder/proposer, to protect the City from loss due to the bidder's inability to complete the contract as agreed.
- (b) Payment bond assures the payment of sub-contractors and materials suppliers.
- (c) A maintenance bond assures that the contractor will perform those services required by the contract regarding warranty and guarantee of the project.
- (d) Both Payment and Performance Bonds must be in the amount of at least one hundred

percent (100%) of the contract price.

- (e) Occasionally, and always in the case of construction contracts exceeding \$200,000 payment, performance and maintenance bonds should be required.

11.02 Bid Security

When the Finance Director or City Administrator deems necessary, bid security shall be required by the Invitation for Bids/Request for Proposals and for construction contracts. If required, all bids shall be accompanied by either a bid bond executed by a surety company meeting the qualification as specified in the bid documents or money order, certified check, cashier check of any national or state bank (United States) payable to the City of Arcadia and conditioned upon the successful bidder executing the contract and providing the required performance and payment bond and evidence of required insurance within a reasonable amount of time after notification of award of the contract. A PERSONAL CHECK OR A COMPANY CHECK OF A BIDDER SHALL NOT BE DEEMED A VALID BID SECURITY. Security of the successful bidder shall be forfeited to the City of Arcadia for the cost and expense incurred should said bidder fail to execute the contract, provide the required bonds and certificate(s) of insurance, and/or fail to comply with any other requirements set forth in the bid documents. Bid securities of the unsuccessful bidders will be returned after award of the contract.

A bid bond is required in order to maintain a bid protest. Without a qualified bid bond, a protest is waived as a matter of jurisdiction and law. The amount of the bid bond and procedures regarding the bid bond are set forth in greater detail in Section 16 of this Purchasing Manual.

11.03 Insurance

In construction and other contracts, insurance protecting the City against liability, property damage and contractual risks is essential. While it is acknowledged that such requirements do add to the initial costs of any project, the reduction of risks involved (injury, fire, theft, vandalism, loss of life) far outweighs those costs. Worker's compensation, property damage, liability, and automotive property damage & liability are required. Additional coverage may be required, depending upon the nature of the project.

The City must determine, prior to issuance of the Invitation for Bids or Request for Proposals which projects or materials (communications equipment, for instance) should have extra protection of bonds and insurance (and amount and type thereof); regardless of how reputable the awarded vendor may be. The Finance Director will assist the User Department in determination of when such requirements are needed.

11.04 Indemnification Statement

It is the City's standard policy to require vendors and contactors who do business with the City to indemnify the City.

CONTRACTS

12.01 Purpose

The purpose of this section is to provide procedures for the proper review and approval of contracts entered into by the City of Arcadia. Contract administration begins when it is determined that a contract is either desirable or necessary. Various aspects of contract administration include negotiation between the parties, preparation of contracts and other written documents, review and comment by various departments and public officials, proper approval and execution of contracts, distribution and filing of contracts, and implementation and monitoring of contracts.

The contract process is assigned to provide understanding of how contracts are managed to ensure that contracts administered by the City are both legal and in the best interest of the City. Good contract administration also minimizes duplicity of effort and provides for the proper coordination and participation of those who are necessarily involved in the contract process.

A contract represents a legal obligation on the part of each party to the contract, which results from the parties' agreement, plus some additional obligations imposed by law. The mutual promises exchanged by the parties to a contract represent the consideration, which entitles each party to rely on the promise of the other. Various legal requirements must be satisfied in order to create a legally binding contract. The parties to an agreement must have the legal capacity to enter into a contract. There must be mutual consent to the terms of the contract. Certain formal requisites to a contract are also necessary, such as proper signing of the agreement, which is called execution of the contract.

Contracts which violate constitutional or statutory provision, or are deemed by law to be against public policy, or which are otherwise illegal can have serious ramifications on one or more parties to the contract.

12.02 Contract Development, Approval and Execution

Contract Development

Subsequent to the receipt of bids, proposals and quotes and prior to approval of the recommended vendor, a written contract shall be prepared and shall be in accordance with the following procedures:

- A. Draft contract shall be prepared by the user department and City Attorney. Not all purchases require a written contract. Many contracts can be finalized with issuance of a Purchase Order.
- B. When applicable, draft contract shall include, but not limited to the:
 - Type of product or service to be provided,
 - Method of payment schedule,
 - Termination clause,
 - Change order statement,
 - Time schedule of project,
 - Remedies,
 - Right of audit,
 - Governing law,
 - Successors and assignees,
 - Insurance statement and copy of certificate of insurance,
 - Performance bond, or other applicable bonds,
 - Entire agreement statement,
 - Signature authority,
 - An acceptable level of legal and liability protection,
 - A scope of work statement according to various phases, if any, time restriction of each phase and addendum, etc. that materially represent the provisions called for during the IFB/RFP selection process.
 - Venue shall be in Desoto County, Florida,
 - Florida law shall apply,
 - City will not indemnify a private party, but the vendor must indemnify and hold harmless the City from damages it causes (either directly or through an agent, subcontractor or employee) while working on or during the performance of the contract; for damages caused by a product or service supplied by or on behalf of the vendor; for damages caused by any negligence, breach of agreement or wrongdoing by the vendor, or any agent, subcontractor or employee of the vendor,
 - City will not waive its sovereign immunity and shall reserve the limits of liability under Section 768.28, Florida Statutes, notwithstanding any implied or express term elsewhere in the contract or any other document furnished by the vendor,
 - The contract will clearly set out that the product or service will be fit for all purposes intended, and that the quality of the product or service will be consistent with applicable

commercial standards, and no implied or express limitation of warranty shall be permitted,

- To the extent reasonably possible, provide clearly stated and precise product and service performance standards. Product specifications and literature supplied by the vendor may be attached and incorporated as an exhibit to state the required performance standards,
- Time is of the essence. The parties agree that time is of the essence in the completion of this contract and the delivery of goods and services pursuant to the agreement. The deadline for completion of delivery or furnishing of services pursuant to this agreement is _____ **(insert date)**. Unless the contractor/vendor obtains a change order that extends this deadline, this deadline is a mandatory provision. A change order extending the deadline will not be granted unless the need for an extension of time is for reasons outside of and beyond the reasonable control of the contractor/vendor. Examples of good cause shall include labor shortage, pervasive shortage of materials and supplies necessary for the engagement, acts of terrorism or war, and/or extremely unusual and severe weather that disrupts the ability to perform the work or deliver the services required. Unless the time is extended, there shall be liquidated damages for failure to comply as set out hereinafter. The parties agree that in the event there is a default in completing this contract by the required deadline, that the City will suffer damages, and that the amount of such damages cannot be determined at this time with reasonable certainty. Therefore, the parties agree that liquidated damages of \$_____ **(insert daily liquidated damage rate)** for each day beyond the scheduled completion date shall be assessed against the contractor/vendor and shall be due from the contractor/vendor for failure to achieve the required completion deadline. The parties agree that this amount of liquidated damages is not a penalty and is a reasonable and close approximation of the actual damages that would be suffered by the City for failure to achieve the contract deadline.

- Most favored nation clause. The contractor/vendor shall amend the contract or the terms and conditions of the purchase agreement to provide the City of Arcadia with any and all contract terms or provisions, including price, where such amended terms are required in order to insure that the City of Arcadia is receiving the most advantageous terms and prices for contractor's/vendor's goods and services that contractor/vendor extends to any other client or customer. This is a most favored nation clause as that term is understood generally in a commercial context, and it is the intention of the parties that the City of Arcadia shall have, by amendment of the terms hereof, as necessary, terms and conditions that are the most favorable as those extended to any other customer or client of the contractor/vendor. The City shall have a right of examination to assure the performance of this provision and the contractor/vendor shall cooperate in the provision of records necessary to assure the City that it is receiving the most favorable terms, conditions and pricing extended by it to any other customer or client.

The Finance Director or City Administrator may waive one or more of these contract provisions that are standard in writing, based on necessity in the interest of the City. By way of illustration only, it may be necessary to waive venue or choice of law provisions where a national vendor of a sole source or otherwise essential software product is located out of state and as a general rule insists upon choice of law or venue in a foreign jurisdiction. However, if the vendor has for another city modified these provisions, the City of Arcadia should insist on the same modification pursuant to the most favored nation clause.

These standard contract provisions should generally be included in all purchase orders and standard contract forms issued by the City of Arcadia, and should be included in bid specifications and requests for procurement under RFP's and CCNA.

Contract Term

Contracts for professional services (excluding City Attorney) shall be reviewed at least every five (5) years by the City Council.

Contract Approval

All contracts that are within the signing authority of the City Administrator shall be executed by the City Administrator and reported to the City Council on a monthly basis.

All contracts that exceed the signing authority of the City Administrator shall be presented to the City Council for its approval and authorization of the Mayor to execute the contract.

Contract Execution

Upon obtaining approval of the contract by the appropriate authority, the execution of the contract shall adhere to the following:

- A. The City Clerk shall forward at least four (4) original copies of the formal contract to the vendor. The vendor must sign the document before the City. The signor must be prepared to provide proof of his or her authority to bind the vendor.
- B. The vendor's signature must be attested by one other person, preferably an officer of the corporation or notary, or if the vendor uses a corporate seal, it must be affixed then one signature and corporate seal will suffice.
- C. Upon receipt of the signed contracts and all required documentation, the City Clerk shall forward the contracts to either the City Administrator (if within his/her signing authority) or the Mayor for proper execution.

Upon receipt of the executed contract, one copy shall be forwarded to the vendor, Finance Director, and the User Department. A copy shall be retained by the City Clerk for the bid file. The User Department shall be responsible for issuing the written Notice to Proceed in the manner described in the contract. In no instance shall work begin without issuance of the written Notice to Proceed.

12.03 Contract Monitoring/Administration

User Department

The User Department will:

- A. Determine the expected quality or performance level required
- B. Establish schedules for the duration and completion of contracts
- C. Assign a Project Manager or contact person
- D. Monitor performance
- E. Document contract performance deficiencies
- F. Keep a complete file within the Department and provide full document trail to the City Clerk for the bid file
- G. Prepare closeout and other final payment reports

Finance Department

The Finance Department will keep a complete financial file (invoices, checks issued....) in addition to the User Department keeping a complete file within their own Department.

12.04 Certificate of Insurance

The User Department will ensure that the vendor maintains the proper insurance requirements with the use of a Certificate of Insurance, which they will retain and monitor. The City of Arcadia shall be named as ADDITIONAL INSURED on all certificates and policies of insurance. The City of Arcadia shall be added to the bidder's policy by way of an endorsement and shall be named as an additional insured. Insurance companies must be licensed to do business in the State of Florida with a Best's Key Rating Guide rate of A. This information will be verified and may be grounds for disqualification if not in order.

CONSULTANTS' COMPETITIVE NEGOTIATION ACT

Contracts for professional services as defined in F.S. 287.055 are required, at a minimum, to follow the guidelines as established in Florida Statutes for competitive negotiations for the acquisition of professional engineering, architectural, landscape architectural, or surveying and mapping services. All contracts which exceed the F.S. CATEGORY TWO requirements for CCNA shall follow the procedure as defined in Section 287.055 F.S., as amended.

13.01 Responsibility for Specifications

The User Department will notify the City Administrator of their need for professional services. The City Administrator will ascertain if the project to be performed meets the requirements set forth for Professional Services acquisition.

The User Department shall develop the specifications and/or scope of work for the RFQ. The User Department shall submit the specifications and/or scope of work along with the evaluation criteria, weights and a list of proposed Selection Committee members. The Finance Department, in conjunction with the User department, will finalize the criteria that may include modifications to the criteria and/or weights. Such criteria shall be stated in the RFQ document.

The User Department shall assign a weight to each of the evaluation criteria by its relative importance, with the total weights equaling 100. Criteria must comply with F.S. 287.055 requirements.

13.02 Selection Committee

Members of a Selection Committee are to be selected and shall include representatives from the User Department, and other department/division(s) involved, as well as any other individual(s) with specialized expertise. A representative of the Finance Department shall chair the committee as a non-voting member. The Selection Committee will consist of not less than three members, consisting of an odd amount of members, not to exceed seven (7) members, except in special circumstances pre-approved by the City Administrator.

The members of the Selection Committee shall be identified prior to the solicitation issuance and a list sent to the Finance Department. Final approval of Selection Committee members rests with the City Administrator.

Once the members of the Selection Committee have been identified, they are to review the **Selection Committee Guidelines (See Exhibits)**, to gain a clear understanding of their responsibilities while serving on the Committee for the duration of the bid process.

The evaluation process is a key function in the selection of a quality contractor/consultant. It is very important that this process be conducted in a professional and consistent manner, therefore committee members need to be flexible and available for all meetings during the evaluation process, including demonstrations and presentations.

Selection Committee and all other meetings during the evaluation period prior to final selections must comply with the State of Florida Sunshine and Public Record Laws. Reasonable notice of the date, time and place of the meeting must be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the Purchasing Division.

Prior to the issuance of the RFQ, a copy of the document shall be provided to each member of the Selection Committee for review when possible. If this is not possible, each member shall receive a copy of the document upon issuance.

13.03 Procedures

Once the specifications have been approved by all parties, the Finance Department will submit a Solicitation Approval Form to the City Administrator detailing the solicitation. Upon signed approval by the City Administrator the Request for Qualifications (RFQ) will be issued through the City Clerk.

Once the formal solicitation has been issued, communication is prohibited, whether direct or indirect, regarding the subject matter or the specifications by any means whatsoever (whether oral or written), with any City employee, elected official, selection committee member, or representative of the City of Arcadia, from the issuance of the specifications until the Commission makes the award. Communications initiated by a respondent may be grounds for disqualifying the offender from consideration for award or any future formal solicitation. The only exceptions to the foregoing rule are as follows: (1) an invitation to give an oral presentation to the selection committee is received; (2) any questions relative to interpretation of specifications or the formal solicitation process shall be addressed to the Bid Designee, in writing, via fax (863-494-4712) or email (purchasing@arcadia-fl.gov). No questions will be answered seven (7) or fewer business days from the date and time of the public opening.

Responses will be received by the City Clerk's office and date/time stamped in until the date and time specified in the RFQ document. Responses received after the deadline will be returned and not considered for further evaluation.

Once the public acknowledgement of responses received has occurred, the City Clerk will review the responses to ensure compliance with the requirements detailed within the RFQ document. Responsive responses will be distributed to each of the selection committee members upon receipt of signed Evaluator's Statement of Independence and Non-Conflict of Interest form, located within the Selection Committee Guidelines.

The City Clerk will provide the committee members with all the necessary forms for the evaluation process. The Finance Department will monitor the evaluation process and provide guidance at the start of each formal evaluation. If requested, training on the evaluation process can be provided to the members with little or no previous evaluation experience. The Finance Department will review forms for completeness and compliance with the policy. Any forms that are not properly completed or which lack appropriate comments or documentation to support the award recommendation may result in the delay of the award recommendation.

Selection Committee members shall review the responsive responses and independently score each response for each criteria. These scores will be used to individually rank the responses. Then each member's rankings will be accumulated to determine the group rankings.

A summary of total scores for all vendors shall be prepared after all members of the Selection Committee have reviewed and evaluated the responses. This will occur during a publicly noticed Selection Committee meeting.

A copy of all evaluation forms and notes (and the committee's consensus score) shall be maintained by the City Clerk as part of the official file.

A selection of at least three consultant firms deemed most qualified will be required to provide an oral presentation to the Selection Committee regarding their qualifications, approach to the project and ability to furnish the required services. In the case where less than three responses are received, oral presentations will be provided by all respondents.

In conjunction with the initiating Department, the City Administrator shall have the right to cancel a solicitation and/or reject all responses and authorize the entire transaction to be resolicited.

13.04 Oral Presentations

All RFQ processes should include oral presentations as part of the evaluation process. Oral presentations shall be conducted in accordance with Florida Statute 286.0113. Once the short listed firms have been identified, Department staff must ensure compliance with the following process:

Notify the contractors/consultants by mail, fax or e-mail of the City's determination. The notification shall include details of the oral presentations including but not limited to the following:

1. Date and time of the oral presentations
2. Location of the meeting
3. Time allotted for each firm
4. Additional information if requested by the Selection Committee

Department staff will coordinate the schedule of the oral presentations with the Selection Committee and confirm attendance of members.

Once the oral presentations are completed, the Selection Committee will conduct a post-presentation ranking and determine the final ranking.

Other options that may be considered by the Selection Committee are to reject all proposals, and/or reissue the formal solicitation with revised specifications.

13.05 Recommendation of Firms

The User Department shall assist the Purchasing Division with completion of the **Agenda Template Form (See Exhibits)** to present the committee's recommendation of the three (3) most qualified firms to the City Council and request the Council to approve the ranking and authorize staff to negotiate a contract with the top firm. Completed Agenda Template Form shall be submitted to the City Administrator for review. The City Administrator will submit to the City Clerk for inclusion on the Consent Agenda.

13.06 Negotiations

Upon approval by City Council to enter into negotiations with the top ranked firm, the Department Head will schedule a meeting between the top ranked firm and the negotiation team. The negotiation team will consist of essentially the same personnel as the Selection Committee to the extent possible. Detailed discussions will be held by the firm and the City to clearly establish the scope of the project and the exact services to be performed by the Consultant.

The negotiation team shall negotiate a contract for professional services with the most qualified firm at a compensation which the City determines is fair, competitive and reasonable. In making such determination, the City shall conduct a detailed analysis of the cost of the professional services required in addition to

considering their scope and complexity.

Negotiations must comply with F.S. 287.055(5) and 286.0113. Should the City be unable to negotiate a satisfactory contract with the top ranked firm, negotiations with that firm must be formally terminated. The City shall then undertake negotiations with the second ranked firm. Failing accord with the second ranked firm, the City must terminate negotiations. The City shall then undertake negotiations with the third ranked firm.

Should the City be unable to negotiate a satisfactory contract with any of the selected firms, the City shall select additional firms in order of their competence and qualification and continue negotiations in accordance with the prior requirements until an agreement is reached.

Professional services less than the thresholds in Florida State Statute 287.055(4)(c) shall be awarded using a procurement method authorized by the Finance Director or City Administrator.

PROCUREMENT OF DESIGN BUILD SERVICES

Contracts for the design-build of public construction projects for the City shall be awarded in accordance with this procedure. Section 287.055(9)(c), F.S., provides two methods for the award of a design-build contract: (1) use of a competitive proposal selection process as described in §287.055(9)(c), F.S.; or (2) by the use of a qualifications-based selection process pursuant to §287.055(3)-(5), F.S., for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. Further, §287.055(9)(a), F.S., provides that: [e]xcept as provided in this subsection [i.e., §287.055(9), F.S.], this section [§287.055, F.S.] is not applicable to the procurement of design-build contracts by any agency, and the agency must award design-build contracts in accordance with the procurement laws, rules, and ordinances applicable to the agency. The rules applicable to the City of Arcadia as it pertains to the use of the design-build process are as follows:

14.01 Definitions

The following words, terms and phrases, when used in connection with the design-build process, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to the City's request for proposal, or to permit the City to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.
2. A "design criteria professional" means a firm who holds a current certificate of registration under chapter 481, F.S., to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 F.S., to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
3. A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.

4. A "design-build firm" means a partnership, corporation, or other legal entity that:
Is certified under s.489.119, F.S., to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or is certified under s. 471.023, F.S., to practice or to offer to practice engineering; certified under s. 481.219, F.S., to practice or to offer to practice architecture; or certified under s. 481.319, F.S., to practice or to offer to practice landscape architecture.
5. "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the state.
6. "Professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

14.02 General

Regardless of the method utilized under the design-build process, the following shall apply:

1. **Non-exclusion of Public.** The public shall not be excluded from any proceedings under these regulations. Reasonable notice of the date, time and place of the meeting must be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the City Clerk.
2. **Reuse of Existing Plans.** Notwithstanding any other provision of these regulations pertaining to the design-build process, there shall be no public notice requirement or utilization of the selection process as provided in these regulations for projects in which the City is able to reuse existing plans from a prior project of the City; provided, however, public notice for any plans that are intended to be reused at some future time must contain a statement that provides that the plans are subject to reuse in accordance with the provisions of State statutes.
3. **Conflict.** To the extent of any conflicts between the procedures provided herein and the Consultants' Competitive Negotiations Act, the provisions of the Consultants' Competitive Negotiations Act shall prevail.

14.03 Competitive Proposal Selection Process

Procedures for the use of a competitive proposal selection must include at least the following:

1. **Design Criteria Package.** A design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the City for the design and construction of the public construction project. If the City elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the requirements of subsections 287.055(4) and (5). A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.
2. **Creation of a Committee**—For each design-build project for which an RFP or RFQ is to be solicited, a design-build selection committee, consisting of the Department Head or their designee, the Finance Director, a requesting department representative and any other person(s) as requested by the City Administrator or the City Council, the Selection Committee shall be established. The purposes of the Selection Committee include the review of the design-build proposal, qualifying the

design-build firms, and recommending an award and/or providing a short-list of the design-build firms.

3. **Preparation of Evaluation Guidelines and Evaluating Matrix.** Prior to the solicitation, the Selection Committee shall prepare the criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on, at a minimum, price, technical, and design aspects of the public construction project, weighted for the project. Such criteria, procedures, and standards may be set forth as evaluation guidelines and an evaluating matrix for the RFP or RFQ with a weighted value assigned to each important aspect of the project.
4. **Qualification and Selection.** The qualification and selection of no fewer than three design-build firms as the most qualified shall be made, based on, at a minimum, the qualifications, availability, and past work of the firms, including the partners or members thereof.
5. **Public Announcement.** In accordance with §255.0525(2), F.S., The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement.
6. **Solicitation.** The solicitation of competitive proposals shall be made pursuant to the design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.
7. **Evaluation.** The employed or retained design criteria professional shall be consulted concerning the evaluation of the responses submitted by the design-build firms, the supervision or approval by the City of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

14.04 Qualifications-Based Selection Process

The following procedures, at a minimum, shall apply for the use of the qualifications-based selection process:

1. **Selection of City Representative** In accordance with §287.055(9)(c), F.S., the City shall employ or retain a licensed design professional appropriate to the project to serve as the City's representative.
2. **Design Criteria Package** A design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the City for the design and construction of the public construction project. If the City elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the requirements of subsections 287.055(4) and (5). A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.
3. **Creation of a Committee** For each design-build project for which an RFP or RFQ is to be solicited, a design-build selection committee, consisting of the Department Head or their designee, the Purchasing Manager, a requesting department representative and any other person(s) as requested by the City

Administrator or the City Council, the Selection Committee shall be established. The purpose of the Selection Committee includes the review of the design-build proposal, qualifying the design-build firms, and recommending an award and/or providing a short-list of the design-build firms.

4. **Preparation of Evaluation Guidelines and Evaluating Matrix** Prior to solicitation, the Selection Committee shall prepare evaluation guidelines and an evaluating matrix for the RFQ which will be part of each solicitation. A weighted value will be assigned to each important aspect of the project. At a minimum, the following factors shall be considered: (a) design form and function, (b) general experience or capabilities of the professional firms to be involved, (c) experience or adequacy of the professional personal within a firm who will be part of the firm's team, (d) technical aspects of all members of a vendor's team, (e) other relevant aspects of the project such as whether a firm is willing to meet time and budget requirements, past experience of all members of a team, location, recent workloads of the firm, current workloads of the firm, projected workloads of the firm, past performance and the volume of work previously awarded to each firm, (f) specific experience with the particular project, (g) scheduling of the project, (h) total package conformity, (i) consideration as to whether the firm is a certified minority business enterprise in accordance with §287.055(3)(d), F.S. Other criteria may be included.
5. **Public Announcement.** Pursuant to §287.055(3), F.S., the City shall publicly announce its request for qualifications and such public notice shall include a general description of the project and indicate how interested firms may apply for consideration. Each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. [287.017](#) for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. [287.017](#) for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.
6. **Certification.** Any firm or individual desiring to provide professional services to the City must first be certified by the City as fully qualified to render the required services pursuant to law and the regulations of the City. Among the factors to be considered in making this determination include the capabilities, adequacy of personnel, past record, and experience of the firm or individual and such other factors determined by the City to be applicable to the project. If a firm which is not currently certified, or is not certified for a project under consideration, applies for consideration, the firm shall make a statement of qualification and performance data and any other information deemed relevant by the firm or the City on such form required by the City. A determination of whether the firm is to be certified shall then be made by the City.
7. **Competitive Selection.** For each project, the Selection Committee shall evaluate current statements of qualifications and performance data on file with the City, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.

The Selection Committee shall select in order of preference no fewer than three firms (unless there be fewer than three qualified firms requesting consideration) deemed to be the most highly qualified which shall then be the recommendation to the City Council. The City Council may accept the recommendation of the Selection Committee or make its own determination, as provided for herein, and select in order of preference no fewer than three firms deemed to be the most highly qualified and authorize negotiations in accordance with the paragraph entitled Competitive Negotiation.

In making its determination of no fewer than three firms deemed to be the most highly qualified and order of preference, the Selection Committee or, if applicable, the City Council, shall use grading sheets to assign a weighted value to the various items of each response submitted based on the evaluation matrix. The results thereof are to be tabulated and totaled. The three (3) highest scoring

respondents (or whatever number is decided by the Selection Committee (or, if applicable, the City Council) provided its 3 or more) will be notified by the Department of their selection. If necessary, further evaluation of the respondents may be had for purposes explaining or clarifying particular areas of their responses. The City may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under the paragraph entitled Competitive Negotiation.

8. **Competitive Negotiations.** Approval to hold contract negotiations with the highest ranking respondent shall be made by the City Council. The City shall negotiate a contract with the most qualified firm for professional services at compensation which the City determines is fair, competitive, and reasonable. In making such determination, the City shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract over the threshold amount provided in s. 287.017 for CATEGORY FOUR, the City shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto will be adjusted to exclude any significant sums by which the City determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments must be made within 1 year following the end of the contract.

Should the City be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the City determines to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. The City shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the City must terminate negotiations. The City shall then undertake negotiations with the third most qualified firm. Should the City be unable to negotiate a satisfactory contract with any of the selected firms, the City shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subsection until an agreement is reached.

PROFESSIONAL SERVICES – FINANCIAL AUDITOR

Contracts for the performance of auditing services in connection with annual financial audits shall be procured in accordance with the provisions of Florida Statutes, Section 218.391.

The City shall establish an audit committee. The primary purpose of the audit committee is to assist the City in selecting an auditor to conduct the annual financial audit required in F.S. Section 218.39. The public shall not be excluded from the proceedings under this section.

- A. The audit committee shall:
 1. Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under F.S. Chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.
 2. Publicly announce Request for Proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

3. Provide interested firms with the Request for Proposal document. The RFP shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.
4. Evaluate proposals provided by qualified firms. If compensation is one of the factors established, it shall not be the sole or predominant factor used to evaluate proposals.
5. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established. If fewer than three firms respond to the RFP, the committee shall recommend such firms as it deems to be the most highly qualified.

The method used by the City to select a firm recommended by the audit committee must ensure that the agreed upon compensation is reasonable to satisfy the requirements of F.S. 218.39 and the needs of the governing body.

15.01 Audit Committee

Members of the Audit Committee are to be selected and should include representatives from the User Department and other department/division(s) involved, as well as any other individual(s) with specialized expertise. A representative of the Finance Department shall chair the committee as a non-voting member. The Audit Committee will consist of not less than three City employees, consisting of an odd amount of members, not to exceed seven (7) members, except in special circumstances pre-approved by the City Administrator. The members of the Audit Committee shall be identified prior to the solicitation issuance and a list sent to the Finance Director for review. Final approval of Audit Committee members rests with the City Administrator.

Once the members of the Audit Committee have been identified, they are to review the **Selection Committee Guidelines (See Exhibits)**, to gain a clear understanding of their responsibilities while serving on the Committee for the duration of the bid process.

The evaluation process is a key function in the selection of a quality contractor/consultant. It is very important that this process be conducted in a professional and consistent manner, therefore committee members need to be flexible and available for all meetings during the evaluation process, including demonstrations and presentations.

Audit Committee and all other meetings during the evaluation period prior to final selections must comply with the State of Florida Sunshine and Public Record Laws. Reasonable notice of the date, time and place of the meeting must be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the City Clerk.

On the date of RFP issuance, a copy of the document shall be provided to each member of the Selection Committee.

15.02 Procedure

Once the specifications have been approved by all parties, the department will submit a Solicitation Approval Form to the City Administrator detailing the solicitation. Upon signed approval by the City Administrator the formal solicitation will be issued.

Once the formal solicitation has been issued, communication is prohibited, whether direct or indirect, regarding the subject matter or the specifications by any means whatsoever (whether oral or written), with any City employee, elected official, selection committee member, or representative of the City of Arcadia, from the issuance of the specifications until the Commission makes the award. Communications initiated

by a bidder may be grounds for disqualifying the offending bidder from consideration for award of the bid or any future bid. The only exceptions to the foregoing rule are as follows: (1) an invitation to give an oral presentation to the selection committee is received; (2) any questions relative to interpretation of specifications or the formal solicitation process shall be addressed to the Bid Designee, in writing, via fax (863-494-4712) or by email (purchasing@arcadia-fl.gov). No questions will be answered seven (7) or fewer business days from the date and time of the public opening.

The Department through the City Clerk shall issue the RFP. A pre-proposal conference will be held which may or may not be mandatory. Prospective proposers will have an opportunity to request clarification and ask questions. Answers to inquiries will be compiled in the form of an addendum which will be posted on the City's website for download. Proposals will be received by the City Clerk's office and date/time stamped in until the date and time specified in the RFP document. Proposals received after the deadline will be returned and not considered for further evaluation.

Once the public acknowledgement of responses received has occurred, the City Clerk will review the responses to ensure compliance with the requirements detailed within the RFP document. Responsive proposals will be distributed to each of the selection committee members upon receipt of signed Evaluator's Statement of Independence and Non-Conflict of Interest form, located within the Audit Committee Guidelines.

The City Clerk will provide the committee members with all the necessary forms for the evaluation process. The Finance Department will monitor the evaluation process and provide guidance at the start of each formal evaluation. If requested, training on the evaluation process can be provided to the members with little or no previous evaluation experience. The City Clerk will review forms for completeness and compliance with the policy. Any forms that are not properly completed or which lack appropriate comments or documentation to support the award recommendation may result in the delay of the award recommendation.

Audit Committee members shall review the responsive proposals and independently score each proposal for each criteria. These scores will be used to individually rank the responses. Then each member's rankings will be accumulated to determine the group rankings.

A summary of total scores for all vendors shall be prepared after all members of the Audit Committee have reviewed and evaluated the written proposals. This will occur during a publicly noticed Audit Committee meeting. A copy of all evaluation forms and notes (and the committee's consensus score) shall be maintained by the City Clerk as part of the official file.

In conjunction with the initiating Department, the City Administrator shall have the right to cancel a solicitation and/or reject all proposals and authorize the entire transaction to be re-solicited.

15.03 Oral Presentations

Unless otherwise noted, all RFP processes should include oral presentations as part of the evaluation process. Oral presentations shall be conducted in accordance with Florida Statute 286.0113. Once the short listed firms have been identified, Department staff must ensure compliance with the following process:

Notify the contractors/consultants by mail, fax or e-mail of the City's determination. The notification shall include details of the oral presentations including but not limited to the following:

1. Date and time of the oral presentations
2. Location of the meeting
3. Time allotted for each firm
4. Additional information if requested by the Selection Committee

Purchasing staff will coordinate the schedule of the oral presentations with the Selection Committee and confirm attendance of members.

Once the oral presentations are completed, the Selection Committee will conduct a post-presentation ranking and determine the overall top ranked firm.

Other options that may be considered by the Selection Committee are to reject all proposals, and/or reissue the formal solicitation with revised specifications.

15.04 Award Recommendation

The User Department shall complete of the **Agenda Template Form (See Exhibits)** for award recommendation. Award recommendations for which the award to each vendor exceeds the Council approval limit shall be submitted to the City Administrator for review. The City Administration shall submit to the City Clerk for inclusion on the Consent Agenda. Award shall not be final until execution of a contract is complete.

Every purchase of audit services shall be evidenced by a written contract embodying all provisions and conditions of the purchasing of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

1. A provision specifying the services to be provided and fees or other compensation for such services.
2. A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.
3. A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.
4. Written contracts entered into may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

PROTEST PROCEDURES

The City of Arcadia encourages prompt and fair handling of all complaints and disputes with the business community. In order to resolve disputed matters in an equitable manner without fear of retribution on the part of a vendor or person, the following protest procedures are adopted:

All purchasing notices of intended decisions, with respect to contract awards, suspensions and debarments, shall set forth the following statement:

“FAILURE TO FOLLOW THE PURCHASING PROTEST PROCEDURE REQUIREMENTS WITHIN THE TIME FRAMES PRESCRIBED HEREIN AS ESTABLISHED BY THE CITY OF ARCADIA, FLORIDA, SHALL CONSTITUTE A WAIVER OF YOUR PROTEST AND ANY RESULTING CLAIMS.”

Right to Protest

Any actual or prospective bidder, proposer, vendor or person who is allegedly aggrieved in connection with a contract award, suspension or debarment may protest to the City Clerk.

A. POSTING: The City Clerk shall post all award actions, suspensions and debarments available for review by the General Public on the front lobby bulletin boards in City Hall. Vendors who submit a bid, or who are being suspended or debarred, will be notified by mail.

B. FORMAL WRITTEN PROTEST: Any person adversely affected by an intended decision or action with respect to the award of any formal solicitation, suspension, debarment or any other procurement issues shall file with the City Clerk a written notice of protest within seven (7) calendar days of the city's recommendation for an award. Such protest shall be in writing, shall state the particular grounds on which it is based, shall include all pertinent documents and evidence and shall be accompanied by a cashier's check in the amount of five percent (5%) of the contract award amount, or, if the amount of the contract award cannot be reasonably determined at that time, then in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00), made payable to the City of Arcadia, (subject to the procedures and conditions hereinafter stated). The purpose of this bid bond shall be to reimburse the City for all administrative costs associated with the appeal process. Failure to submit a bid bond that is compliant with this provision with the bid protest shall be deemed a waiver of the bid protest and is a jurisdictional deficiency in the protest that will forfeit the right of the bidder to maintain the protest. If the amount of the contract award is not reasonably capable of being quantified at the time the protest is initiated, the initial bid bond shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00), as previously stated. However, in such event, the City may require a bid bond in a greater amount not to exceed Ten Thousand Dollars (\$10,000.00) if the One Thousand Two Hundred Fifty Dollars (\$1,250.00) is clearly inadequate under the facts presented. If the City increases the required bid bond amount, the protester shall have seven (7) calendar days in which to pay to the City of Arcadia in the form of a cashier's check the difference between One Thousand Two Hundred Fifty Dollars (\$1,250.00) and the new amount of bid bond established by the City (which will not exceed Ten Thousand Dollars (\$10,000.00)). A failure to pay the additional amount of bid bond shall be deemed a waiver of the right to maintain the protest.

Any grounds not stated shall be deemed waived. The formal written protest shall contain the following:

1. City formal solicitation number and title
2. Name and address of the department, division or agency affected
3. The name and address of the affected party, and the title or position of the person submitting the protest.
4. A statement of disputed issues of material fact. If there are no disputed material facts, the written letter must indicate so.
5. Concise statement of the facts alleged and of the rules, regulations, statutes, ordinances and constitutional provisions entitling the affected party to the relief requested.
6. The statement shall indicate the relief to which the affected party deems himself/herself entitled.
7. Such other information as the affected party deems to be material to the issue.

C. PROTEST MEETING: The City Clerk will notify and schedule a bid protest meeting. The meeting shall be scheduled with the protesting party within fourteen (14) working days (excluding Saturdays, Sundays and legal City holidays) of receipt of the formal written protest. The purpose of the protest meeting is: 1) to question and review the basis of the protest; 2) to evaluate the facts and merits of the protest; 3) if possible, to reach a solution of the protest that is acceptable to the affected parties; and 4) if possible, to satisfy the protestor to the extent that the protest might be withdrawn.

D. In the event that the protest cannot be resolved by mutual agreement, the City Clerk shall refer the protest to the City Administrator within five (5) working days with a recommendation, in writing, for resolution of the protest. The City Administrator may conduct an evidentiary hearing, if there are disputed issues of material fact. The City Administrator will conduct a review and make an attempt to resolve the issue in a manner amicable to all parties within ten (10) working days after receipt of the recommendation, date of the hearing or the review, whichever is later. If the protesting party is not amicable to a solution, they are entitled to address the City Council at a regularly scheduled biweekly public meeting and present their concerns. The party must first request such an appearance and schedule with City Administrator to be placed on a Council agenda. The City Council's decision shall be final and binding.

E. After completion of the review by the City Administrator, City Council and any subsequent court proceedings, if the decision of the City Clerk is upheld, the City shall retain the bid bond to defray the costs and expenses incurred during consideration of the protest. If the person protesting the award prevails, the person protesting shall recover the cashier's check.

F. All references to City shall include decisions by City staff when staff is authorized to take such action without formal Council vote or approval.

G. The seven (7) calendar days within which a protestor may protest an intended decision or action shall run from the first issuance of the intended decision or action by the City. The issuance of an intended decision or action shall occur at the earliest date and time on which the decision is posted, served electronically or posted electronically on the City website.

STAY OF PROCUREMENTS DURING PROTEST: In the event of a timely protest under this Section, the Department shall not proceed further with the solicitation or award of the contract until a written determination is made by the Finance Department, City Administrator or City Council, or until the City Administrator makes a determination for the record that award of a contract, without delay, is necessary to protect substantial interests of the City.

DEBARMENT OF VENDORS

The City shall solicit offers from, award to and consent to subcontracts with responsible contractors only. To effectuate this policy, the debarment of contractors from City work may be undertaken. The serious nature debarment requires that this sanction be imposed only when it is in the public interest for the City's protection and not for the purposes of punishment. Debarment shall be imposed in accordance with the procedures contained in this section. Debarment is intended as a remedy in addition to, and not in substitution of, the evaluation of the responsibility of City bidders and contractors, and the rejection or termination of City bidders and contractors based on findings of non-responsibility on a case-by-case basis. The Finance Director shall review cases in which probable cause for disqualification (debarment) exists. The review by the Finance Director will consist of information from the affected department and from the vendor or contractor. The City Administrator must ratify any debarment.

17.01 Causes for Disqualification (Debarment):

A. Vendor defaults or fails to fully comply with the conditions, specifications, or terms of a bid, quotation, proposal or contract with the City; or

- B. Vendor commits any fraud or misrepresentation in connection with a bid, quotation, proposal or contract with the City; or
- C. Vendor is charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; or
- D. Vendor is charged by a court of competent jurisdiction with the following; embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects the responsibility as a City government contractor. If charges are dismissed or the vendor is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the City; or
- E. Vendor becomes insolvent, has proceedings in bankruptcy instituted against it or, compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property; or
- F. Vendor omission to perform any act which is grounds for disqualification; or
- G. Vendor violates the ethical standards set forth in local, State or Federal law; or
- H. Documented repeated and uncorrected poor performance on a previous project awarded by the City of Arcadia; or
- I. Any other cause the City Administrator determines to be so serious and compelling as to materially and adversely affect responsibility of a vendor as a City government contractor, including but not limited to suspension by another government entity for legally-sufficient cause.

17.02 Permanent Disqualification

A vendor may be permanently disqualified for the following:

- A. Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the City twice in any three year period.
- B. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the Vendor's commercial enterprise stated previously in this section. If the conviction or judgment is reversed through the appellate process, the disqualification shall be removed immediately upon written notification and proof of final court disposition from the vendor to the City.

17.03 Decision

After the Finance Director has determined he/she has cause to suspend or disqualify a vendor, and the action has been ratified by the City Administrator, the City Clerk shall notify the vendor in writing of the disqualification and the period of suspension and the reasons for the action taken.

17.04 Public Entity Crime

Any vendor who has been convicted of a Public Entity Crime (F.S. 287.133), shall not be able to transact business with the City to the extent as specified in F.S. 287.133(3)(a).

17.05 Finality of Decision

The suspension or disqualification shall be final and conclusive.

OWNER DIRECT PURCHASES

When deemed to be in the best interest of the City, the City shall have the option to utilize Sales Tax Recovery for construction projects, renovation projects or other purchases as needed to take advantage of the City's Sales Tax exemption status. It will be determined prior to the IFB or RFP if the use of Sales Tax Recovery will be utilized and nothing herein shall prohibit the City from deleting items within the IFB or RFP and purchasing said items directly from a supplier in an effort to benefit the City.

When Sales Tax Recovery is utilized, the City will utilize the awarded Vendor's suppliers and shall place Purchase Orders for the purchase of the supplies needed by the awarded Vendor without further competition, who shall take receipt of such supplies, and shall utilize said supplies on the awarded project. The City shall pay all invoices associated with the Purchase Orders and shall deduct the invoice cost plus the sales tax from the Contract amount.

For contracts awarded through the formal solicitation process, owner direct purchases shall be coordinated with the awarded contractor, and the City Administrator shall have approval authority.

When the City exercises this option, the following procedures shall be used for ordering, receiving and paying for the component(s) selected.

18.01 Ordering

The City may exercise its right to direct purchase any component of the bid in order to save the sales tax on the selected component, which may include equipment, materials, and supplies contained within the bid. The items selected would then be purchased directly from vendors the contractor used to submit their bid to the City and therefore made a part of the construction contract executed with the City. The Contractor shall fully cooperate with the City, providing information for the preparation of purchase orders for these direct purchases, monitoring deliveries, and approving invoices.

The City will issue a purchase order to the material supplier for the component selected for owner direct purchase (ODP). The purchase order will be sent to the Contractor, who shall verify that the order was issued correctly, and if so, send to the material supplier. If the City will be utilizing the p-card as the form of payment (in lieu of a purchase order), a document that itemizes the products being ordered must be obtained by the requesting department.

The contract will be reduced by the amount of all construction materials selected by the City, for direct purchase.

18.02 Expediting

The Contractor shall be responsible for expediting delivery to ensure that material is received on time to maintain the construction schedule.

18.03 Receipt

The Contractor shall sign for and receive all materials; and retain packing slips and delivery tickets for all materials delivered for the project. The Contractor and subcontractors shall be responsible for the safe care, custody and control of all materials.

Any action by a subcontractor in connection with the receipt, care and custody of materials and products shall be as a subcontractor to the contractor and not acting as an agent on behalf of the City of Arcadia.

18.04 Billing/Payments

All ODP's shall be billed to the City in care of **the Contractor**.

The Contractor shall check all invoices for accuracy and completeness when received. The Contractor shall be responsible for immediately notifying the supplier of any billing errors and requesting corrected invoices as necessary.

Receipts and invoices must be processed in a timely manner in order to take advantage of any discount payment terms and all discounts shall accrue to the City.

The Contractor shall prepare a direct purchase report for the City upon submittal of each pay request.

18.05 Other Considerations

The City shall have title to all items of which any payment has been made under these provisions.

The selection of ODP for any item contained within the bid does not relieve the Contractor from liability for that item as it may related to the quantity ordered, the maintenance and care of the item when delivered, or the installation or incorporation of the item in the work to be performed in accordance with the contract documents. The Contractor shall maintain products liability insurance, which shall include ODP items, as required for the normal practice of general contracting.

The City shall have access to all necessary records in order to conduct audits to determine the correctness and accuracy of any item purchased in accordance with these provisions.

Notwithstanding any provision in this Section, the City of Arcadia will comply with all statutory requirements and administrative requirements imposed by the Florida Department of Revenue in order to maintain a compliant direct purchase program. To the extent required by Florida law, the risk of loss with respect to product delivered shall be on the owner, but the City of Arcadia may, to the extent allowed by Florida law, require that the contractor and its subcontractors indemnify and hold harmless the City for any loss to products delivered as a result of contractor breach of contract or negligence. The City may also require that the scope of services in the contract shall include services to be delivered by the contractor or its subcontractors concerning scheduling, acceptance of products delivered, storage, sequencing of delivery and incorporation of products into the project. None of the provisions in this Section 18 shall be interpreted to provide any procedure for ODP different than the procedures required by the Florida Department of Revenue (except to the extent that a procedure imposed by DOR can be shown to be in contravention of Florida Sales Tax Law).

CONFLICT OF INTEREST & ETHICS IN PUBLIC PURCHASING

Conflict of Interest

The purpose of this Section is to provide guidance to employees engaged in any aspect of the Purchasing function concerning the avoidance of conflict of interest.

Employees engaged in the Purchasing function are expected to be free of interests or relationships which

are actually or potentially conflicts of interest or detrimental to the best interest of the City, and shall not engage or participate in any commercial transaction involving a company, its affiliates, divisions or subsidiaries in which they have a significant undisclosed financial interest.

Employees engaged in purchasing who have assumed, or are about to assume, a financial or other outside business relationship that might involve a conflict of interest must immediately inform their supervisor of the circumstances involved. This information will be reviewed at an appropriate level for decision on whether a conflict of interest is present, and, if so, what course of action will be taken.

In this connection, a conflict of interest exists where an employee:

- A. Has an outside interest that materially encroaches on time or attention that should be devoted to the affairs of the City.
- B. Has a direct or indirect interest in or relationship with an outsider that is inherently unethical or that might be implied or construed to be, or make possible personal gain due to the employee's ability to influence dealings.
- C. Is partial toward an outsider for personal reasons or whose business judgment is impartial or otherwise inhibited.
- D. Places himself or the City in an equivocal, embarrassing or ethically questionable position.
- E. Takes personal advantage of an opportunity that properly belongs to the City.
- F. Uses City property without approval.

Ethics in Public Purchasing

Acceptance of gifts at any time, of any nature from vendors is prohibited. Employees must not become obligated to any vendors and shall not conduct any transactions from which they may personally benefit. No City of Arcadia employee or officer shall bid for, enter into or be in any manner interested in any City of Arcadia contract nor shall any employee or officer seek to influence the purchase of a product or service from any offeree. Such restrictions shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase. No City employee or officer shall receive any gift or benefit of any nature from prospective bidders. The avoidance of actual or apparent conflicts of interest is a prime requisite to the efficient and sound operation of government and maintenance of the public trust.

All City of Arcadia employees shall adhere to the ethical standards contained in Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees, as well as those contained in the City of Arcadia's personnel policy.

The City supports the National Institute of Governmental Purchasing (NIGP) Code of Ethics and adheres to their philosophy of protecting the public trust.

Additionally, employees will abide by the Universal Public Procurement Certification Council (UPPCC) Code of Ethics in the performance of their duties on behalf of the City as follows:

- A. Seek or accept a position in procurement only when fully in accord with the professional principles applicable thereto and when confident of possessing the qualifications to serve under those principles to the advantage of the City.

- B. Believe in the dignity and worth of the service rendered by the City, and the societal responsibilities assumed as a trusted public servant.
- C. Be governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the City and the public being served.
- D. Believe that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and non tolerable.
- E. Identify and eliminate participation of any situations where a conflict of interest may be involved.
- F. Believe that they should at no time, or under any circumstances accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or appear to influence procurement decisions.
- G. Keep the City informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.
- H. Handle all personal and professional matters on a merit basis, and in compliance with applicable laws prohibiting discrimination in employment on the basis of politics, religion, color, national origin, disability, gender, age, pregnancy and other protected characteristics.
- I. Seek or dispense no personal favors.
- J. Handle each administrative problem objectively and empathetically, without discrimination.

The provisions in this section are subject to the statutory Code of Ethics contained in Chapter 112, Florida Statutes. The provisions stated in this Purchasing Manual shall be interpreted to be consistent with the requirements of Florida statutes, unless a more restrictive requirement is expressly provided in this Purchasing Manual and the subject of the more restrictive requirement is allowable to the City pursuant to Section 112.326, Florida Statutes.

Lobbying

Lobbying of evaluation committee members, City employees, or elected officials regarding any type of formal solicitation or contract, during the selection process or bid protest, by the bidder/proposer/protester or any member of the bidder's/proposer's staff, an agent of the bidder/proposer/protester, or any person employed by any legal entity affiliated with or representing an organization that has responded to a formal solicitation or contract or has a pending bid protest is strictly prohibited either upon publication of the formal solicitation until either an award is final or the protest is finally resolved by the City. Nothing herein shall prohibit a prospective bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the purchasing process as outlined in the formal solicitation documents. For purposes of this provision, lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any formal solicitation or contract, through direct or indirect oral or written communication, or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any formal solicitation or contract to be rejected.

VENDOR RELATIONS

20.01 Guidance for Working with Vendors

City employees are subject to the laws and policies that apply to all public employees. All employees involved in purchasing transactions shall conduct business with vendors in a fair and impartial manner that

avoids impropriety or the appearance of impropriety.

20.02 Vendor Performance

Assuring proper performance by vendors requires cooperation and communication between User Department and the Finance Department. Timely actions on the part of the User Department and the Finance Department is required for enforcing the terms of Purchase Orders and contracts and protecting the City's financial and legal interests. Below are guidelines to improve vendor's performance:

- A. Failure by vendors to deliver on time, in the proper quantities or to meet is a problem that must be handled in a prompt, uniform and fair manner.
- B. In the event of a problem, the user department should promptly contact the vendor to request resolution. A complete record should be made of the contact to include the name, title and telephone number of the person contacted and any promises made by that person.
- C. If the vendor continues to be noncompliant after the first contact, contact the Finance Department, who will issue a Cure Notice to the contractor. The Cure Notice will provide written notice of the failure and allow a specified time for cure (remedy) of the failure before issuing a termination notice. If the contractor fails to comply with the terms of the contract or order after this notice, the Finance Department may cancel the purchase order or contract and order from another source.

20.03 Public Disclosure

Florida's Public Records Law provides that City records shall at all times be open for personal inspection by any person. Information and materials received by the Finance Department in connection with a formal solicitation shall be deemed to be public records subject to public inspection upon award, recommendation for award, or ten (10) days after public opening, whichever occurs first. Certain exemptions to the public records law are statutorily provided for in Section 119.07 Florida Statutes.

If the vendor believes any of the information contained in his or her response to a formal solicitation is exempt from the Public Records Law, then the vendor must in her or her response, specifically identify the material which is deemed to be exempt and cite the legal authority for the exemption. The City's determination of whether an exemption applies shall be final, and the vendor agrees to defend, indemnify, and hold harmless the City and the City's officers, employees and agents, against any loss or damages incurred by any person or entity as a result of the treatment of records as public records.

SURPLUS PROPERTY

21.01 Purpose

The purpose of this section is to establish procedures for the transfer and disposal of excess and surplus property consistent with the requirements set forth in Chapter 274, Florida Statutes. It is also the purpose to maximize returns on excess, and surplus property by transferring the property or disposing of it through a public auction, formal solicitation, trade-in, or donation.

21.02 Responsibility

When a department determines that it no longer requires or can use an item of equipment or other Property

which has been identified as surplus or obsolete material, it must be reported to the Finance Director. Determination will be made as to whether the property should be transferred to another department, sold, traded or donated.

21.03 Classification of Surplus Property

Items identified as surplus may be classified as follows:

- A. Excess – materials and supplies that are acquired by a government agency but are not required or can no longer be used by the agency but have a residual value.
- B. Obsolete – materials and supplies that are out of date, no longer in use or effectively usable.
- C. Scrap – salvageable material that is damaged, defective, or deteriorated to the extent that it has no value except for its basic material content.

21.04 Procedure

Departments are to provide Finance with an itemized list of surplus property, including condition, unique features and estimated value.

Finance will first attempt to reallocate surplus to any department that can utilize such. For items not reallocated, Finance will determine the most advantageous method for disposal of surplus property. Finance will contact appropriate vendor(s) while maintaining a listing of items released to said vendor(s) for sale.

All City assets that have resale value will be sold through a public auction, if the sale is to be a sale to a private party purchaser. However, the City may negotiate a sale of obsolete or surplus property, or donate the same, to another governmental unit in Florida or a private non-profit agency as defined in s.273.01(3), F.S. City employees will not have the opportunity to purchase surplus goods outside of the public auction process.

Upon sale of surplus property, vendor(s) will generate a check (less commission) and mail directly to the Finance Department. Finance will deposit the check into the general fund and will retain a copy of the check along with itemized listing of sale proceeds in surplus file. A memo will be generated and forwarded to the City Administrator.

21.05 Annual Review of Surplus Property

The City Administrator shall annually review and inventory the property owned by the City of Arcadia and shall report surplus, damaged, lost and stolen property in detail on at least an annual basis to the City Council in writing.

LOCAL PREFERENCE POLICY

Procedure to Provide To Local Businesses In City Contracts

The provisions of this policy shall apply only to procurements which are above the formal solicitation threshold as set forth in the City of Arcadia Purchasing Policy & Procedures Manual. Purchases of commodities and services shall give preference to local businesses in the following manner:

Definitions

Local Business

A person, firm, corporation, or other business entity maintaining a valid Business Certificate (at least one year prior to submitting each formal solicitation response) issued by the City of Arcadia that authorizes the business to provide the commodities or services to be purchased and a physical business address located within the limits of the City of Arcadia. A business which operates through the use of a post office box, mail house or a residential/home address shall not be eligible to qualify as a Local Business.

Certification

Under any such applicable formal solicitation, respondents desiring to receive local preference will be invited and required to affirmatively state and provide documentation as set forth in the formal solicitation in support of their status as a local business. Respondents shall affirm in writing their compliance with the foregoing at the time of submitting their formal solicitation response to be eligible for consideration as a Local Business as defined above. Any respondent who fails to submit sufficient documentation with their formal solicitation response shall not be granted local preference consideration for the purposes of the specific contract award. A respondent who misrepresents the Local Business status of its firm in a formal solicitation response to the City will lose the privilege to claim Local Business status for a period of up to one year. Except where federal or state law or any other funding source mandates to the contrary, the City will give preference to local businesses in the following manner:

Competitive bid (local price match option)

When a responsive and responsible, non-local business submits the lowest price bid and the bid submitted by one or more responsive and responsible local businesses is within five percent of the price submitted by the non-local business, then the local business with the apparent lowest bid offer (i.e.: the lowest local bidder) shall have the opportunity to submit an offer to match the price(s) offered by the overall lowest, responsive and responsible bidder. In such instances, purchasing staff shall first verify if the lowest non-local bidder and the lowest local bidder are in fact responsive and responsible bidders. Next, the Purchasing Division shall determine if the lowest local bidder meets the requirements of Section 287.087, F.S. If the lowest local bidder meets the requirements of Section 287.087, F.S., the purchasing representative shall invite the lowest local bidder to submit a matching offer to the Purchasing Division in writing within three (3) business days thereafter. If the lowest local bidder submits an offer that fully matches the bid from the lowest non-local bidder tendered previously, then award shall be made to the local bidder. If the lowest local bidder declines or is unable to match the lowest non-local bid price(s), the next lowest fully responsive local bidder will be given the opportunity to match if they are within five percent (5%). This cycle shall be repeated until there are no remaining local bidders within five percent (5%), then award will be made to the lowest overall responsive and responsible bidder. If the lowest local bidder does not meet the requirement of Section 287.087, F.S. and the lowest non-local bidder does, award will be made to the bidder that meets the requirements of the referenced state law.

Request for proposals, qualifications or other submittals and competitive negotiation and selection

For all purchases of commodities and services procured through Competitive Proposals or other methods not otherwise exempt from local preference, for which a formal solicitation is developed with evaluation criteria, a local preference of the total score may be assigned as follows:

Any respondent which meets all of the criteria for a local business as set forth in this policy shall be given a preference in the amount of five additional points to their total score. This will occur during the selection committee meeting where the short listing is determined.

Notice

All formal solicitations shall include notice to vendors of the local preference policy.

Waiver of the application of local preference

The application of local preference to a particular purchase or contract for which the City Council or City Administrator is the awarding authority may be waived upon approval of the City Council or City Administrator.

Comparison of qualifications

The preferences established herein in no way prohibit the right of the Finance Department to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids when submitting recommendations for award to the City Council. Further, the preferences established herein in no way prohibit the right of the City Council from giving any further preference permitted by law instead of the preferences granted herein.

Purview and administration of this policy

The Finance Department shall be responsible for developing, implementing and maintaining administrative procedures in support of this policy.

The Local Preference Policy shall become effective fourteen (14) days after its final adoption.

Exemptions

The local preference policy shall not be applied in the following circumstances:

- (1) Purchases of professional services which are subject to Section 287.055, F.S.
- (2) State or federal law prohibits the use of local preferences.
- (3) The work is funded in whole or in part by a governmental entity where the laws, rules, regulations or policies prohibit the use of local preferences.
- (4) The business is determined to be unqualified to perform the work as determined by the City.
- (5) Purchases exempt from the provisions of the City of Arcadia Purchasing Policy & Procedures Manual.
- (6) Purchases made utilizing cooperative purchasing agreements with other governmental or public entities.
- (7) Purchases from local, State, GSA and other federal contracts, and other public entities.
- (8) Purchases made under emergency procedures as set forth in the City's Policy & Procedures Manual.
- (9) Purchases made for items that have been deemed a sole source.

Blanket Purchase Order Request



B.P.O. Number:
Date Issued:

Requested By:

Name:
Date:
Department:
Division:
Phone:
Fax:

Vendor Information:

Vendor #:
Name:
Address:
Address:
State/Province:
Zip/Postal Code:
Phone:
Fax:

Effective Date:
Expiration Date:
Not to Exceed (Dollar Amount)
Commodity #:
Sub Commodity #:

Account #: Amount:
Account #: Amount:
Account #: Amount:

Reason for BPO:

** If Quotes obtained for BPO, attach copies to this request or explain why there are no quotes in the space below.*
** If purchase is to be considered a sole source purchase, a Sole Source Justification form must be filled out and posted by Purchasing for 7 days before a purchase can take place.*
** For purchases off of a contract:*

Agency Name:
Contract Number:

Additional Information:

New PO Total

Signature

Purchasing Division

Professional Service/Construction

Change Order Form



Date of Request:

Department:

Bid #/Contract #:

Contractor Name and Vendor #:

Address:

PO Number:

Project Name:

Original Contract Amount:

Change Order #:

Description:

Current Contract Amount:		Reason for Change Order
Change Order Amount:		
Revised Contract Total:		

Approval:

Project Manager		Date
Department Head		Date
City Manager		Date

Council/Commission Action (as applicable)

Comments



EMERGENCY PURCHASE FORM - PURCHASING DIVISION - CITY OF ARCADIA, FL

This area to be filled out by Purchasing. Please fill out the appropriate areas below this section.

Date Requested [] EPO # [] Requisition # [] Purchase Order # []

Requestor [] Dept./Div. Name []
Contact Phone # [] Total Amount []
Budget Number to Charge []

Please describe the circumstances that make this an emergency:
What are the consequences if this is not handled as an emergency?

List the companies that were contacted and their quotes:

Table with 6 columns: New Vendor?, Vendor Number, Company Name, Address, Contact name and phone number, Amount Quoted

Reasons for not obtaining quotes:

Requesting Dept./Div. Signature Date

Purchasing Authorization (signature of Purchasing Division Representative) Date



SOLE-SOURCE JUSTIFICATION FORM



Instructions: Complete this form for all Sole Source Purchases that will exceed \$1,000 where competition has not been obtained or is not available. This notice will be posted publicly where the Purchasing Offices are located and on the internet at www.arcadia-fl.gov. The posting will be for 7 business days prior to acceptance.

By submitting this request, I certify that this justification is accurate and complete to the best of my knowledge and that I have no financial or other interest in selecting this vendor to provide the supplies or services indicated. I also understand the following applies to me as well: Per Florida Statute 838.22 "It is unlawful for a public servant with corrupt intent...to circumvent a competitive bidding process...by using a sole-source contract. Any person who violates this section commits a felony..." Also Florida Statute 838.022 "(1) Official misconduct means the commission of the following act by a public servant, with corrupt intent to obtain a benefit for himself or herself or another or to cause unlawful harm to another; knowingly falsifying or causing another to falsify any official record or official document. (2) Corrupt means done with knowledge that the act is wrongful and with improper motives. (3) Official misconduct...is a felony..."

Requisition # if applicable:	Amount:	Date:
------------------------------	---------	-------

Supply/Service being purchased:

Proposed Vendor:	Vendor Number:
Requested by:	Approved by:

The requested supply/service is a sole-source procurement due to (check one):

- Availability/One of A Kind** – no competitive product in existence AND/OR IS AVAILABLE FROM ONLY ONE VENDOR
- Compatibility** – Must match existing piece or brand of equipment for compatibility AND IS AVAILABLE FROM ONLY ONE VENDOR
- Replacement/Maintenance** – Repair or maintenance for specific brand of existing equipment AND IS AVAILABLE FROM ONLY ORIGINAL EQUIPMENT MANUFACTURER OR DESIGNATED SERVICE DEALER
- Used Equipment**
- Other** (Explanation must appear in field below)

Provide full explanations, complete descriptions, and/or list all relevant reasons to support this determination in the field below. Please be sure to include a signed letter provided by the proposed vendor on their company letterhead stating that they are indeed the ONLY vendor who can provide the goods or services requested. This form will not be posted until the company letter is on file with it.

Requester's signature	Date
-----------------------	------

Please note that Sole Source approvals are valid for one fiscal year (Oct 1 - Sept 30)



MEMORANDUM

TO: Finance Director
FROM:
DATE:
SUBJECT: Request to piggyback

This memorandum will serve as a request from the _____
division/department to piggyback the following competitively bid contract.

Government Agency _____

Contract Name _____

Contract Number _____

Awarded Vendor _____

Contract Expiration Date _____

Projected Annual Spend With This Contract _____

Method of Payment _____

By submitting this memorandum, I certify that my department has reviewed the bid document and contract, and confirm that the goods/services we will be purchasing are all within the parameters of the contract (quantities, products, services). I understand that purchases outside the contract parameters is not permissible.

I have attached a copy of the agency's entire bid and contract document to this memo. I understand that a Piggyback Contract must be fully executed before any purchases can be made against this contract,

Staff has conducted the following analysis to ensure this is the most advantageous contract/pricing: _____

Signature

Date



CITY OF ARCADIA, FL PIGGYBACK CONTRACT

The City of Arcadia ("City") enters into this "Piggyback" Contract with _____ (hereinafter referred to as the "Vendor") under the terms and conditions hereinafter provided. The City and the Vendor agree as follows:

1. The Purchasing Manual for the City of Arcadia allows for "piggybacking" contracts. Pursuant to this procedure, the City is allowed to piggyback as existing government contract, and there is no need to obtain formal or informal quotations, proposals or bids. The parties agrees that the Vendor has entered a contract with _____, said contract being identified as: _____ (said original contract being referred to as the "original government contract").
2. The original government contract is incorporated herein by reference and is attached as exhibit "A" to this contract. All the terms and conditions set out in the original government contract (Exhibit "A") are fully binding on the parties and said terms and conditions are incorporated herein.
3. Notwithstanding the requirement that the original government contract is fully binding on the parties, the parties have agreed to modify certain technical provisions of the original government contract as applied to this contract between the Vendor and the City of Arcadia, as follows:
 - a. Time Period ("Term") of the Agreement: _____
 - b. Insurance Requirements: _____
 - c. Any other provisions that will be modified: _____
- d. Address Change for the City of Arcadia: Notwithstanding the address and contact information for the government entity set out in Exhibit "A", the Vendor agrees that he/she/it will send notices, invoices and will conduct all business with the City of Arcadia, attention of FINANCE, at 23 N. Polk Ave., Arcadia, FL 34266, telephone number 863-494-2514, fax number 863-494-4712.
- e. Notwithstanding anything in Exhibit "A" to the contrary, the venue of any dispute will be in Desoto County, Florida. Litigation between the parties arising out of this contract must be in Desoto County, Florida in a court of appropriate jurisdiction. The laws of Florida will control any disputes between the parties arising out of or related to the Piggyback Contract, the performance thereof or any products and services delivered pursuant to such contract.
- f. Notwithstanding any other provision in Exhibit "A" to the contrary, there shall be no arbitration with respect to any disputes between the parties arising out of this contract. Dispute resolution shall be through voluntary and non-binding mediation, negotiation or litigation in the Court of appropriate jurisdiction in Desoto County, Florida, with the parties bearing the costs of their own legal fees with respect to any dispute resolution, including litigation.
- g. All other provisions in the original government contract (Exhibit "A") are fully binding on the parties and will represent the agreement between the City of Arcadia and the Vendor.

Entered this _____ day of _____.

 Vendor
 By: _____
 Title: _____
 Date: _____
 Attested by: _____

 Mayor, City of Arcadia
 By: _____
 Title: _____
 Date: _____
 Attested by: _____

City Clerk

SELECTION COMMITTEE GUIDELINES
REQUEST FOR PROPOSALS (RFP) AND
REQUESTS FOR QUALIFICATIONS (RFQ)

The City of Arcadia has established the following Selection Committee Guidelines to provide a selection process that is fair and equitable for all responders to the City of Arcadia's RFP/RFQs. If situations arise that deviate from these procedures, the Finance Director and City Administrator should be contacted for resolution.

Intent:

These guidelines provide a summary of the expectations, rules, processes and procedures applicable to the evaluation of all City issued RFP/RFQs.

Committee Task:

To evaluate written responses to a duly advertised and solicited RFP/RFQ and rank the respondents and determine whether or not presentations should be held with the top short listed firms or individuals.

Conflict of Interest:

Selection Committee members must have no personal interest in any vendor submitting proposals/responses. Each evaluator will be provided with a list of the Offerors to the solicitation. A Statement of Independent and Non-Conflict of Interest Form must be signed by each member of the committee prior to beginning his or her evaluation of the responses. A conflict of interest is defined as a situation in which a selection committee member has, or appears to have, a financial or familial relationship to the Offeror. In the event an evaluator feels he or she has a conflict of interest with any organization submitting a response and cannot sign the statement, they must excuse themselves from serving as an evaluator.

You must agree that if you currently have, or later discover, a conflict of interest, you will declare the circumstances immediately to the Chairperson and remove yourself from the committee.

Failure to keep the process free of influences will result in the rescindment of the RFP/RFQ and committee member discipline.

Responsibilities:

Each member of the Selection Committee has the responsibility to read, understand and comply with the provisions of this document.

All proposals/responses submitted to the City for consideration will be accepted by the City Clerk's Office until a pre-advertised date and time. All proposals/responses will be opened and acknowledged in a scheduled public meeting.

The Committee will include the City Clerk. The City Clerk will facilitate the evaluation process and act as the Committee Chairperson. The Chairperson will be a non-voting member. The Chairperson duties shall include the following:

1. Responsibility for maintaining the integrity of the overall evaluation process;
2. Scheduling and posting in accordance with Florida Statutes, all committee meeting dates and locations;
3. Audio recording and storing of all committee actions (note: during the evaluation meeting the audio tape is always on);
4. Documenting members' scoring and ranking information; and
5. Communicating the Committee's recommendation(s) to the City Council.

The Selection Committee meetings must follow the requirements of the Florida Statutes 286.011 for Public Meetings and post meetings at least 72 hours in advance. These meetings are open to the general public, which can include proposers who have submitted responses to the City's solicitations. All audio recordings are available for the general public to listen upon scheduling an appointment with the City Clerk or purchasing a copy of the recording.

Attendance of all committee members at all scheduled meetings is crucial to the quality of the evaluation process. It is essential to the progress of the committee's work that committee members attend all scheduled meetings, including oral presentations, and adhere to any set timelines.

Under no circumstances will individual Selection Committee members communicate, either verbally or in writing, regarding the RFP/RFW outside of the scheduled and publically posted Selection Committee meetings. To do so is a violation of Florida Statute 286.011. The City Clerk shall make all communications about the response evaluations. If you are contacted by anyone regarding the RFP/RFQ at anytime during the process, notify the City Clerk immediately.

The following items will be provided by the City Clerk to each committee member in advance of the first meeting:

- a. Copy of the Selection Committee Guidelines
- b. Copy of the RFP/RFQ and all Addendums
- c. One copy of each proposer's submittal
- d. Copy of the Evaluation Criteria

Evaluation:

Each Selection Committee member will initially review the written proposals and evaluate them individually. There shall be no discussion with anyone (including committee members) regarding individual evaluations. Any question regarding the material or evaluation criteria will be submitted to the City Clerk for clarification.

Evaluations shall be based on the predetermined set of criteria only. No other criteria or additional information may be used. All criteria must be scored. If an evaluator chooses to evaluate and score only some of the responses or criteria, the evaluations completed by this committee member will be thrown out in order to eliminate any skewing of the final score.

Scoring should be both qualitative and quantitative in comparison to the evaluation criteria outlined in the solicitation document. If scoring "0" in any category, deficiencies needs to be identified and comments provided as to the reason for a "0" score. Keep in mind that all scores and comments become part of the solicitation file and are considered public record. Committee members should always have a reasonable, rational and consistent basis for their scores, and be prepared to explain them to the City Clerk, City Council or judge in event of a protest.

Scoring sheets shall be filled out prior to the committee meeting where ranking will be determined. After the Selection Committee has individually completed the initial review and scoring of all written proposals, the Selection Committee will come together at a publicly posted meeting to determine a short-list and decide if presentations should be scheduled.

Each member is required to sign his/her "Evaluation Form" and any note pages, and turn them in to the City Clerk as part of the public record.

After the short-list ranking is determined, the City Clerk will check as many references as possible for the short-listed proposers as recommended by the Committee.

If presentations are determined to be necessary, the Selection Committee will identify which proposers will be asked to give an oral presentation. The Selection Committee may request presentation from as many proposers as necessary; however, it is recommended that the group come to a consensus and request presentations from only those proposers who have provided submittals deemed to be in the best interest of the City. All proposers scheduled for an oral presentation will be notified in writing by the City Clerk and in sufficient time (approximately 7 days) with regards to the date, time and location.

- This is a required step for all Professional Service RFQ's for the selection of Architect, Engineer, Landscape Architect and Land Surveying services in accordance with Florida Statute 287.055 for Consultant's Competitive Negotiations Act (CCNA).
- This is an optional step for selection of Professional Auditing Services RFQ's in accordance with Florida Statute 218.391
- This is an optional step for RFP's.

The Selection Committee after all proposals have been reviewed, evaluated, ranked, oral presentations (if necessary) and re-ranked, will determine the final ranking of proposers considered to be most capable of performing the required project, in the best interest of the City. NOTE: the initial scoring of written proposals is used to determine the short-list, where the second round of scoring is used to determine the "final ranking".

The City Clerk will draft a recommendation for award for processing through the City Administrator and/or City Council.

After City Council action, the City Clerk will send notice to the top-ranked proposers. All others will be notified by posting the final results on the City's website.

Contract negotiations, if required, will take place at this point in the process. No further action will be required by the Selection Committee.

Questions regarding any of the above procedures shall be directed to the City Clerk.

The City Council shall make the final determination on all matters related to the award and contracting of the RFP/RGQ.

Evaluator's Statement of Independence and Non-Conflict of Interest

I, _____, a selection committee member for solicitation # _____, do hereby certify that, to the best of my knowledge, I do not have a conflict of interest¹ as a result of any financial or other interest on my part or that of any member of my immediate family, or of my partner(s). Further, I certify that I am not employed by nor do I have any arrangements for future employment with any organizations under consideration, nor will I solicit or accept gratuities, favors, or anything of monetary value from any company or organization associated with this solicitation. I will independently score each proposal and have no conversations or contact with any proposers regarding their proposals.

In addition, I agree to evaluate the proposal independently and am not unfairly prejudiced in regard to any of the proposals.

Evaluator's Name

Evaluator's Signature

Date

¹ A conflict of interest is defined as a situation in which a Selection Committee Member has, or appears to have, a financial relationship with a responding proposer, or has a family relationship with any responding proposer.

A financial relationship includes investment of the evaluator and the proposer in a current partnership, joint venture, company, or corporation, and any other relationship that could make it appear that the evaluator would obtain a monetary benefit if a favorable evaluation was given.



CITY OF ARCADIA TRAVEL POLICY

I. Preamble

Travel by City Council members and an employee is from time to time necessary and useful in conducting City business as well as obtaining certain educational benefits. This guideline provides a reasonable, systematic means by which the travel and expense incurred may be approved and controlled.

II. Administrative Policy

- A. Under normal circumstances, travel shall be approved in advance using the **Advance Travel Authorization and Request** form.
- B. **The Advance Travel Authorization and Request** form should be processed as early as practical to allow adequate time for routing, processing and approval.
- C. Upon returning from the trip, a **Voucher for Travel Expenses** form must be completed. All receipts from the trip, other than those covered by per diems, must be turned in with this form to the Finance Department.
- D. It is possible that an employee will travel and incur expenses with little or no prior notice. If such occasions arise, verbal authorization may be granted by the City Administrator (or Assistant City Administrator in the absence of the City Administrator). A **Voucher for Travel Expenses** form shall be submitted to the Finance Department following the trip or function.

III. Allowed Expenditures

- A. Transportation The type of transportation used shall be that which is the most beneficial to the City considering length of travel, time of travel, destination and mission to be performed. If an employee travels by an indirect route, or by any preferred class, for his/her own convenience or benefit, any extra cost shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by the most economical route.
 1. Common Carrier Travel by air shall be by common carrier at the economy/coach rate. Unless otherwise approved by the City Administrator, the ticket should be paid directly by the City either by check or City credit card.
 2. Private vehicle (automobile) For employees who travel utilizing a private vehicle, reimbursement will be made at the rate per mile equal to the **IRS Taxpayer Reimbursement Rate** provided, however, that such reimbursement shall not exceed the cost of a round-trip economy/coach rate airplane ticket. Reimbursements cover such items as insurance, gasoline, maintenance and depreciation and represents total payment for the use of private vehicles. The mileage should be calculated as the lesser of the distance to and from the employees work location and the destination or the actual mileage traveled if travel originates or terminates from the employee's home. Reimbursement will occur only if the travel exceeds the employee's normal daily commute.

3. City Vehicle City vehicles may be used on official business when one is available and the use is feasible. Reimbursement for out of town travel in City vehicles will be limited to gasoline purchases by the individual for the travel and maintenance performed (itemized repair list). Receipts for gas and repairs must be turned in at the completion of the trip. Whenever possible, a city gas and/or credit card should be utilized. No reimbursement will be made for charges on a City credit card.
4. Rental Cars If absolutely necessary, a rental car may be utilized providing such method is the most economical alternative available. Justification and paid receipts should be submitted when applicable.
5. Chartered Aircraft In extremely unusual circumstances, and when time constraints or other conditions warrant, an employee may request permission to use a chartered aircraft and pilot for transportation. Approval must be obtained from the City Administrator (or in his absence, the Assistant City Administrator) prior to the flight. Expenses will be paid upon presentation of a paid receipt or invoice from the chartered aircraft company.

B. Registration Fees Registration fees for conferences, short courses, schools, seminars, etc. should be paid in advance by the City. If circumstances dictate that the employee pay the registration fee, reimbursement will be made upon presentation of a paid receipt or invoice from the sponsoring agency.

C. Meals, Lodging and Miscellaneous Expenses Reimbursement will be made for necessary out of pocket expenses as follows:

1. Lodging Actual expenses for lodging at a single occupancy rate. Paid receipts must be obtained and submitted for all lodging expenses. A reasonable amount for phone calls to the office and one call per day home will also be reimbursed.
2. Meals Per diem reimbursement (including gratuity) will be equal to rates identified in **Florida Statute 112.061** as follows:

Breakfast -\$6.00 Lunch -\$11.00 Dinner -\$19.00

Should actual expenses exceed the above rates due to emergency conditions or unusual economic surroundings, paid receipts must be submitted.

No per diem should be received for meals included in the cost of the seminar or conference registration.

To be eligible for a breakfast per diem, travel must begin before 6:30 a.m. on the first day of travel or end after 8:00 a.m. on the last day of travel.

To be eligible for a lunch per diem, travel must begin before 12:00 Noon on the first day of travel or end after 12:00 Noon on the last day of travel.

To be eligible for a dinner per diem, travel must begin before 6:00 p.m. on the first day of travel or end after 7:00 p.m. on the last day of travel.

Per diem will not be provided for events within Desoto, Charlotte, Sarasota, Hardee, Manatee or Highlands County.

3. Miscellaneous Expenses Any reasonable miscellaneous expenses for taxi, limousine, bus, baggage handling, road tolls, etc. will be reimbursed up to an amount for which the

employee provides paid receipts. All miscellaneous expenses shall be listed and itemized on the **Voucher for Travel Expenses** form.

- D. Business Guests Should City funds be expended for business guests, their name(s) must be reported on the **Voucher for Travel Expense** form along with the appropriate justification by separate memorandum.
- E. Family Travel When authorized by the City Administrator, an employee's spouse and/or children may accompany the employee in a City vehicle on an official business trip. The employee shall only receive reimbursement for those charges incurred by him. Any additional charges for accommodations, meals and travel for family members is not reimbursed by the City. However, such family members may ride in a city vehicle, if applicable, for travel purposes. It is the employee's responsibility, however, to provide any uninsured motorist protection since that is not a part of the City's vehicle insurance coverage.
- F. Combined Vacation Employees wishing to combine a vacation with a business trip must have prior approval of the City Administrator. Employees traveling under such circumstances will be reimbursed at a common carrier/economy/coach rate or direct mileage as described in Section III, A, 2, whichever is less. Reimbursement for expenses will be made for time spent on official business only. Under no circumstances can a City vehicle be used in conjunction with this provision.
- G. Cash Advance An employee traveling may secure a cash advance to assist meeting the anticipated expenses. This is accomplished by completing the **Advance Travel Authorization & Request** form no less than fourteen (14) working days in advance of the anticipated departure date. Upon completion of the travel, an employee submits a **Voucher for Travel Expenses** form, which determines any refunds or monies to be refunded the City based on actual expenses incurred.
- H. Lodging Advance Whenever travel is within the State of Florida, it is the City's desire to prepay lodging charges when possible in order to take advantage of the state sales tax exemption. Any employee traveling on city business should also carry a copy of the City's Sales Tax Exemption Certificate, which can be obtained from Finance.
- I. Travel Expense Report Each person who travels for the City and incurs expenses shall be required to complete and sign a **Voucher for Travel Expenses** form. Information requested in the form must be completed in totality. This form should be completed as soon as practical, but no later than five (5) working days after returning to work. In those instances where cash advances exceed actual expenses, the employee will be expected to refund the City at the time the **Voucher for Travel Expenses** form is submitted. Such reimbursement should be done by check or in the case where a check is not practical, then the employee should take such monies to Finance where a receipt will be issued to accompany the **Voucher for Travel Expenses** form.

ORDINANCE NO. 992

AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES TO REPEAL CHAPTER 58; TO ADOPT A NEW CHAPTER 58; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Arcadia and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Arcadia was accepted for participation in the National Flood Insurance Program on June 3, 1988 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arcadia that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Code of Ordinances, Chapter 58, Floods, Article II, Flood Damage Prevention.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Floodplain Management Ordinance* of the City of Arcadia, hereinafter referred to as "this ordinance."

101.2 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

101.3 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

101.5 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory

purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of the City Council of the City of Arcadia or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of Arcadia, as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for DeSoto County, Florida and Incorporated Areas dated November 6, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Administration Offices, 23 N. Polk Avenue.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations,

zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

102.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The City Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

103.4 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

103.5 Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

103.6 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Arcadia are modified.

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the City Administrator's Office, 23 N. Polk Avenue.

SECTION 104 PERMITS

104.1 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

104.2 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

104.3 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

104.4 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and

justifiable cause shall be demonstrated.

104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Southwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

105.3 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase

the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this

ordinance.

106.1.3 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The ~~Board of Adjustment~~ Planning and Zoning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning and Zoning Board ~~Board of Adjustment~~ shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

107.2 Appeals. The Planning and Zoning Board ~~Board of Adjustment~~ shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the ~~Board of Adjustment~~ Planning and Zoning Board may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The ~~Board of Adjustment~~ Planning and Zoning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The ~~Board of Adjustment~~ Planning and Zoning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

107.4 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

107.5 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the ~~Board of Adjustment~~ Planning and Zoning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

107.7 Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the ~~Board of Adjustment~~ Planning and Zoning Board that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building,

or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

201.2 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

201.3 Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision

of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before June 3, 1988. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 3, 1988.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including

basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after June 3, 1988 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 3, 1988.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

SECTION 302 SUBDIVISIONS

302.1 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

302.2 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

303.2 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

303.3 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

303.4 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

304.4.1 General elevation requirement. Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or

- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

304.5 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

304.6 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

305.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

SECTION 306 TANKS

306.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

306.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

306.3 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

306.4 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic

loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 307 OTHER DEVELOPMENT

307.1 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

307.2 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

307.3 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3(3) of this ordinance.

SECTION 3. The Code of Ordinances, Chapter 30, Buildings and Building Regulations, Article II, Building Code, is hereby amended by the following administrative amendments to the *Florida Building Code, Building*.

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

SECTION 4. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Arcadia. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after September 17, 2013.

SECTION 6. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): **Code of Ordinances, Chapter 58, Floods, Article II, Flood Damage Prevention.**

SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Arcadia's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,

declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect on September 17, 2013

PASSED on first reading September 3, 2013

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Council, upon second and final reading this _____ day of _____, 2013.

Arcadia City Council

Keith Keene, Mayor

Approved at First Reading: September 3,2013

Adopted at Second Reading: September 17,2013

ATTEST:

Gia S. Lancaster, CMC
City Clerk

APPROVED AS TO FORM:

Thomas J. Wohl, City Attorney

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA;

SECTION 1: That Chapter 2, Article VII, Division 3, Section 2 of the Code of Ordinances of the City of Arcadia, The City of Arcadia Police Officers' and Firefighters' Retirement System, is hereby amended by amending Section 1, Definitions, to amend the definition of "Credited Service", to read as follows:

* * * * *

Credited Service means the total number of years and fractional parts of years of service as a Police Officer or Firefighter with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Police Officer or the City or County as a Firefighter. If a Firefighter Member accumulates service both as a Firefighter and a Volunteer Firefighter, Credited Service shall be calculated separately for full-time and volunteer service with the sum of all volunteer years used only for vesting and retirement eligibility purposes. After the effective date of the ordinance adopting this provision, service as a Volunteer Firefighter shall not be calculated in computing Credited Service for either current or terminated vested prior Members. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Police Department or County Fire Service pending the possibility of being reemployed as a Police Officer or Firefighter, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Police Department or County Fire Service, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Police Officer or Firefighter with the Police Department or County Fire Service within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Police Officer or Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Police Officer or Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353), after separation from employment as a Police Officer or Firefighter with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The Member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Police Officer or Firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * * * *

SECTION 2: That Chapter 2, Article VII, Division 3, Section 2 of the Code of Ordinances of the City of Arcadia, The City of Arcadia Police Officers' and Firefighters' Retirement System, is hereby amended by amending Section 15, Maximum Pension, to read as follows:

SECTION 15. MAXIMUM PENSION.

1. Basic Limitation.

Notwithstanding any other provisions of this System to the contrary, the Member contributions paid to, and retirement benefits paid from, the System shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this Section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

2. Adjustments to Basic Limitation for Form of Benefit.

If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit. If the benefit under the plan is other than the annual benefit described in subsection 1., then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

A. For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

(1) The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or

(2) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a five percent (5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62),

and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

B. For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

(1) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the Plan for actuarial experience;

(2) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one half percent (5.5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Code); or

(3) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the Plan Year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.

C. The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections A. and B above.

3. Benefits Not Taken into Account.

For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

A. Any ancillary benefit which is not directly related to retirement income benefits;

B. Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

C. That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

4. COLA Effect.

Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- A. A Member's applicable limit will be applied to the Member's annual benefit in the Member's first calendar limitation year of benefit payments without regard to any automatic cost of living adjustments;
- B. thereafter, in any subsequent calendar limitation year, a Member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- C. in no event shall a Member's benefit payable under the System in any calendar limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the System, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

5. Other Adjustments in Limitations.

- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this Section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service as a full-time employee of the police or fire department of the City, the adjustments provided for in A. above shall not apply.
- C. The reductions provided for in A. above shall not be applicable to disability benefits pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.
- D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

6. Less than Ten (10) Years of Participation or Service.

The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of Credited Service with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.

7. Participation in Other Defined Benefit Plans.

The limit of this Section with respect to any Member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the Member has been a member were payable from one plan.

8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.

Notwithstanding ~~the foregoing~~ anything in this Section 15, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 15 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable Plan-Year limitation year and for any prior Plan-Year

limitation year and the City has not any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8. of Section 15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).

9. Reduction of Benefits.

Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.

10. Service Credit Purchase Limits.

- A. Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a Member makes one or more contributions to purchase permissive service credit under the System, as allowed in Section 26 and 27, then the requirements of this Section will be treated as met only if:
- (1) the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
 - (2) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).
- (3) For purposes of applying subparagraph (1), the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph (3), and for purposes of applying subparagraph (2) the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subparagraph (3).
- B. For purposes of this subsection the term "permissive service credit" means service credit—
- (1) recognized by the System for purposes of calculating a Member's benefit under the plan,
 - (2) which such Member has not received under the plan, and
 - (3) which such Member may receive only by making a voluntary additional contribution, in an amount determined under the System, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the System, include service credit for periods for which there is no performance of service, and, notwithstanding clause B.(2), may include service credited in order to provide an increased benefit for service credit which a Member is receiving under the System.

11. Contribution Limits.

- ⊖ A. For purposes of applying the Code Section 415(c) limits in this subsection ~~⊖~~ which are incorporated by reference and for purposes of this subsection 11., only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a calendar limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another

definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the System, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

- (1) However, for calendar limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For calendar limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
- (2) For limitation years beginning on and after January 1, 2007, compensation for the calendar limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the calendar limitation year that includes the date of the employee's severance from employment if:
 - (a) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
 - (b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
- (3) Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

D. B. Notwithstanding any other provision of law to the contrary, the Board may modify a request by a Member to make a contribution to the System if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

- (1) If the law requires a lump sum payment for the purchase of service credit, the Board may establish a periodic payment deduction plan for the Member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
- (2) If payment pursuant to subparagraph (1) will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the Board may either reduce the Member's contribution to an amount within the limits of that section or refuse the Member's contribution.

C. If the annual additions for any Member for a limitation year exceed the limitation under Section 415(c) of the Code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

D. For limitation years beginning on or after January 1, 2009, a Member's compensation for purposes of this subsection 11. shall not exceed the annual limit under Section 401(a)(17) of the Code.

++ 12. Additional Limitation on Pension Benefits.

Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 3: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Arcadia.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6: That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

PASSED ON FIRST READING, this 3rd day of September, 2013.

PASSED ON SECOND READING, this 17th day of September, 2013.

~~PASSED ON THIRD READING, this _____ day of _____, 2013.~~

THIRD READING NO LONGER REQUIRED PER CITY ORDINANCE 946 (gsl)

Keith Keene, Mayor

ATTEST:

Gia Lancaster, City Clerk

Approved as to form:

City Attorney



BOARD OF COUNTY COMMISSIONERS
DeSoto County Fire Rescue

Public Safety Department

122 Hillsborough Ave

Arcadia, FL 34266

Office (863) 993-4842

Facsimile (863) 993-4844

September 3, 2013

City Of Arcadia
PO Box 351
Arcadia, Fl 34265

Attn: Cathy Miller

As per your request I am providing you with a listing of the issues found today at the Smith Brown Gym (only), located at 14 School Ave, Arcadia.

During the 2012 annual inspection conducted by Juanita Gaitan of this office, you were cited for a lack of a FIRE ALARM SYSTEM. All of the additional issues discovered during the inspection have been corrected except the alarm system.

During the 2013 annual inspection we observed that the alarm system has yet to be installed. This facility may not be used for any "ASSEMBLY" use until such time as the alarm system has been installed.

The two (2) sets of double doors at the east and west ends of the facility do not open when 15 pounds of force are applied. Both sets of doors are buckled, or frozen in place. Without these exit doors, this facility may not be used for "ANY" purpose.

All of the fire extinguishers located within this building are outdated by over 7 months. All fire extinguishers are required to be re-certified immediately.

All other documented repairs from the 2012 inspected have been recorded in the inspection documents.

Please contact our office to discuss the above issues if you need any additional information.

Respectfully

Richard W. Sudol
Fire Inspector II