



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, August 22, 2007, 7:30 P.M.
Lake Park Town Hall
535 Park Avenue

Paul Castro	—	Mayor
Edward Daly	—	Vice-Mayor
G. Chuck Balius	—	Commissioner
Jeff Carey	—	Commissioner
Patricia Osterman	—	Commissioner
.....		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PROCLAMATION:**
Honoring Jane Terwillegar
- G. **PUBLIC and OTHER COMMENT**

This time is provided for audience members to address items that **do not** appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a **TOTAL** of three minutes.

H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

- I. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.**

For Approval:

- | | |
|---|-------|
| 1. Regular Commission Meeting Minutes of July 18, 2007 | Tab 1 |
| 2. Budget Workshop Meeting Minutes of July 25, 2007 | Tab 2 |
| 3. Resolution No. 55-08-07 Library State Aid | Tab 3 |
| 4. Resolution No. 56-08-07 Tennis Pro Contract | Tab 4 |
| 5. Resolution No. 59-08-07 Forming an independent Non-Profit 501(c)(3) Organization | Tab 5 |
| 6. Resolution No. 60-08-07 Florida Recreation Development Assistance Program (FRDAP) Grant Submission | Tab 6 |
| 7. Resolution No. 61-08-07 Rental Fee Structure | Tab 7 |
| 8. Resolution No. 63-08-07 Addendum to Hy-Bryd contract | Tab 8 |

J. PUBLIC HEARING(S)

ORDINANCES ON SECOND READING:

9. ORDINANCE NO. 18-2007 - Reasonable Accommodation

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, TO CREATE NEW CODE SECTION 78-6 TO BE ENTITLED "REASONABLE ACCOMMODATIONS PROCEDURES" PROVIDING FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 9

10. ORDINANCE NO. 19-2007 - Zoning District Regulations

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; BY AMENDING SECTION 78-65 ENTITLED "R-2A RESIDENCE DISTRICTS"; SECTION 78-66 ENTITLED "R-2 RESIDENCE DISTRICTS"; SECTION 78-67 ENTITLED "R-3 RESIDENCE DISTRICTS"; AMENDING SECTION 78-72 ENTITLED "C-2 BUSINESS DISTRICTS"; AMENDING SECTION 78-73 ENTITLED "C-3 BUSINESS DISTRICTS"; AMENDING; SECTION 78-74 ENTITLED "C-4 BUSINESS DISTRICTS"; AMENDING SECTION 78-75 ENTITLED "CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT;

PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 10

ORDINANCES ON FIRST READING:

11. ORDINANCE NO. 20-2007 – Citations

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED “ENFORCEMENT PROCEDURES AND STANDARDS”; AND REPEALING SECTION 9-72 ENTITLED “NOTICE TO APPEAR”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 11

12. ORDINANCE NO. 21-2007 – Amending Chapter 54 to Correct Miscellaneous Errors.

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED “PROPERTY MAINTENANCE STANDARDS, GENERALLY”; SECTION 54-82 ENTITLED “BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED”; SECTION 54-131 ENTITLED “NUISANCE DECLARED”; SECTION 54-132 ENTITLED “NUISANCE TO BE ABATED”; AMENDING SECTION 54-133 ENTITLED “PROCEDURE FOR ABATEMENT OF NUISANCE”; SECTION 54-134 ENTITLED “APPEAL PROCEDURE”; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 12

13. ORDINANCE NO. 22-2007 Business Tax Increase

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCE CHAPTER 28, TO RE-CLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED “SCHEDULE OF FEES AND REGULATIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 13

K. RESOLUTION(S):

14. RESOLUTION NO. 57-08-07 – Facility Fee Waiver/ Reductions Criteria

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 14

15. RESOLUTION NO. 58-08-07 – Dockage Rate

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED DOCKAGE RATE SCHEDULE FOR THE LAKE PARK HARBOR MARINA FOR VESSEL OWNERS AND PROVIDING AN EFFECTIVE DATE.

Tab 15

16. RESOLUTION NO. 62-08-07 Authorizing the Town Manager to Identify and Engage an Audit Committee

A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO IDENTIFY AND ENGAGE A NEW AUDITING FIRM; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 16

L. GENERAL APPROVAL OF ITEM

17. Minor changes to Mariner's Key site plan

Tab 17

18. Town Manager Six-Month Performance Evaluation

Tab 18

M. DISCUSSION AND POSSIBLE ACTION:

19. Temporary Use of Satellite Dish at the Marina

Tab 19

20. Code Compliance Board Discussion

Tab 20

N. ADJOURNMENT:

Proclamation

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007 Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> APPROVAL OF ITEM

<input checked="" type="checkbox"/> PROCLAMATION | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Proclamation for Jane Terwillegar

RECOMMENDED MOTION/ACTION: Approval of Proclamation for Jane Terwillegar.

Approved by Town Manager *M. Davis* **Date:** *8/15/07*
Union Mendy *August 14, 2007*
 Name/Title Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ _____ Funding Source: _____ Acct. # _____	Attachments:
Department Review: <input type="checkbox"/> City Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk <i>Y.M.</i> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Town Commission at its August 1, 2007 directed staff to create a Proclamation honoring Jane Terwillegar for her work as Library Director.

**PROCLAMATION BY THE
TOWN OF LAKE PARK, FLORIDA
IN HONOR OF
Jane Terwillegar**

WHEREAS, Jane Terwillegar was employed as the Library Director by the Town of Lake Park from August 1, 2000 through August 3, 2007; and

WHEREAS, Jane Terwillegar was the driving force of securing the Library State Aid Grant each year for approximately \$12,000 for the Lake Park Public Library; and

WHEREAS, while also serving on Town volunteer Boards for the Town of Lake Park, Jane Terwillegar provided guidance and ongoing management assistance to ensure the smooth operation and continuation of provision of Town services; and

WHEREAS, by virtue of her unselfish service to the Town of Lake Park, Jane Terwillegar has earned the respect and admiration of all who have come to know her;

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly recognize Jane Terwillegar for her outstanding service and contributions to the Town of Lake Park and its citizens.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 22nd day of August, 2007.

BY: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

(Town Seal)

Consent Agenda

TAB 1

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: August 22, 2007 Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Regular Commission Meeting Minutes of July 18, 2007.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of July 18, 2007.

Approved by Town Manager W. Davis Date: 8/10/07

Jessie Shohel 8/6/07
Name/Title Deputy Clerk Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments: Application, memo
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk <u>(initials)</u> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case __X_____ Please initial one.

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
July 18, 2007 7:35 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July 18, 2007 at 7:35 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Vice-Mayor Daly led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Ordinance 03-2007 Historic Preservation moved before Ordinances on first reading.

Motion: A motion was made by Commissioner Carey to approve the Agenda as modified; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

PRESENTATION:

Artificial Reef Project, Presented by Carman Vare, Palm Beach County Environmental Resource Management

Carman Vare gave a description and map of the project (see Exhibit "A") to the Commission for review. He gave a brief explanation of the artificial reef project. He explained that they had permitted a site through the guidance of a previous town manager of Lake Park, to use a 6.6 acre location or 10 to 12 foot hole off of Lakeshore Park. They were trying to bring habitat such as fisheries back where there were existing holes. Approximately 87% of habitat had been lost in

the Lake Worth lagoon due to bulkheading. He gave a review and description of previous projects they had done.

Mayor Castro expressed approval of the project. He stated that the Town or the Town Manager were not aware of the project and would've appreciated advance notice. He asked Mr. Vare to contact Town Manager Maria Davis should there be any future projects so that the Commission and the Sheriff's Office could be apprised of the project.

Mr. Vare apologized and explained that the project was set up years ago and the barge suddenly came available to begin the project.

Historic Preservation, Presented by Leigh Kendall, President of the Historical Society

Leigh Kendall gave a Power Point presentation regarding Historical Preservation to the Commission (see Exhibit "B").

Mayor Castro stated that the Commission needed to work together with the Historical Society and Preservation Board. He explained that there was a dilemma that required property owners whose properties were not landmarked to meet a standard that no one else had to meet. Transfer development rights would not work because there was not enough intensity in the Town of Lake Park. He liked the presentation and that there were things that could be used to incorporate into the Historical Ordinance which would make it stronger and would encourage property owners to land mark their properties and for the Town to create historic districts. One of the struggles for the Town would be the costs. He recommended encouraging the Lake Park Historical Preservation Society to be involved.

PUBLIC and OTHER COMMENT

Bert Bostrom, 1451 Flagler Blvd. - stated that the Weekday stated that there would be a soccer sign up at Town Hall. She stated that the sign up would not be at Town Hall but at the Bert Bostrom ball field from 11 a.m. to 2 p.m. She reminded all teenagers of the dress code and conduct for the Friday night event.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of June 6, 2007
2. Regular Commission Meeting Minutes of June 20, 2007
3. Replacement of Obsolete and Unreliable Media Equipment
4. Pre-Hurricane Tree Trimming & Pruning Contract
5. Hurricane Recovery Tree Trimming & Pruning Contract
6. Hurricane Debris Pick Up and Removal Contract Renewal
7. Financial Assistance Agreement Extension with Palm Beach County for Grant Funds to Design Park Avenue
8. Elevator Reconditioning at Town Hall
9. Resolution No. 49-07-07, 2007-2008 Sanitation Rates for Truth in Millage (TRIM)
10. Resolution No. 50-07-07 Building Permit Fees
11. Resolution No. 51-07-07 Alamazon Brothers Construction Inc. Contract
12. Landscape Installation Contract Award for Lake Shore Park to Villa & Sons

Items 1, 8, and 12 were pulled from the Consent Agenda.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve items 2, 3, 4, 5, 6, 7, 9, 10, and 11 of the Consent Agenda; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Osterman stated that her statement on page 6 of the June 6, 2007 Commission Meeting Minutes was incorrect. It should state that she was not an advocate of mandatory designation.

Motion: A motion was made by Commissioner Carey to approve item #1 Regular Commission Meeting Minutes of June 6, 2007 as modified; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0

Vice-Mayor Daly asked what part of the elevator would be reconditioned.

Town Manager Maria Davis explained that the entire guts and motor of the elevator would be reconditioned. She stated that the motor fails consistently and that the reconditioning had been budgeted in previous years but was never completed. The reconditioning had been budgeted for the current year.

Vice-Mayor Daly stated that he believed that money was spent on the elevator in 1998 and 1999 when the Town Hall was renovated. He asked for clarification on what had been done and what would be done.

Public Works Director Joseph Kroll explained that according to the maintenance contract for the elevator, the guts and mechanics had not been replaced or reconditioned. The elevator did not stop on the right floors and there was maintenance and repair being done on it constantly. There was money in the budget for the elevator that had been rolling over for the last two years.

Commissioner Carey asked if it was just the mechanical aspects of the elevator that was being repaired or if the box enclosure of the elevator would be replaced.

Public Works Director Joseph Kroll stated that only the mechanics of the elevator would be replaced and not the box enclosure of the elevator.

Commissioner Balius asked if the elevator was inspected every August.

Public Works Director Joseph Kroll stated that the elevator was inspected every year in August.

Vice-Mayor Daly stated that laws were changed on elevator maintenance that required a third party to do maintenance or repairs to elevators not the elevator contractor. He recommended that the Town be cautious and have the maintenance of the elevator done properly.

Public Works Director Joseph Kroll stated that the Town had a maintenance agreement with one company and an inspection agreement with another company.

Motion: A motion was made by Commissioner Osterman to approve item #8 Elevator Reconditioning at Town Hall; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0

Mayor Castro asked if the landscape plan from Villa & Sons was approved by the Commission. He stated that he wanted to review the landscape plan before approving it.

Town Manager Maria Davis stated that she did not present the landscape plan to the Commission first. She presented it with the current package.

Commissioner Osterman requested a presentation of the landscape plan for Lake Shore Park. She had a question regarding a proposed Allamanda plant which she believed was poisonous. She asked if there were different varieties of the Allamanda plant.

Town Manager Maria Davis stated that there were different varieties of the Allamanda plant.

Mayor Castro requested that the landscape plan be placed on the next Commission Meeting Agenda of August 1, 2007 as a presentation.

Item #12 Landscape Installation Contract Award for Lake Shore Park to Villa & Sons was pulled from the Consent Agenda to be deferred as a presentation at the next Commission Meeting of August 1, 2007.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

None

Vice-Mayor Daly

None

Commissioner Osterman

None

Commissioner Balius stated that the football players were coming back. He requested a briefing of what they were going to do. He stated that there were numerous complaints about them in the past.

Mayor Castro recommended that a discussion regarding the football players be placed as an agenda item for the next Commission Meeting of August 1, 2007. He stated that he wanted them to have an opportunity to address the Commission.

Town Manager Maria Davis stated that she had a meeting scheduled for the following week to discuss the issues regarding the football players.

Commissioner Balius stated that the Commission tried to work with the football players in the past but they were brushed off.

Mayor Castro stated that the football players had a right to defend the allegations against them.

Vice-Mayor Daly expressed concern and stated that over the past two years the football players have ganged up on the Commission. He was hoping that the issue would be directed to the

Recreation Department and the Town Manager. He recommended proceeding with caution in addressing the issue.

Mayor Castro stated that he did not want to create a situation where the children could not use the football field. He was a strong supporter of P.O.P. Warner and recommended giving the football players the opportunity to speak and meet with Town Manager Maria Davis to get a clear understanding of the ground rules.

Vice-Mayor Daly agreed and stated that it was a good way to eliminate the problem.

Commissioner Balius stated that the majority of the problems were with spectators not the football players.

Commissioner Osterman stated that there were previous discussions between parents of the football players that residents overheard. The residents informed her that the parents were stating that the players should not wear any identifiable clothing when practicing at the ball field at the wrong times. She was in favor of having the players and parents come and speak and having programs for the kids. She recommended a clear system of warnings which would be if they get two warnings they would be dismissed from playing at the ball field.

Mayor Castro stated that he was in favor of a system of three warnings.

Vice-Mayor Daly stated that one of the events that Interim Recreation Director Greg Dowling handled in the past was handled properly. He stated that there should be no problems in the future if Interim Recreation Director Greg Dowling was handling all of the events.

Mayor Castro directed Town Manager Maria Davis to have the football players and their parents discuss the issues at the ball field at the next Commission Meeting of August 1, 2007.

Commissioner Carey asked for the status of the bid opening for the Alleyway Project.

Town Manager Maria Davis stated that one bid was submitted for the Alleyway Project. She had not heard whether or not the bidder was responsive and if there were problems with the bid. She did not receive a full report yet.

Attorney Thomas Baird stated that he and Vice-Mayor Daly attended oral argument at the 4th District Court of Appeal for the Firefighters Pension Case. The questioning by the three judges was brisk. He was not sure by their comments whether the case was going in the Town's favor. There should be an opinion within one to three months.

Mayor Castro stated that it was interesting that the judges were on the same retirement system as the Town's firefighters.

Attorney Thomas Baird stated that it was posed by Judge Kline as a theoretical question that if they were on the same retirement system as the Town of Lake Park's firefighters would there be a vote to take away their pensions as well.

Mayor Castro asked if there was a court reporter at the hearing.

Attorney Thomas Baird stated that there was a recording of the case. He stated that he would be out of town on Thursday and Friday for the Florida Municipal Attorney's Annual Meeting. He could be reached on his cell phone if there were any pressing issues.

Town Manager Maria Davis requested permission to adjust the Budget Workshop Agenda to address general funds. She announced a Special Call Planning & Zoning Workshop on Thursday, July 19, 2007 at 7:30 p.m. to discuss and review the Village Shoppes. The Village Shoppes would also be deliberated at the North Palm Beach Village Hall on July 24, 2007 at 6:30 p.m.

Mayor Castro requested that a copy of the Village Shoppes' plans be given to the Commission.

Town Manager Maria Davis stated that a few meetings ago there was a discussion regarding a color palette for residential properties. She stated that she did not get a clear consensus on whether or not the Commission wanted a color palette for residences.

Commissioner Osterman stated that she had a question about the legality of a color palette for residences in Town.

Mayor Castro stated that it was legal to have a color palette for residences in the Town.

Attorney Thomas Baird explained that there would have to be standards set forth in the ordinance that were not arbitrary that residents would have to follow. There have been color palettes and other standards imposed in many communities throughout the United States.

Commissioner Osterman expressed concern over the introduction of a color palette in the ordinances for the Town. She stated that the residents' choice of color for their residence could be subjective.

Commissioner Carey recommended a color palette for the Town.

Mayor Castro stated that colors were very subjective as it related to a persons personal preference.

Commissioner Balius stated that he was in favor of a color palette for the Town.

Vice-Mayor Daly stated that he was in favor of a color palette for the Town.

PUBLIC HEARING(S)

ORDINANCES ON 2ND READING

ORDINANCE NO. 03-2007 - Historic Preservation

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 66, SECTION 66-10 ENTITLED "APPLICATION FOR CERTIFICATE OF APPROPRIATENESS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro gave a brief history of the Historic Preservation Ordinance. He stated that the Town needed to be more proactive. He disagreed with the part of the ordinance which advises historical property owners about the benefits of historical homeownership once they come to the Town to make improvements. He stated that the ordinance needed to be changed and there were presently homeowners waiting to make improvements on their homes. He asked Community Development Director Patrick Sullivan to explain what those homeowners want to do to their homes and why they wanted a Certificate of Appropriateness.

Community Development Director Patrick Sullivan explained that one of the historical property owners cemented over their windows without a permit. The Town cited the property owners and they had to pay extra for their permits. The house was located on the north side of Hawthorne Dr. When the property owners came before the Historic Preservation Board for a Certificate of Appropriateness they were denied. He stated that Sue Ellen Moesler's house on Foresteria Dr. was not designated.

Commissioner Osterman stated that she understood that it was a timing issue for Sue Ellen Moesler's home.

Community Development Director Patrick Sullivan stated that Sue Ellen Moesler would have to do repairs to her home immediately because there was a hole in her roof.

Commissioner Osterman asked how long it would take to have a meeting with Ms. Moesler.

Community Development Director Patrick Sullivan stated that the meeting would have to be notified 30 days in advance.

Mayor Castro asked when Ms. Moesler was told to get a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that Ms. Moesler was informed about the requirement for a Certificate of Appropriateness approximately two to three weeks ago.

Mayor Castro stated that a home could be repaired without a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that Ms. Moesler installed a stairway on the side of her home with a permit.

Mayor Castro asked if Ms. Moesler was able to install the stairway without a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that he did not catch the fact that Ms. Moesler did not have a Certificate of Appropriateness. Ms. Moesler wanted to replace the garage doors at her Segway property with metal garage doors. She did not have a designated building and she did not want her home designated. Her home was on the 1998 list of homes considered for designation.

Mayor Castro stated that Ms. Moesler's property had been renovated and altered and should no longer be on the 1998 list.

Community Development Director Patrick Sullivan stated that the bottom line was that Ms. Moesler's home was still on the 1998 list.

Public Comment Open.

Leigh Kendall, 318 Hawthorne Dr. – stated that Sue Ellen Moesler's home was a good example of why the homes left on the 1998 list needed to be reviewed before any alterations were made. She recommended that the homes be red flagged when they come to the building department. She quoted the consultant from St. Petersburg that was hired by the Town as saying "All 101 homes are locally significant and contribute to the history of the region of the state of Florida". She stated that there was misconception of how difficult the process was.

Mayor Castro stated that a district needed to be created because the Town could not make homeowners who were not designated meet a standard over their neighbors simply because the home was over 50 years old and contributing. He stated that it was important to educate the Historic Board to protect homes in a specific area or framework. Other homes would have to meet the same standard as their neighbor which was part of the problem with designating homes that weren't contributing or were not on the list. It depended on how many homes on the block were contributing or not and that would be taken into account when forming a historic district.

Ms. Kendall suggested that the Town reevaluate the list of historic resources. She still believed that all of the homes on the list should have a design review.

Commissioner Osterman expressed concern with having homeowners check in when they wanted to make repairs or changes to their homes.

Ms. Kendall stated that there was a standard for historical homeowners which makes it important for them to check in before making repairs or changes to their homes.

Commissioner Osterman stated that the historic district and what Ms. Kendall presented was the way to go. She expressed concern that the Town Attorney, Town Manager, and the Town's Planner were saying that the Town does not have a legal right to do what Ms. Kendall was proposing.

Mayor Castro stated that the Commission needed to come up with a strategy.

Ms. Kendall stated that it was harder to manage now and more difficult to deal with the permitting process for historical homes on the list.

Commissioner Balius stated that there were residents who owned historic homes that did not know they were on the list.

Ms. Kendall stated that the homeowners on the 1998 list were notified.

Commissioner Balius stated that at least half of the homes on the list had sold since 1998.

Ms. Kendall stated that the 1998 list was recorded with the County.

Commissioner Osterman stated that the historical homes on the 1998 list were not designated.

She stated that there was a list recorded only at Town Hall and the residents were not notified. The homes have since changed hands and the new owners were not notified.

Mayor Castro stated that there was no due process for the homeowners on the 1998 list. They were just simply told that there were on the list but not notified that their homes were being considered for designation.

Commissioner Balius stated that a stand alone Historical Preservation Board was needed to work with the Town.

Discussion ensued between Ms. Kendall and the Commission regarding the Historical Ordinance.

Mayor Castro asked if there were any historical plaques in stock.

Community Development Director Patrick Sullivan stated that he believed that the Historical Society was in possession of the historical plaques.

Frederick Mittner, 909 S. Palmway, Lake Worth – stated that she was the City Historic Preservation Planner for the City of West Palm Beach. She encouraged the Commission to add the provisions that they were discussing that night to the Historical Ordinance instead of diluting the ordinance.

Mayor Castro stated that the Commission was not diluting the ordinance but trying to correct something that was illegal.

Commissioner Osterman asked Ms. Mittner if she knew of any other municipalities in the State of Florida that had homes that were not designated that may obtain a Certificate of Appropriateness or that were not in an historic district.

Ms. Mittner said she was not aware of any other municipalities that had the same issues with historically designated homes as the Town of Lake Park. She recommended putting in the additional provisions that were discussed that night into the Historical Code.

Commissioner Osterman expressed concern over the Historical Ordinance. She stated that she wanted to preserve the Town's resources and come into legal compliance. She stated that the code did not meet both provisions. In order to make the code legal the proposed changes needed to be made.

Ms. Mittner recommended and encouraged the Commission to present the designation of the critical properties by doing a resurvey and identify the properties that need to be designated at the same time that the changes in the Historical Ordinance is made.

Dennis Hughes, 323 Hawthorne Dr. – stated that there has been a lack of information. His home was built in 1926. He had a letter from the Palm Beach Historical Society that stated that his home was built in 1941. Many people do not receive notices from the Town regarding changes to ordinances. He expressed concern over who would actually review the historical homes in the Town of Lake Park.

Mayor Castro stated that the Town would have to retain a historical expert that could give advice to the board as it related to what were acceptable changes to a historical home. Costs would be involved and a professional expert would have to give advice under a quasi-judicial setting. He expressed concern that there was no due process before notifying the property owners that were on the 1998 list. He was in support of historic preservation and making sure that homes that were designated made appropriate changes. He explained why and how the historical ordinance needed to be changed. The code needed to be changed and then changed again once discussions for the budget have taken place and to consider having an historical expert and a new Historical Preservation Board.

Mr. Hughes stated that there were not many homes in Lake Park that had their original architecture. He asked for clarification on the 50 year age requirement in the historical code.

Commissioner Osterman explained that the 50 year requirement was for homes that were 50 years old and on the list.

Discussion ensued between Mayor Castro and Mr. Hughes regarding historical homes in Lake Park.

Commissioner Osterman recapped the history of the discussions on the Historical Ordinance and gave recommendations on how to move forward.

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 03-2007 upon 2nd reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Carey recommended creating a new Historical Ordinance.

Commissioner Osterman recommended fast tracking to protect the Town's historical homes and making a new code a priority.

Mayor Castro stated that the Commission needed to look at the budget. He thanked Lee Kendall for her presentation and thanked the members of the Historical Preservation Board and stated

that the Commission wanted to work with them on creating a new Historical Ordinance.

Attorney Thomas Baird read Ordinance 03-2007 by caption only.

Discussion ensued between Mayor Castro and Attorney Thomas Baird on how to proceed in creating a new Historical Ordinance.

ORDINANCES ON 1ST READING

ORDINANCE NO. 14-2007 - Amendment of Chapter 54 Building Regulations

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, OF THE CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE I, SECTION 54-7 ENTITLED "STATE BUILDING CODE ADOPTED"; AMENDING SECTION 54-8 ENTITLED "AMENDMENTS ADOPTED"; CREATING NEW CHAPTER 1 WITHIN SECTION 54-8 TO BE ENTITLED "ADMINISTRATION"; CREATING SECTION 101 TO BE ENTITLED "GENERAL"; CREATING SECTION 102 TO BE ENTITLED "APPLICABILITY"; CREATING SECTION 103 TO BE ENTITLED "BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT"; CREATING SECTION 104 TO BE ENTITLED "DUTIES AND POWERS OF BUILDING OFFICIAL"; CREATING SECTION 105 TO BE ENTITLED "PERMITS"; CREATING SECTION 106 TO BE ENTITLED "CONSTRUCTION DOCUMENTS"; CREATING SECTION 107 TO BE ENTITLED "TEMPORARY STRUCTURES AND USES"; CREATING SECTION 108 TO BE ENTITLED "FEES"; CREATING SECTION 109 TO BE ENTITLED "INSPECTIONS"; CREATING SECTION 110 TO BE ENTITLED "CERTIFICATES AND BUILDING USE"; CREATING SECTION 111 TO BE ENTITLED "TESTS"; CREATING SECTION 112 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; CREATING SECTION 113 TO BE ENTITLED "SEVERABILITY"; CREATING SECTION 114 TO BE ENTITLED "VIOLATION AND PENALTIES"; AMENDING ARTICLE III, DIVISION 2 BY REPEALING SECTION 54-92 ENTITLED "UNSAFE RESIDENTIAL BUILDINGS"; REPEALING SECTION 54-98 ENTITLED "PLANNING AND ZONING BOARD"; SECTION 54-129 ENTITLED "UNSAFE DWELLINGS OR STRUCTURES"; AND SECTION 54-130 ENTITLED "UNLAWFUL STRUCTURES"; AMENDING ARTICLE III ENTITLED HOUSING CODE TO CREATE NEW CODE SECTION 54-81 TO BE ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERAL"; CREATING NEW SECTION 54-82 TO BE ENTITLED "GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES"; CREATING NEW SECTION 54-83 TO BE ENTITLED "BOARDED UP BUILDINGS; HURRICANE SHUTTER REMOVAL REQUIRED "; CREATING NEW SECTION 54-84 TO BE ENTITLED "ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS"; CREATING NEW SECTION 54-85 TO BE ENTITLED "SUPPLEMENTAL COMMERCIAL PROPERTY MAINTENANCE STANDARDS"; CREATING NEW SECTION 34-129 TO BE ENTITLED "RESPONSIBILITY OF OWNER"; CREATING NEW SECTION 34-130 TO BE ENTITLED "RESPONSIBILITY OF OCCUPANT"; CREATING NEW SECTION 34-131 TO BE ENTITLED "NUISANCE DECLARED"; CREATING NEW SECTION 34-132 TO BE ENTITLED "NUISANCE TO BE ABATED"; CREATING NEW SECTION 54-133 TO BE ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; CREATING NEW SECTION 54-134 TO BE ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY,

PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan explained that the purpose of Ordinance 14-2007 was to make changes to building regulations. He explained that a hurricane shutter ordinance was being added to the code.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 14-2007; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 14-2007 by caption only.

The Commission broke for a brief recess at 9:04 p.m.

The Commission reconvened at 9:12 p.m.

ORDINANCE NO. 15-2007 – Development Review Fees

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 51, SECTION 51-6 ENTITLED “FEES FOR APPLICATION DEVELOPMENT REVIEW” TO DELETE THE FEE SCHEDULE AND PROVIDE FOR THE ESTABLISHMENT OF A SCHEDULE OF THE DEVELOPMENT ORDER APPLICATION FEES BY RESOLUTION OF THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan explained the purpose of Ordinance No. 15-2007. He stated that the Town was increasing their Development Review Fees and that the

Resolution with the new rate structure would be available at the next Commission Meeting of August 1, 2007.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 15-2007; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read the Ordinance No. 15-2007 by caption only.

ORDINANCE NO. 16-2007 – Architectural Guidelines for Commercial Buildings
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK TO CREATE NEW ARTICLE XI TO BE ENTITLED “ARCHITECTURAL DESIGN GUIDELINES FOR NON-RESIDENTIAL BUILDINGS” AND WITHIN NEW ARTICLE XI TO CREATE NEW CODE SECTION 78-330 TO BE ENTITLED “GENERAL PROVISIONS”; NEW CODE SECTION 78-331 TO BE ENTITLED “DEFINITIONS”; NEW CODE SECTION 78-332 TO BE ENTITLED “DESIGN TREATMENTS”; NEW CODE SECTION 78-333 TO BE ENTITLED “BUILDING FACADES AND ELEVATIONS”; NEW CODE SECTION 78-334 TO BE ENTITLED “BUILDING COLOR AND FINISH”; NEW CODE SECTION 78-335 TO BE ENTITLED “ARCHITECTURAL ELEMENTS”; NEW CODE SECTION 78-336 TO BE ENTITLED “WINDOW AND DOOR TREATMENTS”; NEW CODE SECTION 78-337 TO BE ENTITLED “PREFERRED ROOF MATERIALS AND STYLES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 16-2007; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 16-2007 by caption only.

ORDINANCE NO. 17-2007 – Open Container Law

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6, ENTITLED “ALCOHOLIC BEVERAGES”; OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, TO AMEND SECTION 6-1 ENTITLED “DEFINITIONS;” TO RETITLE SECTION 6-1 AS “LEGISLATIVE INTENT FOR OPEN CONTAINER ORDINANCE”; TO AMEND SECTION 6-2 ENTITLED “DRINKING IN PUBLIC PLACES”; TO RETITLE AS “DEFINITIONS”; TO AMEND SECTION 6-3 ENTITLED “SALE NEAR CHURCHES, SCHOOLS, ETC.” TO RETITLE AS “CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN UNLICENSED ESTABLISHMENTS, PUBLIC PARKING LOTS, PUBLIC WAYS AND PLACES PROHIBITED” CREATING NEW SECTION 6-6 TO BE ENTITLED “SALE NEAR CERTAIN USES PROHIBITED”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 17-2007; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
-------------------	-----	-----	-------

Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 17-2007 by caption only.

ORDINANCES ON 2ND READING

ORDINANCE NO. 08-2007 – Public Records Request

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE I, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO TOWN ADMINISTRATION, TO AMEND ARTICLE I, TO CREATE NEW SECTION 2-4 TO BE ENTITLED “PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open:

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 08-2007 upon 2nd reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 08-2007 by caption only.

ORDINANCE 10- 2007 – Purchasing authority of the town manager
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE III OF THE TOWN CODE, ENTITLED “OFFICERS AND EMPLOYEES; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 (11) OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO POWERS AND DUTIES OF TOWN MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 10-2007 upon 2nd reading; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 10-2007 by caption only.

ORDINANCE NO. 11-2007- Harbor Marina Advisory Board schedule & duties
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, PROVIDING FOR THE AMENDMENT OF SECTION 76-36 ENTITLED “REPORTING TO COMMISSION; ASSISTANCE OF OFFICIALS AND EMPLOYEES”; PROVIDING FOR THE REPEAL OF SECTIONS 76-37, 76-38, 76-39, 76-40, 76-41 AND 76-42 PERTAINING TO THE HARBOR MARINA ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

James Dubois, 516 Sabal Palm Dr. – stated that as past chairman and secretary of the Harbor Marina Advisory Board he didn't know whether or not to be sad or happy regarding Ordinance No. 11-2007. He gave a brief history of the Harbor Marina Advisory Board and their actions and duties. He expressed his concerns regarding the Ordinance and gave recommendations for keeping the Harbor Marina Advisory Board rather than dissolve them.

Commissioner Balius gave a brief history of his involvement on the Harbor Marina Advisory Board and gave reasons for why the changes to the Board would be beneficial.

Vice-Mayor Daly stated that it would be a benefit to the Harbor Marina Advisory Board to make the proposed changes. He stated that the purpose was to concentrate on things that needed to get done and provide more direction to the Board.

Mayor Castro stated that it was necessary to make the changes to the Harbor Marina Advisory Board. He stated that the marina boards in the past were able to operate and understand their role and obligation. He stated that when any ordinance is changed, it has to deal with the worst case scenario and provide guidance.

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 11-2007; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 11-2007 by caption only.

ORDINANCE NO. 12-2007 – Garage Sale Permits

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 20 PERTAINING TO SECOND HAND GOODS, ARTICLE II GOVERNING GARAGE SALES, SECTION 20-32 ENTITLED “PERMIT REQUIRED” TO REDUCE THE GARAGE SALE PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 12-2007; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		X	

Motion passed 4-1.

Attorney Thomas Baird read Ordinance No. 12-2007 by caption only.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:30 p.m.

Mayor Castro

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez

Town Seal

Approved on this ___ of _____, 2007.

TAB 2

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: August 22, 2007 Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Budget Workshop Meeting Minutes of July 25, 2007.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Budget Workshop Meeting of July 25, 2007.

Approved by Town Manager W. Davis Date: 8/14/07
 Name/Title Jenae Shepherd Deputy Clerk Date of Actual Submittal 8/14/07

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments: Application, memo
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk <u>VM</u> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>x</u> _____: Please initial one.

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Budget Workshop
July 25, 2007 7:35 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Budget Workshop on Wednesday, July 25, 2007 at 7:35 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Mayor Castro led the pledge of allegiance
Town Clerk Vivian Mendez performed the Roll Call

DISCUSSION AND POSSIBLE ACTION:

Town Manager Maria Davis thanked former Finance Director Cynthia Sementelli for her help with creating the budget. She thanked staff for also coming together and stepping up to create the budget. She gave a Power Point presentation (see Exhibit "A") as follows:

Statutory Amendment Relating to Tax Reform

Town Manager Maria Davis explained that the Town was required to roll back their millage rate to the rollback rates of 2006 through 2007. In addition the Town was required to cut back an additional 9%. She informed the Commission that there were other options. The Town could go back to the rollback rate without cutting the 9% which would require a 4 to 5 vote. The other option was to not cut 9% and go back to the previous year's millage rate which would take a unanimous vote from the Commission.

Legislative Cuts

Town Manager Maria Davis gave an overview of the legislative cuts. She explained that if the Town did not have to cut, the current assessments would be 5.2. The rollback rate for 2005 through 2006 was 4.9. The 9% cut would amount to \$446,000.00 and the collection rate of 95% of the rollback rate reverts back to 4.2. The total cut would amount to \$927,708.00.

Graphs

- Matrix showing impact on the budget: Town Manager Maria Davis explained that the matrix showed what each percentage of a cut costs the Town.
- Major Budget Reductions: Town Manager Maria Davis explained that the total amount of employee merit increases that were cut totaled \$127,000. Employee Dependent Health Coverage totaled \$84,000. She was proposing a reduction in force of three Public Works positions. She eliminated the Recreation Assistant Director position. She recommended reducing the Library's hours of operation. Conferences and travel had been eliminated. Special Events and promotional activities had been significantly reduced. Overtime, Operating Expenditures and Newsletter Publications had been reduced. Truck

replacements and computer replacements had been deferred.

- Revenue Enhancements: She explained that building permit fees were increased and she would bring the business tax fees to the Commission at the second Commission meeting in August. She was proposing a Sweep Program with regards to Business Tax License monitoring. In the past six months the Sweep Program brought in \$10,000. She stated that she was going to present a plan later in the meeting that would bring in a lot more revenue. She was proposing an increase in rental facility fees, tennis center fees, marina administrative fees, and sanitation administrative fees. Appropriate salaries would be abated back to the Community Redevelopment Agency.

Future Revenue Enhancement Considerations

Town Manager Maria Davis explained that she was analyzing the installation of parking meters at various locations such as the Marina, Lake Shore Park, and Kelsey Park. She was interested in developing an Interlocal Agreement with the Clerk of the Court for tracking and collecting Palm Beach County Sheriff's Office issued parking violation fines. The Town was currently tracking the fines manually and the Clerk of the Court could provide this service to the Town for a nominal cost. She explained that she wanted to create a Storm Water Utility and to have the monthly billing performed by Seacoast Utility. She spoke with Seacoast Utility and they were willing to perform the billing for the Town. The Town was currently performing Storm Water Utility tasks such as cleaning drains, sweeping streets and using the general fund to perform those tasks. A Storm Water Utility would allow the Town to collect those fees based on impervious surface per parcel. Schedules would be used and it was a good way to offset the Town's expenses for street sweeping, storm drain cleaning, etc.

General Fund Revenue

Town Manager Maria Davis explained that 49% of the Town's revenue came from Ad Valorem Taxes. The 21% came from other taxes such as state taxes. The Town had to cut approximately 20% to 25% out of the 49% which was a great impact to the Town.

Expenditures

Town Manager Maria Davis explained that the Town's greatest expenditures were Police which was 28% and Fire Rescue which was 24%.

Budget Summary

Total Funds were 9.2 million.

Revenue Summary

The 2006/2007 budget was at 9.5 million and the graph showed the 2007/2008 proposed budget.

General Fund Revenue

She explained what she outlined as proposed increases. The half cent tax was reduced approximately \$37,000.

Town Commission Budget

Professional Services, Travel, Postage, Shipping, and Promotional Activities were reduced. She proposed reducing the employees' holiday gift cards from \$50 to \$25. She proposed hors'devours for the Volunteer Dinner instead of a full dinner. She recommended deleting the Commission's contribution to Scripps, reducing the newsletter from four publications to two, and eliminating the uniform budget. The Commission's Budget was reduced by 2.7%.

Town Manager

IT was included in the manager's budget but had been moved out and the grant writer's salary was moved into the manager's budget. The cut in the Town Manager's budget totaled 14.72% which included cutting \$2500 from conferences and seminars, \$500 for uniforms, and \$300 for books and subscriptions.

Human Resources

Contractual services were increased to match expenditures. Contractual services included pre-employment physicals, drug screening and background checks. Contractual services were inadequately budgeted for the current year. Postage and shipping was reduced by \$500, and printing was reduced by \$100. Advertising was increased by \$5000 to adequately fund the line item. She recommended increasing education and training by \$3500 to provide mandated federal and state training. She stated that she encountered several instances in her short tenure that frightened her with regards to the lack of training and the trouble that the Town could get in on a federal level and that was why she wanted to increase the funding for the education and training line item of the budget. Operating supplies were reduced by \$1300 and memberships and dues were reduced by \$625. There was a 1% increase in the Human Resources Budget.

Town Clerk

Professional Services were increased for scanning services. Contractual Services were increased by \$4000 because of the volume of ordinances that were codified and sent to Municode. Travel was reduced by \$200, Postage and Shipping was reduced by \$1000. She proposed adding a color copier for \$5500. The Town Clerk's office goes through a large volume of printer cartridges because there was no color copier. Advertising was increased by \$3000 to cover anticipated expenses. Recording fees were reduced by \$1700. Education and training was reduced by \$1150. Conferences and seminars were reduced by \$2500. The overall budget for the Town Clerk's office was reduced by .03%.

Legal

She stated that she asked Town Attorney Thomas Baird to project what he felt the expenditures would be for the next year. She stated that the Town was currently going through a labor issue with the union wherein an attorney would have to step in.

Town Attorney Thomas Baird gave an update on pending litigation for the Firefighters Pension. The 4th District Court of Appeal would probably be the end of that litigation unless it was taken to the Florida Supreme Court. He stated that he did not expect additional expense but possible

residual expense with a Motion of Re-Hearing or Motion Re-Hearing on Bunk. He gave updates on the Earl Stewart appeals and the Randi Aberns or Sober House appeal. He stated that the majority of the expense for those cases would be covered by insurance.

Town Manager Maria Davis asked Town Attorney Thomas Baird to explain his cost recovery proposal.

Town Attorney Thomas Baird stated that there were two cost recovery proposals. One was in Community Development for Development Applications. His office prepared resolutions or development orders. Sometimes other instruments have to be prepared and their proposal was to charge the applicant for those services rather than the Town. The second cost recovery was associated with code enforcement cases. Additional fees were proposed to cover the Town's costs. The Town was not currently being compensated for the full costs for attorney representation at code enforcement hearings. He recommended taking the costs out of the code fines that were paid so there would not be a net loss to the Town. He proposed eliminating the line item for conferences and seminars from the legal budget. It was currently in the Town Attorney Contract and he would bring back an amendment to the contract to eliminate the line item.

Town Manager Maria Davis stated that there was a 36% increase in the Legal Budget. She stated that Town Attorney Thomas Baird was requesting an hourly rate increase.

Town Attorney Thomas Baird explained his request for an hourly rate increase. He stated that the increase would be a cost of living and cost of business increase. He did a survey of other law firms and found that the average hourly rate was \$206. The median hourly rate was \$215. He was requesting that his hourly rate be increased to \$215.

Information Technology

Professional Services were reduced by \$2500, Equipment Maintenance by \$1000, Operating Supplies by \$500, Media Room by \$500, and Contingency by \$3000.

Commissioner Carey asked why the Information Technology Department budget was higher than last year's budget.

Town Manager Maria Davis explained that Information Technology Director Hoa Hoang did not transfer into that department until March or April.

Finance Department

Travel per diem was eliminated by \$1200. Printing was reduced by \$1000 and Office Supplies by \$500, Books and Subscriptions were eliminated by \$1000 and Memberships were reduced by \$200. The total Finance Department Budget increased by 2.19%. She recommended an increased salary for the new Finance Director.

Mayor Castro asked what the proposed salary range for a Finance Director would be.

Town Manager Maria Davis stated that she was proposing a salary range of \$70,000 to \$105,000.

Palm Beach County Sheriff's Office for Police Service

Town Manager Maria Davis explained that the Town was bound by contract for the Police Department. The contract allows an option for an annual increase. The Police Department increased their budget by 8% which totaled \$197,805.00.

Palm Beach County Fire Department for Fire Rescue Service

The Fire Department Contract had increased in the amount of \$230,465.

Public Works

The Public Works Administration Budget had increased by .93% primarily because of gas and diesel. Memberships and Subscriptions were reduced by \$150 and Gas and Diesel was increased by \$700.

Grounds Maintenance

Regular salaries were reduced by \$25,000. Overtime was reduced by 50% or \$750. Contractual Services was reduced by \$10,000. Travel Per Diem was eliminated by \$250. Repairs and Maintenance was reduced by \$1000. Building Grounds and Maintenance Supplies were reduced by \$1000. Laundering of uniforms would be eliminated at a total cost of \$12,000. The overall Grounds Maintenance budget was reduced by 7.54%.

Facilities Maintenance

Town Manager Maria Davis stated that the Facilities Maintenance 2006-2007 budget was grossly over budget mainly due to the renovation of the Public Works Facility and repairs done to the A/C in the Town Hall. Overtime was reduced by \$2000. Travel Per Diem was eliminated by \$200, Rentals were reduced by \$6500 and Education and Training was reduced by \$500. Laundering of uniforms was eliminated. Fuel was increased by \$2800. The overall Facilities Maintenance budget was reduced by 42%.

Commissioner Osterman wanted to know how much money was spent on renovations for the Public Works Building and what type of renovations were done.

Town Manager Maria Davis stated that Public Works Director Joseph Kroll could explain the repairs and renovations that were done to the Public Works Building. She stated that \$50,000 was budgeted but \$96,000 was used. Repairs and maintenance was increased significantly.

Public Works Director Joseph Kroll explained that wiring in the Fleet Maintenance Building and the barn shop on the Public Works property needed to be replaced in order to be compliant with OSHA. The buildings were very old and deteriorated.

Commissioner Osterman asked why the budget for renovations was doubled exceeding the amount allotted.

Public Works Director Joseph Kroll explained that auction money obtained from old equipment was used toward the renovations for the building. There was no money taken from the general

fund for the repairs.

Vehicle Maintenance

Overtime was reduced by \$1500. Professional Services was eliminated by \$150. Travel Per Diem was eliminated by \$250. Vehicle Parts were increased by \$2000 to properly fund the line item. Education and Training was eliminated by \$1000. The laundering of uniforms would be continued for those in vehicle maintenance due to the grease and stains. Gas and diesel was increased by \$250. She recommended the replacement of tools and equipment in the amount of \$3500. The overall Vehicle Maintenance Budget was reduced by 1.32%.

Community Development

She proposed the adding of a code enforcement/parking enforcement officer for six months part time and then full time for the following year. Revenue could be generated through parking.

Mayor Castro stated that he did not support putting parking meters on Park Ave. and at the Marina.

Town Manager Maria Davis stated that she was proposing to place parking meters at Lake Shore Park, the Tennis Center and the Marina. She stated that the revenue was not the only purpose for adding another code enforcement officer. There were several thousand businesses in the Town that were not being tracked on a regular basis with Occupational License sweeps. She stated that the Palm Beach County Sheriff's Office does very little parking enforcement.

Mayor Castro stated that it was the Palm Beach County Sheriff's Office' responsibility to enforce parking. He recommended speaking with them about it. He did not support adding employees to code enforcement when positions were being cut in the Public Works Department.

Vice-Mayor Daly stated that the revenue from parking tickets were supposed to come back to the Town. He stated that tickets were printed and given to the Palm Beach County Sheriff's Office to write and they had not done much writing. He asked if it would be legal to place parking meters in the Marina if there was an agreement to have a park there.

Town Manager Maria Davis stated that her experience with parking meters has shown that they were huge revenue generators. She stated that her main reason for recommending an additional code enforcement officer was for the Occupational License sweeps. The Town had an industrial area where there were 20 or 30 warehouses with businesses operating out of those warehouses. There was currently a part-time employee who worked 30 hours per week and who did collections for Occupational Licenses and grants administration. He was also acting as an accountant for the Finance Department. She stated that this employee did not have the time to do Occupational License sweeps. She stated that she was suggesting the idea from experience because in the past she was able to glean \$100,000 in the first year of implementing Occupational License Sweeps. She stated that she was looking at creative ways of generating revenue.

Mayor Castro stated that when he moved to the Town in 1994 there were three people in the Community Development Department. He stated that there was a clerical person added to the code enforcement department and additional equipment to write violations out in the field. He

stated that in his opinion a 2 ½ square mile area could be covered with the current amount of employees in that department.

Town Manager Maria Davis stated that in her experience a city with 2 ½ square miles needed at least three code enforcement officers.

Commissioner Balius stated that he has walked with the code enforcement officers and done paperwork with them. Many people did not realize that it takes five minutes to write a violation and then 45 minutes back at the office to do the paperwork.

Mayor Castro stated that the two code enforcement officers that the Town currently had was adequate. He did not support the parking meters.

Commissioner Osterman stated that she did not like the idea of parking meters but was willing to consider them as an option for generating revenue. She was in support of adding an additional code enforcement officer for a period of 6 months.

Vice-Mayor Daly recommended talking with Captain Douglas Reece about his deputies writing more tickets so that the Town could generate more revenue.

Town Manager Maria Davis stated that overtime was reduced in the Community Development Department by \$750. She stated that she was giving a car allowance for \$1900. Professional Services were reduced by \$3000.

Mayor Castro asked who a car allowance was being given to.

Town Manager Maria Davis stated that the car allowance was being given to Community Development Director Patrick Sullivan for using his vehicle around Town.

Mayor Castro asked if there was a Town vehicle that the Community Development Director could use.

She stated that the Town vehicle was not available as often as needed. She continued to discuss the budget and stated that Professional Services was reduced by \$3000. Contractual Services was reduced by \$45,000. Advertising was eliminated by \$1000, Travel was reduced by \$1000, Postage was reduced by \$2600, Printing was reduced by \$2000, Advertising by \$400, Education and Training was eliminated by \$3000, Conferences by \$2000, Uniforms \$100, and Office Supplies by \$1000. Gas was increased by \$2000, Memberships and Dues were reduced by \$500. The overall budget for the Community Development Department was decreased by 17.25%

Recreation Department

The Assistant Recreation Department position was eliminated. Temporary positions were created to assist the Recreation Department Director. Car allowance was eliminated in the amount of \$2400. Travel Per Diem was eliminated in the amount of \$200. Postage was reduced by \$700. Repairs and Maintenance was reduced by \$2800. Promotional was reduced by \$40,000. It was proposed to eliminate the following festivals: Irish Fest, Car Show, Martin Luther King, Holiday Festival, Halloween Egg Haunt, and the Howard Allen Art Fest. It was recommended to keep the following festivals: 4th of July Firework Festival, Easter Egg Hunt.

Christmas Santa Ride, and Holiday Lighting. Advertising was reduced by \$500. Conferences and Seminars were eliminated in the amount of \$1000. Uniforms were reduced by \$50. Office Supplies were reduced by \$500. Operating Supplies were reduced by \$1900. Memberships and Dues were reduced by \$250. It was recommended that a van be acquired for the Recreation Department. Debt service was put in for the amount of \$12,900 for the acquisition of a 24 passenger van. Summer camp expenses were reduced in the amount of \$500. The Recreation Departments overall budget was reduced by 30%.

Commissioner Carey asked for the cost of Irish Fest.

Town Manager Maria Davis stated that Irish Fest cost approximately \$7500 and last year's Irish Fest cost almost \$12,000.

Commissioner Carey stated that Irish Fest was one of the biggest events in the Town of Lake Park.

Mayor Castro stated that he was ready to eliminate Irish Fest.

Commissioner Osterman asked for the cost of the Santa Sleigh Ride Event.

Town Manager Maria Davis stated that the cost for the Santa Sleigh Ride Event was approximately \$100 to \$200.

Commissioner Osterman asked if the Town was ready to buy a bus.

Commissioner Balius asked about the \$12,900 for a 24 passenger bus.

Town Manager Maria Davis explained that the \$12,900 was for the first year debt service toward a \$55,000 bus.

Commissioner Osterman expressed concern over spending \$12,000 toward a bus rental for the summer camp program this past summer.

Library

Town Manager Maria Davis stated that she was proposing to reduce some hours for employees during the off months which would save money on part-time employees. The overall budget for the Library was reduced by \$14,000 or 3.35%. Library Director Jane Terwillegar had estimated that the Library would receive approximately \$12,500 from Library State Aid.

Non-Departmental

The highlight was that the Town had transferred \$125,000 as a required contribution to the Community Redevelopment Agency Fund. The garbage, utilities, and insurance were all placed into the Non-Departmental Fund instead of being apportioned out by department.

Commissioner Carey asked if money was budgeted for the Northlake Blvd. Task Force.

Town Manager Maria Davis stated that there was \$5000 budgeted for the Northlake Boulevard

Task Force.

She explained that after all of the budget cuts the Town was still short \$361,000. She explained the options that the Town had (see Exhibit "A"). The first option would be to not cut the 9% and would require a 4/5 majority vote. The next option would be to reduce the 9% cut to a 2% cut. Another option would be to reduce the number of Sergeants in the Palm Beach County Sheriff's Department. Two Sergeant's salaries equaled \$244,000. In addition, the budget could be cut from 9% to 6% which would give the Town an additional \$148,000. The other option would be to eliminate two Sergeants and an Aide which would bring back \$294,000 and with the reduction of the budget from 9% to 7% would balance the budget.

Commissioner Balius asked how many Sergeants would be left if two Sergeants were removed.

Town Manager Maria Davis stated that there would be two Sergeants left.

Commissioner Carey asked if Deputies could replace the Sergeants.

Town Manager Maria Davis stated that there would be no replacements.

Commissioner Osterman asked what a Deputy's salary was versus a Sergeant.

Mayor Castro explained that there were Sergeants because there was no supervision in the evenings. If Sergeants were removed than supervision in Lake Park would be removed.

Commissioner Osterman stated Sergeants were added to increase visibility and reduce crime. She asked if those goals were achieved.

Town Manager Maria Davis stated that the goals for adding Sergeants were achieved. She stated that removing Sergeants was only an option and she reviewed the other options to the Commission.

Discussion ensued between the Commission regarding the option of removing Sergeants from the Sheriff's Department.

Mayor Castro stated that the Sheriff's Department and the Fire Department needed be invited and be present at the Budget Workshops.

Commissioner Osterman asked for clarification of the changes to employee health insurance benefits and coverage.

Town Manager Maria Davis stated that the money the Town was spending toward employee dependent health coverage was cut back approximately 50%.

Former Finance Director Cynthia Sementelli explained that the Town paid more for family coverage over the past couple of years because it was getting very expensive for the employees. She provided Town Manager Maria Davis with a survey that showed that other municipalities in Palm Beach County provided 50% toward family health coverage expenses.

Vice-Mayor Daly asked if the Town employee health insurance coverage was a PPO plan.

Former Finance Director Cynthia Sementelli stated that the employee's current health insurance plan was a PPO.

Vice-Mayor Daly asked if it would be cheaper to switch back to an HMO.

Former Finance Director Cynthia Sementelli stated that the PPO plan was cheaper than the HMO.

Town Manager Maria Davis stated that she was exploring other avenues with regards to employee health insurance.

Town Manager Maria Davis concluded by explaining that there was not a lot of money to cut from the Town's budget. She stated that \$566,000 was cut out of the budget and \$361,000 was still needed.

Mayor Castro asked that Captain Douglas Reece give a presentation regarding the salaries and rankings of different officers in the Sheriff's office for the next Budget Meeting scheduled in August.

Mayor Castro asked if any money was taken out of the Marina and put into the General Fund.

Town Manager Maria Davis stated that \$47,000 was taken out of the Marina and placed into the General Fund. She explained that the Marina owed the General Fund a lot of money and the Marina's revenue stream makes it able to afford contributions to the General Fund.

Commissioner Osterman stated that something needed to be done with the Legal Fund since it had gone up 36%.

Attorney Thomas Baird explained that he was not increasing his salary but his hourly rate which covered his overhead which increases every year.

Commissioner Osterman asked if there were other options that could be explored to obtain legal services.

Attorney Thomas Baird explained that some smaller communities use an attorney with a retainer and are billed a litigation rate. He stated that the legal requirements of the Town have been increased over the past year.

Commissioner Balius stated that in years 1994 thru 1997 the legal costs were in the \$300,000 range per year due to work and development on Congress Ave.

Attorney Thomas Baird explained that since February staff no longer created ordinances and resolutions. The creation of the resolutions and ordinances were now done by the attorney. He stated that it may be more cost effective to allow staff to create the ordinances and resolutions.

Town Manager Maria Davis stated that it was more cost effective and streamlined for the Attorney and his staff to create the ordinances and resolutions rather than going back and forth between Town staff and the attorney's office.

Mayor Castro recommended that Town staff create ordinances and resolutions.

Attorney Thomas Baird stated that he would do what the Town requests with regards to the creation of ordinances and resolutions.

Vice-Mayor Daly asked if the Town had looked into hiring an in house full time attorney.

Mayor Castro stated that the Town did explore the option of hiring an in house attorney and it was cost prohibitive.

Discussion ensued between the Commission regarding the option of hiring an in house attorney for the Town.

Commissioner Balius pointed out that there were two attorneys present at Code Compliance Board Meetings. The last Code Compliance Board Meeting had only three cases and there were only \$450 in fines ordered. He asked if it was cost effective.

Attorney Thomas Baird stated that the fines at a Code Compliance Board Meeting are only collected if the property does not come into compliance. He stated that staff was looking into increasing Administrative Costs to make up for the discrepancies with the cost of having attorneys and staff present at the Code Compliance Board meetings.

Commissioner Balius discussed the differences between the Code Compliance Board and the Special Magistrate. He recommended elimination of the Code Compliance Board.

Discussion ensued between the Commission regarding the Code Compliance Board.

Town Manager Maria Davis stated that staff had researched whether or not the Code Compliance Board was cost effective. It was not cost effective and staff recommended Special Magistrate Hearings only.

Commissioner Osterman recommended placing discussion of the Code Compliance Board on the Agenda of the August 22, 2007 Commission Meeting.

Community Development Director Patrick Sullivan explained that the Code Compliance Board had not met because the few cases that were eligible to be heard had come into compliance before the meeting, thus making it impossible for the Board to meet.

Mayor Castro stated that he did not want to cut 9% from the budget. He recommended cutting 2% to 4%.

Town Manager Maria Davis stated that she had a meeting with Captain Douglas Reece's Major regarding the tracking of parking tickets.

Former Finance Director Cynthia Sementelli stated that consensus was needed from the Commission concerning what percentage they wanted to cut back on the Town's budget. She explained that in order to be TRIM compliant, a consensus was needed by the end of July but the true millage did not have to be set until September.

The Commission came to consensus go to the 2006-2007 roll back rate of 8%.

Former Finance Director Cynthia Sementelli explained that the debt service is based on assessed value. The retained earnings were estimated at \$176,000. She recommended the debt service millage at .95% which would give the Town \$644,000. The Town needed \$768,000 for debt service next year. She recommended taking \$108,000 out of reserve which would leave \$75,000. She stated that her recommendation was based on 95% collection. The Town was currently at 1.3%.

Commissioner Osterman asked why more money could not be kept in reserves.

Former Finance Director Cynthia Sementelli explained that more could not be kept in reserves because it was voted debt and by law build a reserve on voted debt.

The Commission came to consensus to remove \$108,000 out of reserves and have it placed into debt service, and to tentatively set the millage at .95%.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:15 p.m.

Mayor Castro

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez

Town Seal

Approved on this ____ of _____, 2007.

TAB 3

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input type="checkbox"/> DISCUSSION
<input checked="" type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: State Aid for Libraries, FY 2007-2008

RECOMMENDED MOTION/ACTION: That by resolution, the Town Commission approve submission of the grant application for State Aid to Libraries for the Lake Park Public Library.

Approved by Town Manager

Virginia Martin

Date:

8/10/07

Virginia Martin
Name/Title

08/10/2007

Date of Actual Submittal

Originating Department: <p style="text-align: center;">Grants</p>	Costs: \$ (Library Budget) Funding Source: Acct. #	Attachments: 1) Resolution 2) Long Range Plan FY 2007, 2008, 2009
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>VM</i> _____ <input type="checkbox"/> Human Resources _____ <input checked="" type="checkbox"/> Library <i>VM</i> _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <i>VM</i> _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Resolution is required as part of the approval process for the Library's annual application for State Aid to Libraries. Anticipated funding for FY 2007-2008 is approximately \$12,000

RESOLUTION NO. 55-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE SUBMISSION OF AN APPLICATION REQUESTING STATE AID TO LIBRARIES GRANT FUNDING FOR LIBRARY SERVICES AND PROVIDING THE REQUIRED ASSURANCES; AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE THE GRANT APPLICATION OF BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective July 1, 2003 the Florida Legislature amended Chapter 257, Florida Statutes to allow application for State Aid to Libraries Grant Funding by municipalities; and

WHEREAS, in order to meet the requirements for application for State Aid to Libraries Grant Funding, the Town of Lake Park is required to approve submission of the application and make the following certifications provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA THAT;

- Section 1. The Town of Lake Park, Florida is an eligible political subdivision.
- Section 2. The Town of Lake Park is the single library administrative unit.
- Section 3. The Commission of the Town of Lake Park is the designated governing body to provide library services.
- Section 4. The Library Director shall be the single administrative head employed by the Town of Lake Park with the authority to manage and coordinate operations of the Town of Lake Park Public Library and shall have an approved job description.
- Section 5. The Library Director shall have an American Library Association accredited professional degree, and have at least two (2) years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of forty (40) hours per week.
- Section 6. All funds will be centrally expended by the single administrative head as part of the Library's budget.

- Section 7. The Town of Lake Park Public Library will extend borrowing privileges without charge to residents of all library service areas in the county that receives State Aid to Libraries Grants.
- Section 8. The Town of Lake Park Library will provide free library services.
- Section 9. The Town of Lake Park Library will participate with all libraries in county that receive State Aid to Libraries Grants, in joint planning for the coordination of library services to residents.
- Section 10. The Town of Lake Park Library will continue to be operated a minimum of forty (40) hours per week.
- Section 11. Attached hereto are **Exhibit A**, a three (3) year long-range plan as approved by the Town Commission of the Town of Lake Park.
- Section 12. The Commission of the Town of Lake Park, Florida hereby authorizes the Mayor and Town Clerk to execute the application for the State Aid to Libraries Grant Funding.
- Section 13. This Resolution shall become effective immediately upon adoption.

TOWN OF LAKE PARK LIBRARY LONG RANGE PLAN: 2007 - 2010

Year 2007-2008

MISSION: Provide a library collection that meets informational, recreational and educational needs of the diverse Lake Park community.

GOAL: The Library provides current high-interest materials in a variety of formats.

- Objective 1.1 In addition to normal trade books, continue selection of current fiction and other high-interest materials from: best-seller McNaughton plan, large-print editions, magazines, newspapers and DVD, CD and other digital resources.
- Objective 1.2 Promote use of foreign language materials section, the Language Cove including digital books and audio, for adults and children. Survey library users for possible beginner language classes and classes for parent and child. Expand ESOL materials and literacy services.
- Objective 1.3 Continue phasing out old technology-based materials such as VHS and audio tape collections. Investigate economical and worthwhile emerging technology such as web-based downloadable MP3 format and play-aways, Consider other emerging media that provides downloading directly from the internet as an alternative to purchasing physical media.
- Objective 1.4 Continue removing out-dated, damaged and un-circulated items as appropriate.

GOAL: The Library provides informational and educational resources for all ages of the community.

- Objective 2.1 Promote Library's materials for ESOL (English as a Second Language), GED (High-school equivalency diplomas), Citizenship preparation, SAT (Scholastic Aptitude Test), and other instructional/cultural purposes. Continue programs and events that include focusing on a variety of life skills/needs such as health, consumer credit and personal finance.
- Objective 2.2 Continue to identify current, appropriate online sources to link from the Library's homepage. Expand topical reference such as those useful for job or home hunting, and genealogy research. Continue providing online access to the *Palm Beach Post*, *Learning Express* and *Daily Business Review*. Add other cost effective databases as appropriate; particularly those geared towards children and learning skills as well as those improving life skills for adults. Continue revising the library website to reflect community's current needs and interests. Add library program content to increase interest in library programs, such as including film clips of some past programs/speakers.

MISSION: Increase the accessibility of library services for various populations within the community.

GOAL: Provide services as a community support center for all ages.

- Objective 3.1 Continue promoting patron use of personal PIN numbers for Lake Park Library services via the Internet from home or office.
- Objective 3.2 Consider expanding Library outreach to the community by partnering with other organizations to provide Kiosk access at commercial centers in the developing western areas of Lake Park.
- Objective 3.3 Continue focus on storytelling services for preschool elementary school children of the community, including Lake Park Elementary, Lake Park Baptist schools. Continue marketing to Lake Park nursery schools and day-cares. Expand storytelling services to additional events such as bedtime stories, to promote the parent-child reading experience.
- Objective 3.4 Conduct annual Summer Reading Program during June-July for juvenile readers. Consider expanding youth program to include summer teen book discussion groups.
- Objective 3.5 Continue volunteer Homework Connection (a tutoring program) for elementary students during after-school hours. Consider marketing drive to encourage more volunteers.
- Objective 3.6 Continue *TeenAchieve!* a program for young adults that offers homework assistance and activities emphasizing literature, academics, computer skills and social skills. Expand program's speaker visits to include more authors and speakers focusing on life and coping skills.
- Objective 3.7 Continue offering appropriate tutoring sessions in the computer lab. Consider feasibility of expanding sessions to cover beyond beginner level, such as creating Word documents, Powerpoint or Access databases as well as topical internet research. Consider feasibility of adding online tutorials to web page.
- Objective 3.8 Continue promoting and marketing the educational functions of the Library within the community.
- Objective 3.9 Consider feasibility of expanding Library's production capabilities by providing additional production capabilities for the public such as scanning and digital photography editing.
- Objective 3.10 Continue expanding programming schedule and continue Friends of the Library program series. Continue activities such as monthly book club, weekly film club and add other community programs as appropriate. Assist Friends of the library in increasing membership and participation with marketing drives.
- Objective 3.11 Re-evaluate Library hours and adjust according to community's needs within current budget.
- Objective 3.12 Continue promoting middle and high school student services, including volunteer opportunities for teenagers through the Teen program and volunteer opportunities.
- Objective 3.13 Continue organizing frequent exhibits by local artists and civic organizations. Expand to include an even wider variety of artists and performers.
- Objective 3.14 Expand topical lectures series. Continue Library's annual Beyond the Books event.

MISSION: Support the programs, services and collection development of the Library through effective administrative practices.

GOAL: Continue to integrate and refine library management functions.

- Objective 4.1 Continue membership in SEFLIN (Southeast Florida Library Information Network) and complying with library standards for such membership , for improved regional services, including taking an active role in SEFLIN Committees for the purpose of promoting interlibrary cooperation and taking full advantage of all staff training opportunities. .
- Objective 4.2 Continue commitment to seeking and providing new training opportunities and professional development for all staff.
- Objective 4.3 Explore new identification technology for upgrading library card system to improve patron convenience.
- Objective 4.4 Keep abreast of new technologies to maximize efficiency of Library functions.
- Objective 4.5 Review current Technical Processing procedures and revise as appropriate.
- Objective 4.6 Continue survey of latest technology in order to ensure network system and computer hardware/software is compliant and current and upgrade such technology as funds are available.
- Objective 4.7 Continue maintaining automated catalog via upgrades in conjunction with the other members of COALA library network which consists of Boynton, Delray, Lake Park and Palm Springs libraries.
- Objective 4.8 Review existing Library policies, revising as appropriate, with approval from the Lake Park Library Board and the Town Commission.

GOAL: Enhance public awareness of resources, services and programs available in the Library.

- Objective 5.1 Increase annual circulation and the number of new library user registrations over previous year, 2007.
- Objective 5.2 Continue expanding Library's Internet homepage (www.lakepark-fl.gov) to promote programs, services and resources by continuing an improved version of the web-based version of the library newsletter by adding new features as emerging technology allows.
- Objective 5.3 Increase use of emerging technology as a marketing and promotional tool.
- Objective 5.4 Continue publication of the Lake Park Library Newsletter and regularly submit library news to local newspapers .
- Objective 5.5 Cultivate contacts with local news outlets for publicity releases, in addition to normal announcements in *WEEKDAY* and other newspapers. Continue participating in the Sun Sentinel's "ask a Librarian" column. Expand marketing strategies to include listings with online/ internet-based sources such as FloridaView.com and Wi-Fi locator websites.
- Objective 5.6 Assist the Friends of the Library's membership drive, with the goal of increasing Friends membership.
- Objective 5.7 Continue coordinating with the Friends of the Library on the improvement project for creating a more esthetic area at the Greenbriar entrance.
- Objective 5.8 Investigate the feasibility of providing a gift and refreshment area at the library.

- Objective 5.9 Continue with cooperative efforts with community groups (i.e., Historical Society, Kiwanis, Citizens On Patrol, Neighborhood Awareness Group).
- Objective 5.10 Continue promoting and managing use of the Schuyler Meeting Room by local organizations.

TOWN OF LAKE PARK LIBRARY LONG RANGE PLAN Year 2009

MISSION: Provide a library collection that meets informational, recreational and educational needs of the community.

GOAL: The Library's collection provides current fiction and other high-interest materials in a variety of formats.

- Objective 1.1 Continue selection/review of entire collection for currency, high-interest and appeal.
- Objective 1.2 Continue expanding non-book collections, including foreign language materials.

GOAL: The Library provides informational and educational resources for all ages of the community.

- Objective 2.1 Continue providing reference materials and cultural resources related to interests and needs of the community. Expand programs to highlight & promote cultural exchange within the community.
- Objective 2.2 Continue access to relevant licensed online reference databases, either through a library cooperative, or purchased independently.
- Objective 2.3 Investigate new technologies and/or formats to offer as part of the Library's services.
- Objective 2.4 Expand current resources to be available from the Lake Park Library's homepage.

MISSION: Increase the accessibility of library services for various populations within the community.

GOAL: Provide services as a community educational support center for all age levels.

- Objective 3.1 Continue providing story hours and literacy events for preschool children.
- Objective 3.2 Continue Summer Reading program utilizing teenage volunteers.
- Objective 3.3 Continue volunteer Homework Connection (a tutoring program).
- Objective 3.4 Conduct expanded programs during the school year for elementary school students.
- Objective 3.5 Offer a variety of tutoring classes in the computer lab for both adults and children.

Objective 3.6 Continue providing focused programs for teens.

Objective 3.7 Provide educational programs for the community.

GOAL: Provide assistance in locating educational and informational resources for the community.

Objective 4.1 Continue to provide reference assistance online and face to face reference in the Library.

Objective 4.3 Expand reader advisory services for all users.

MISSION: Support the programs, services and collection development of the Library through effective administrative practices.

GOAL: Continue to integrate and refine library management functions.

Objective 5.1 Periodically review network systems and computer hardware/software in light of changing technology, updating as funds are available.

Objective 5.2 Continue upgrading the automated catalog in conjunction with fellow members of Cooperative library network.

Objective 5.3 Continue revising Technical Processing procedures as appropriate.

GOAL: Enhance public awareness of resources, services and programs available in the Library.

Objective 6.1 Increase annual circulation and registrations for new library users over year 2008.

Objective 6.2 Continue promotion and marketing efforts for all library programs and services.

Objective 6.3 Continue reviewing and refining Library policies, as appropriate.

TOWN OF LAKE PARK LIBRARY LONG RANGE PLAN Year 2010

MISSION: Provide a library collection that meets informational, recreational and educational needs of the community.

GOAL: The Library's collection provides current fiction and other high-interest materials in a variety of formats.

Objective 1.1 Continue selection/review of entire collection for currency, appeal and high-interest for users. Expand programs that address community's needs and interests.

Objective 1.2 Review existing non-book resources and expand or reduce as appropriate and according to latest available technology.

GOAL: The Library provides informational and educational resources for all ages of the community.

Objective 2.1 Provide cutting-edge reference materials and digital resources as needed.

Objective 2.3 Investigate newer technologies and/or formats to offer as part of Library's services.

Objective 2.4 Continue expanding resources linked on the Library's homepage.

MISSION: Increase the accessibility of library services for various populations within the community.

GOAL: Provide services as a community educational support center for all age levels.

Objective 3.1 Provide expanded story hours and other literacy programs for preschool children.

Objective 3.2 Offer Summer Reading Programs for elementary school age children.

Objective 3.3 Continue volunteer Homework Connection (a tutoring program).

Objective 3.4 Conduct programs during the school year for Lake Park Elementary School and other local elementary students.

Objective 3.5 Expand focused programming for teens.

Objective 3.6 Organize tutoring classes in the computer lab for both adults and children.

Objective 3.7 Expand Adult Literacy, ESOL and Citizenship . programs

Objective 3.8 With Friends of the Library, provide educational programs for the community.

GOAL: Provide assistance in locating educational and informational resources for the community.

Objective 4.1 Continue to provide reference assistance, online and in the library.

Objective 4.2 Continue to provide reader's advisory services for all users.

MISSION: Support the programs, services and collection development of the Library through effective administrative practices.

GOAL: Continue to integrate and refine library management functions.

Objective 5.1 Review and update network systems and computer hardware/software in light of changing technology and update as funds are available.

Objective 5.2 Continue upgrading the automated catalog in conjunction with the other members of the COALA library network.

Objective 5.3 Continue revising Technical Processing procedures as appropriate.

GOAL: Enhance public awareness of resources, services and programs available in the Library.

Objective 6.1 Increase annual circulation and registrations for new library users over year 2009.

Objective 6.2 Continue promotion and marketing efforts in the community for Library programs and strengthen community partnerships for improved services.

Objective 6.3 Continue reviewing and refining Library policies, as appropriate.

TAB 4

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Contract Renewal for Tennis Pro

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager *W. Lewis* Date: *8/13/07*
Gr. Dowling Interim Director Parks & Rec *8-13-07*
 Name/Title Date of Actual Submittal

Originating Department: Recreation Department	Costs: \$ 0 Funding Source: Acct. #	Attachments: Resolution and Contract
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs <u><i>GD</i></u> <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Attached is a newly negotiated contract between the Town and the Tennis Pro. The term of the contract is for one year and maybe renewed for up to three additional one year periods on the same terms and conditions with an increase in rent of 4% per year. The monthly rent has been increased from \$150 to \$800 per month.

RESOLUTION NO. 56-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND ITAMAR MACEDO, AN INDEPENDENT CONTRACTOR, FOR THE PROVISION OF PROFESSIONAL TENNIS LESSONS AND INSTRUCTION TO INDIVIDUALS OF ALL AGES AND LEVELS OF EXPERIENCE AT THE LAKE PARK TENNIS CENTER AND ALSO PROVIDING FOR THE LEASING OF THE PRO SHOP BY THE TENNIS PROFESSIONAL, BOTH OF AGREEMENTS ARE TO BE FOR A ONE YEAR TERM, WITH A RENEWAL OPTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is a municipality and given those powers and responsibilities enumerated by Chapter 166 Florida Statutes and the Florida Constitution; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the Town requires the services of a tennis professional to be hired an independent contractor and not an employee of the Town, to provide tennis lessons and instruction for individuals of all ages and levels of experience at the Lake Park Tennis Center; and

WHEREAS, the Town Parks and Recreation Director has interviewed qualified tennis professionals interested in providing such services to the Town, and has determined that ITAMAR MACEDO is the most qualified individual to serve as the professional tennis instructor for the Town under the terms and conditions of the Agreement attached hereto as **Exhibit "A"**; and

WHEREAS, the Town desires to enter into an agreement with ITAMAR MACEDO for the provision of professional tennis lessons and instructions, and the rental of the Pro Shop by ITAMAR MACEDO. A copy of the Agreement for such services and the rental of the Pro Shop is attached hereto as **Exhibit "A"**.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are hereby incorporated herein as true and correct.

Section 2. The Mayor is hereby authorized and directed to execute the Agreement between the Town of Lake Park and ITAMAR MACEDO attached hereto as **Exhibit "A"**.

Section 3.

This Resolution shall take effect immediately upon its adoption.

**CONTRACT
BETWEEN THE TOWN OF LAKE PARK, FL
AND
ITAMAR MACEDO**

THIS CONTRACT, made this ___ day of August, 2007 by and between the Town of Lake Park, a municipal corporation of the State of Florida, hereinafter designated as "the TOWN", and ITAMAR MACEDO, 1087 Raintree Drive, Palm Beach Gardens, FL 33410, hereinafter designated as "the CONSULTANT".

WITNESSETH THAT:

WHEREAS, the TOWN is a municipality and given those powers and responsibilities enumerated by Chapter 166 Florida Statutes and the Florida Constitution; and

WHEREAS, the TOWN is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the TOWN requires the services of a tennis professional as an independent contractor and not an employee of the TOWN to provide tennis instruction for individuals interested in taking tennis lessons at the Lake Park Tennis Center; and

WHEREAS, the TOWN has interviewed persons interested in providing such services to the TOWN and has determined that the CONSULTANT is the most qualified individual to serve as the tennis professional instructor for the TOWN under the terms and conditions of this CONTRACT; and

WHEREAS, the TOWN has budgeted funds in its current fiscal year budget which are available for the funding of this CONTRACT;

NOW THEREFORE, the TOWN and the CONSULTANT in consideration of the benefits flowing from each to the other do hereby agree as follows:

1. STATEMENT OF WORK

1.1 The CONSULTANT shall, to the satisfaction of the TOWN, fully and timely provide tennis lessons, instruction and related services as described herein. The CONSULTANT shall organize and operate a range of quality tennis activities and programs for all ages and experience levels of tennis players, which shall include youth and adult players and beginner, intermediate, and advanced levels of play. The CONSULTANT shall, at the CONSULTANT's sole expense, hire and retain and employ any and all assistants necessary to operate a quality tennis program for the TOWN (including but not limited to the provision to such individuals all benefits of employment required by state and federal law, including but not limited to, worker's compensation insurance, health insurance, disability insurance, life insurance, retirement benefits, and all other insurances and benefits of employment, and

the CONSULTANT shall be solely responsible for paying such costs. The CONSULTANT shall submit a fee schedule for the costs to be charged for tennis lessons and other related services to the Town Manager, which shall be subject to Town Manager's review and approval before CONSULTANT commences any services under this CONTRACT. The fee schedule for tennis lessons and instruction shall be comparable with fees charged at similar tennis facilities in municipalities of comparable demographics in Palm Beach County. The CONSULTANT shall provide all equipment including but not limited to tennis rackets, tennis balls, ball practice hitting equipment (tennis ball machines), water coolers, water removers/squeegees, ball pickup and ball baskets, score keepers/trackers, audio and video teaching materials, classroom instruction, seminars, individual and group instruction, tournaments, and all other normally accepted methods of instruction and coaching in the sport of tennis and means of teaching as well as practice machinery and equipment necessary to provide tennis instruction and lessons.

- 1.1 The CONSULTANT after consultation with, and approval of the Town Manager, shall establish a method for qualifying under-privileged individuals with low incomes or who are from low income households, for free tennis lessons and instruction and coaching in tennis by the CONSULTANT. The CONSULTANT shall be responsible for preparing all application forms, registration forms, ledgers, account records, incident reports, appointment and scheduling books and records, and other written documentation made or received by the CONSULTANT in the operation of the tennis instruction program. Annually, the CONSULTANT shall conduct a minimum of 25 hours of free lessons and shall hold periodic teaching seminars for individuals who qualify for free lessons and instruction. In addition, the CONSULTANT shall provided not less than 25 hours of free tennis lessons to students of Lake Park Elementary School, Lake Park Baptist School and the Lake Park Summer Camp who qualify for free lessons under the criteria established by the Town Manager and the CONSULTANT. The CONSULTANT shall keep accurate and up to date written records and appointment books located in the Pro Shop at the Tennis Center. The appointment book shall be available to the Town Manager or his/her designee at any time.
- 1.3 The CONSULTANT shall have the priority use of two tennis courts (courts 5 and 6) for the purpose of delivering instruction or services. The CONSULTANT may, depending upon the circumstances, have the exclusive use of two courts during the times other organizations are present at the Tennis Center. The CONSULTANT's use and maintenance of the Tennis Center shall not in anyway, or at any time, interfere with or obstruct the use of the Tennis Center by the TOWN, its agents, employees, patrons or assigns.
- 1.4 Any and all advertising, signage, marketing and promotional materials, forms, releases, authorization forms, legal documents, and any other written materials and publications prepared or created by or for the CONSULTANT for use in connection with the services to be provided pursuant to this CONTRACT or relating to the Town

of Lake Park, the Lake Park Tennis Center, the Lake Park tennis program, or other written or electronic materials relating to the TOWN must be reviewed and approved in advance by the Town Manager. The CONSULTANT shall be required to utilize the medical authorization and release of liability forms prepared by the Town Attorney for all activities conducted by the CONSULTANT on TOWN property.

2. TERM AND PERIOD OF PERFORMANCE

- 2.1 The term of this CONTRACT shall commence on the date this CONTRACT is executed by the TOWN ("Commencement Date") and shall continue for a term of one (1) year unless terminated prior to the expiration of the one-year term. The CONTRACT may be renewed by the TOWN for up to three additional one year periods on the same terms and conditions and an increase in the Rent for the Pro Shop as provided herein.
- 2.2 The parties agree that time is of the essence in the performance of each any every obligation under this CONTRACT.

3. CONSIDERATION AND RENT

- 3.1 The CONSULTANT shall collect all fees for instruction and lessons that shall be remitted to the TOWN Finance Director together with all supporting documentation. After review and approval by the Finance Director, the TOWN shall remit to the CONSULTANT 100% of the gross compensation paid to the TOWN for any tennis instructions and related services provided by the CONSULTANT and any of his/her employees at the Lake Park Tennis Center pursuant to this CONTRACT.
- 3.2 The TOWN shall provide office space for the CONSULTANT in the Pro Shop building at Kelsey Park at monthly rent ("Rent") of Eight Hundred Dollars (\$800.00) per month. Rent shall be paid by the CONSULTANT by the 10th day of each month by cashier's check or money order made payable to "The Town of Lake Park, Florida" and delivered to the Town of Lake Park Finance Department located at 535 Park Ave, Lake Park Florida 33403. After the expiration of the initial one year term, Rent shall increase by four percent (4%) for each one year renewal term. If CONSULTANT fails to make any payment of Rent within fifteen (15) days after receipt of written notice from TOWN of such failure, then CONSULTANT shall pay a late charge in an amount equal to five percent (5%) of the amount of Rent then due. The late charge shall be paid to TOWN within thirty (30) days after demand by TOWN. In addition, interest at the rate of one and one-half percent (1.5%) per month shall accrue against the delinquent payment(s) from the date due until the date the payment is received by TOWN. CONSULTANT and TOWN agree that the late charge is a reasonable estimate of the extra administrative expenses incurred by TOWN in handling the delinquency. Any and all sums of money or charges required to be paid by CONSULTANT under this CONTRACT other than the Rent shall be

considered "Additional Rent" whether or not the same is so specifically designated and TOWN shall have the same rights to enforce due and timely payment by CONSULTANT of all Additional Rent as are available to TOWN relating to Rent.

- 3.3 In the event the CONSULTANT pays an amount than is less than the amount stipulated to be paid under this CONTRACT, such payment shall be considered to be made only on account of the stipulated amount. No endorsement or statement on any check or letter shall be deemed to be an accord and satisfaction. The TOWN may accept any check or payment without prejudice to the TOWN's right to recover the balance due or to pursue any other remedy available to the TOWN pursuant to this CONTRACT or under the law.

4. EQUAL OPPORTUNITY/MBE PARTICIPATION

- 4.1 The CONSULTANT hereby assures that no person shall be discriminated against on the grounds of race, color, creed, national origin, handicap, age, or sex, in any activity under this CONTRACT. The CONSULTANT shall take all measures necessary to effectuate these assurances.

5. INVOICING AND PAYMENT

- 5.1 The CONSULTANT'S invoices shall be sent to the following address:

Town of Lake Park
Town Manager
545 Park Avenue
Lake Park, FL 33403

- 5.2 The CONSULTANT shall be paid on a monthly basis or as otherwise agreed to in writing by the TOWN, provided the CONSULTANT has performed the work according to the terms and conditions of this CONTRACT to the satisfaction of the TOWN.

6. INDEMNIFICATION AND INSURANCE

- 6.1 The CONSULTANT hereby agrees to indemnify, defend and hold harmless TOWN from and against any and all liability for any and all losses, claims, expenses, damages, bodily injury or property damage, including without limitation, damage to the Property or to TOWN's Property, consequential damages, all costs, expenses, court costs and reasonable attorneys' fees imposed on TOWN by any person whomsoever that occurs ARISING FROM (1) THE ACTS, OMISSIONS, NEGLIGENCE, WILLFUL MISCONDUCT OR STRICT LIABILITY OF THE CONSULTANT, ITS EMPLOYEES, AGENTS OR CONTRACTORS OR (2) ANY BREACH OF ANY PROVISION OF THIS CONTRACT The commercial liability insurance that the CONSULTANT is required to carry pursuant to Section 6 of this

CONTRACT shall include coverage of the foregoing contractual indemnity. CONSULTANT's inability to evaluate liability or its evaluation of liability, shall not excuse the CONSULTANT's duty to defend and indemnify within fifteen (15) days after such notice is given by the TOWN by registered mail. Only an adjudication or judgment after the highest appeal is exhausted, specifically finding the TOWN solely negligent, shall excuse performance of this provision by enforcement by the CONSULTANT. The CONSULTANT shall pay all costs and fees related to this obligation and its enforcement by the TOWN. The TOWN's failure to notify the CONSULTANT of a claim shall not release the CONSULTANT of the above duty to defend and indemnify. The provisions of this Section shall survive the expiration or any termination of this CONTRACT.

- 6.2 The CONSULTANT shall maintain, or cause to be maintained, the following specified insurance coverage's in the amounts set forth hereafter during the full period of the CONTRACT, which must include the following coverage's and minimum limits of liability:
- a. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE for all employees of the CONSULTANT for Statutory Limits in compliance with the applicable state and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the CONSULTANT and all subcontractors.
 - b. COMPREHENSIVE GENERAL LIABILITY with the minimum limits of \$1,000,000.00, Per Occurrence, Combined Single Limit for Bodily Injury Liability, Property Damage Liability, Premises and Operations, Independent contractors, Products and Completed Operations, Broad Form Property / Personal Injury, XCU coverage, and a contractual Liability Endorsement.
 - c. BUSINESS AUTO LIABILITY with minimum limits of \$1,000,000.00, Per Occurrence, Combined Single Limit for Bodily Injury and Property Damage Liability. This shall be an "any-auto" policy including Owned, Hired, Non-Owned, and Employee Non-Ownership Coverage.
 - d. PROFESSIONAL LIABILITY (malpractice and professional negligence) coverage with minimum limits of \$1,000,000.00 for all agents and employees of CONSULTANT.
- 6.3 The TOWN shall be included as an Additional Named Insured under the General Liability and Automobile Liability policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the duration of the CONSULTANT. There shall be a thirty (30) day notification to the TOWN, in the event of cancellation or modification of any stipulated insurance policy. It shall be the responsibility of the CONSULTANT to ensure that any subcontractors are adequately insured or covered under their policies.

- 6.4 All Certificates of Insurance shall be kept on file with the TOWN, and approved by the TOWN prior to the commencement of any work activities. The TOWN may at its discretion, require the CONSULTANT to provide a complete certified copy of the insurance policy(s). If this CONTRACT includes the installation of machinery and/or equipment into an existing structure, the Comprehensive General Liability policy must include an endorsement covering same, including installation and transit.
- 6.5 The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+.
- 6.6 All required insurance shall preclude any underwriter's rights of recovery or subrogation against the TOWN with the express intention of the parties being that the required coverage's protect both parties as the primary insurance for any and all losses covered by the above described insurance.
- 6.7 The clauses "Other Insurance Provisions" and "Insured Duties in the Event of an Occurrence, Claim or Suit" as they appear in any policy of insurance in which the TOWN is named as an additional named insured shall not apply to TOWN.
- 6.8 Violation of the terms of this Paragraph 6 and its sub-parts shall constitute a material breach of the CONTRACT by the CONSULTANT and the TOWN, at its sole discretion, may cancel the CONTRACT and all rights, title and interest of the CONSULTANT shall thereupon cease and terminate.

7. TERMINATION/REMEDIES

- 7.1 If either party fails to fulfill its obligations under this CONTRACT in a timely and proper manner, the other party shall have the right to terminate this CONTRACT by giving written notice of any deficiency. The party in default shall then have seven (7) calendar days from receipt of notice to correct the deficiency. If the defaulting party fails to correct the deficiency within this time, this CONTRACT shall terminate at the expiration of the seven (7) day time period.
- 7.2 The TOWN may terminate this CONTRACT at any time for convenience upon thirty (30) calendar days prior written notice to the CONSULTANT. The performance of work under this CONTRACT may be terminated by the TOWN in accordance with this clause in whole, or from time to time in part, whenever the TOWN shall determine that such termination is in the best interest of the TOWN. Any such termination shall be effected by delivery to the CONSULTANT of a Notice of Termination specifying the extent to which performance of work under the

CONTRACT is terminated, and the date upon which such termination becomes effective. In the event of termination, the TOWN shall compensate the CONSULTANT for all authorized and accepted work performed through the termination date. The TOWN shall be relieved of any and all future obligations hereunder, including but not limited to lost profits and consequential damages, under this CONTRACT. The TOWN may withhold all payments to the CONSULTANT for such work until such time as the TOWN determines the exact amount due to the CONSULTANT.

- 7.3 If either party initiates legal action, including appeals, to enforce this CONTRACT, the prevailing party shall be entitled to recover a reasonable attorney's fee.

8. STANDARDS OF COMPLIANCE

- 8.1 The CONSULTANT, its employees, subcontractors or assigns, shall comply with all applicable federal, state, and local laws and regulation relating to the performance of this CONTRACT. The TOWN undertakes no duty to ensure such compliance, but will attempt to advise the CONSULTANT, upon request, as to any such laws of which it has present knowledge.
- 8.2 The CONSULTANT, by its execution of this CONTRACT, acknowledges and attests that, neither he nor any of his employees and subcontractors or affiliates who shall perform work which is intended to benefit the TOWN, has been convicted of any public entity crime pursuant to Section 287.133, Florida Statutes, or, if any such person, entity or affiliate was convicted of a public entity crime, a period longer than thirty-six (36) months has passed since any such person, entity or affiliate was placed on a convicted vendor list. The CONSULTANT further understands and acknowledges by its execution of this CONTRACT, that this CONTRACT shall be null and void, and/or that this CONTRACT is subject to immediate termination by the TOWN, for any misstatement or lack of compliance with the mandates of said statute. The TOWN, in the event of such termination, shall not incur any liability to the CONSULTANT for any work or materials furnished.
- 8.3 The CONSULTANT shall not be exempted from paying Florida Sales and Use taxes to the appropriate governmental agencies or for payment by the CONSULTANT to suppliers for taxes on materials used to fulfill its contractual obligations with the TOWN. The CONSULTANT shall be responsible and liable for the payment of all of its FICA/Social Security and other taxes resulting from this CONTRACT.
- 8.4 Pursuant to Section 287.055(6), Florida Statutes, the CONSULTANT warrants that it has not employed or retained any person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this CONTRACT. Further, the CONSULTANT warrants that he has not paid or agreed to pay any person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission,

percentage, gift, or other consideration contingent upon or resulting from the awarding or making of this CONTRACT. For breach of this provision, the TOWN may terminate this CONTRACT without liability and, at its discretion, deduct or otherwise recover the full amount of such fee, commission, percentage, gift, or other consideration.

9. RELATIONSHIP BETWEEN THE PARTIES

- 9.1 The CONSULTANT is an independent contractor and is not an employee or agent of the TOWN. Nothing in this CONTRACT shall be interpreted to establish any relationship other than that of an independent contractor, between the TOWN and the CONSULTANT, its employees, agents, subcontractors, or assigns, during or after the performance of this CONTRACT. The CONSULTANT is free to provide similar services for others.
- 9.2 The CONSULTANT shall not assign, delegate, or otherwise transfer its rights and obligations as set forth in this CONTRACT without the prior written consent of the TOWN. Any attempted assignment in violation of this provision shall be void, and notwithstanding the termination provisions of Paragraph 7 herein, the TOWN may immediately terminate this CONTRACT.
- 9.3 The CONSULTANT shall not pledge the TOWN'S credit or make the TOWN a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness.

10. RECORDS RETENTION/OWNERSHIP/AUDIT

- 10.1 The CONSULTANT understands that all documents produced by CONSULTANT pursuant to this CONTRACT are public records and CONSULTANT must permit the inspection and copying of all public records and must maintain all public records pursuant to Chapter 119, Florida Statutes. The CONSULTANT shall indemnify and hold the TOWN harmless from any demands, claims, actions or lawsuits of any kind regarding the CONSULTANT's failure to comply with Chapter 119, F.S. related to public records. The CONSULTANT shall permit the TOWN or its designated agent to inspect all records maintained by CONSULTANT, which are associated with this CONTRACT at the location where they are kept upon reasonable notice.
- 10.2 The TOWN has not performed a pre-audit of the CONSULTANT'S financial and/or accounting records to verify actual or average direct labor payroll rates or verify the general overhead factor and profit margin. However, the CONSULTANT shall permit the TOWN or its designated agent to inspect such records at the location where they are kept upon reasonable notice. Furthermore, the TOWN shall have the right to audit the CONSULTANT's financial and accounting records, in accordance with generally accepted governmental auditing standards, within a period of one (1) year after completion of this CONTRACT. This audit may be performed by the

TOWN or a designated agency.

11. USE OF PRO SHOP

- 11.1 All personal property placed or moved into or upon the Premises shall be at the sole risk of the CONSULTANT and the TOWN shall not be liable for any damage caused to said personal property, by the CONSULTANT, its officers, agents, or employees, or by a willful, wanton, or negligent act of any occupant of the Pro Shop whatsoever. The Pro Shop Building, sidewalks, entrances, passages, elevators and staircases and other common areas on the Premises shall not be obstructed or used other than for ingress and egress. No person shall be permitted to loiter upon the Pro Shop Premises. The CONSULTANT shall keep all glass, locks, trim and other property of the TOWN in good order and repair. If any of the same are damaged by the CONSULTANT or any of the tenant's agents, the same shall be repaired at CONSULTANT's expense. No additional lock or bolt shall be placed on any door or window of the CONSULTANT's premises and the CONSULTANT shall not permit any lock mechanism to be changed. If more than two keys for any door are desired, the additional number must be procured from the TOWN. At the end of the CONSULTANT's tenancy, the CONSULTANT shall surrender to the TOWN all keys received by the CONSULTANT. The installation of security systems is permitted however upon installation, the CONSULTANT must provide the TOWN with the security code for admission by the Town or Town Officials.
- 11.2 CONSULTANT certifies that CONSULTANT has inspected the Pro Shop, and accepts the same "AS IS" in its existing condition, as of the Effective Date of this CONTRACT, together with all defects, latent and patent, if any, and subject to all easements, encumbrances, and restrictions and matters of record. CONSULTANT further acknowledges that the TOWN has made no warranties or representations of any nature whatsoever regarding the Pro Shop Premises, including without limitation, any relating to the physical condition or structural integrity of any improvements located thereon, or the suitability thereof for the CONSULTANT's intended use.
- 11.3 The CONSULTANT shall service, keep and maintain the interior of the Pro Shop, including all plumbing, air conditioning and heating and cooling equipment, fixtures, sprinkler systems, electrical systems, doors, interior partitions, equipment and appurtenances, the air conditioning fixtures and equipment on the exterior of the Premises, and any other installations in good condition and repair during the entire term of this CONTRACT. The CONSULTANT agrees to make repairs to the Pro Shop, which are required by, or arise out of, the CONSULTANT'S own acts or negligence, or that of the CONSULTANT'S members, employees, agents, guests, invitees, licensees, patrons or customers and immediately upon demand by the TOWN shall remedy and repair any damage to any water apparatus, electric lights, or any fixture, appliances or appurtenances of the Pro Shop, caused by any act of

neglect by the CONSULTANT or of any person(s) in the employ or under the control of the CONSULTANT.

- 11.4 Throughout the term of this CONTRACT, the CONSULTANT at its sole expense, shall maintain the Pro Shop, which includes both internal and external, in a clean, orderly and presentable condition, free of rubbish and trash. No dumping of any unwanted materials and no outside storage of any personal property shall be permitted. The CONSULTANT, including its members, employees, agents, guests, invitees, licensees, patrons or customers, shall not cause any litter or debris to be cast upon the grounds, exterior portions or common areas of the Pro Shop. Any garbage and trash generated from the CONSULTANT's use of the Pro Shop shall be promptly removed and deposited in the containers intended to be used for such purposes.
- 11.5 If the CONSULTANT's presence or activities in and upon the Premises of the Pro Shop causes the TOWN to incur costs for cleaning, trash removal, inspections, or like expenses, CONSULTANT agrees to pay such costs to the TOWN on the TOWN's written demand including copies of the paid invoices for such work. Notwithstanding the foregoing, the CONSULTANT will pay on written demand the greater of the actual inspection of costs or Five Hundred Dollars (\$500.00) for any inspection conducted by the TOWN or its agents on the Pro Shop the results of which show, in the TOWN's reasonable determination a, violation of this CONTRACT or a violations of any federal, state or municipal laws or regulations. CONSULTANT shall also pay on demand, the greater of the actual inspection costs or Five Hundred Dollars (\$500.00) for any follow-up inspections related to the violation.
- 11.6 The CONSULTANT shall pay the Florida Sales and Use Taxes levied under Chapter 212.02(6) F.S., as amended, or other applicable statutes, and shall pay all personal property taxes that may be levied or assessed against the personal property of the CONSULTANT, and any other applicable taxes, fees, or governmental assessments against any equipment, personal property, and/or improvements owned, leased, or operated by the CONSULTANT or directly associated with the CONSULTANT's use of the Pro Shop Property.
- 11.7 The CONSULTANT releases the TOWN from any loss, claim or damage which the CONSULTANT may sustain arising directly or indirectly by reason of either existing or future zoning or other regulations promulgated by any governmental agency which may adversely affect use by the CONSULTANT of the Pro Shop. CONSULTANT shall assume all responsibility for procuring or complying with any ordinance, resolution, order, permit, consent or other such regulations, promulgated by any governmental agency whatsoever, for building or otherwise, required for the use of the Property or for the construction of any facilities upon the Pro Shop, and shall indemnify and hold harmless the TOWN from any loss, claim or damage suffered by the TOWN for the CONSULTANT's failure to properly and completely perform this

responsibility. CONSULTANT shall at all times comply with all applicable laws and ordinances and all rules and regulations of municipal, state and federal governmental authorities relating to the use of the Pro Shop.

- 11.8 The CONSULTANT shall not place any signs on the Pro Shop, except in compliance with the Town Code, or if not applicable with the prior written consent of the TOWN, including consent as to location and design, which consent shall not be unreasonably withheld, conditioned or delayed. Any and all such approved signs shall be installed and shall be maintained by the CONSULTANT, at its sole cost and expense and shall be in compliance with all applicable laws. The CONSULTANT shall be responsible to TOWN for the installation, use or maintenance of said signs and any damage caused thereby. The CONSULTANT agrees to remove any signs prior to termination of this CONTRACT and upon such removal to repair all damage incident to such removal.
- 11.9 In addition to and not limiting any other rights or remedies which the TOWN may have on account of the CONSULTANT holding over without consent of TOWN, the CONSULTANT shall pay to the TOWN any and all direct and consequential damages incurred by the TOWN on account of such unapproved holding over.
- 11.10 During the term of this CONTRACT, the CONSULTANT shall use the Tennis Center and the Pro Shop in compliance with all applicable governmental laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). The CONSULTANT shall comply with (a) all Laws relating solely to CONSULTANT's specific and unique nature of use of the Pro Shop and the Tennis Center; and (b) all building codes requiring modifications to the Pro Shop and the Tennis Center due to the improvements made by CONSULTANT.
- 11.11 The CONSULTANT shall not make or allow to be made any alterations in or to the Tennis Center and the Pro Shop without first obtaining the written consent of TOWN, which consent may be granted or withheld in the TOWN's sole discretion. The CONSULTANT shall have no authority or power, express or implied, to create or cause any construction lien or mechanics or material men's lien or claim of any kind against the Tennis Center and the Pro Shop. The CONSULTANT shall promptly cause any such liens or claims to be released by payment, bonding or otherwise within thirty (30) days after request by TOWN, and shall indemnify the TOWN against losses arising out of any such claim including without limitation, legal fees and court costs. NOTICE IS HEREBY GIVEN THAT THE TOWN SHALL NOT BE LIABLE FOR ANY LABOR, SERVICES OR MATERIAL FURNISHED OR TO BE FURNISHED TO THE CONSULTANT, OR TO

ANYONE HOLDING THE PROPERTY THROUGH OR UNDER THE CONSULTANT, AND THAT NO MECHANIC'S OR OTHER LIENS FOR ANY LABOR, SERVICES OR MATERIALS SHALL ATTACH TO OR AFFECT THE INTEREST OF THE TOWN IN THE PRO SHOP OR TENNIS CENTER.

- 11.12 Upon termination of the CONTRACT, the CONSULTANT shall, remove its equipment, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear excepted.

12. GENERAL PROVISIONS

- 12.1 Notwithstanding any provisions of this CONTRACT to the contrary, the parties shall not be held liable for any failure or delay in the performance of this CONTRACT that arises from fires, floods, strikes, embargoes, acts of the public enemy, unusually severe weather, outbreak of war, restraint of government, riots, civil commotion, force majeure, act of God, or for any other cause of the same character which is unavoidable through the exercise of due care and beyond the control of the parties. Failure to perform shall be excused during the continuance of such circumstances, but this CONTRACT shall otherwise remain in effect.
- 12.2 The laws of the State of Florida shall govern all aspects of this CONTRACT. In the event it is necessary for either party to initiate legal action regarding this CONTRACT, venue shall be in Palm Beach County (the Fifteenth Judicial Circuit) for claims under state law and in the Southern District of Florida for any claims, which are justifiable in federal court.
- 12.3 In the event any provisions of this CONTRACT shall conflict, or appear to conflict, the CONTRACT, including all exhibits, attachments and all documents specifically incorporated by reference, shall be interpreted as a whole to resolve any inconsistency.
- 12.4 Failures or waivers to insist on strict performance of any covenant, condition, or provision of this CONTRACT by the parties, their successors and assigns shall not be deemed a waiver of any of its rights or remedies, nor shall it relieve the other party from performing any subsequent obligations strictly in accordance with the terms of this CONTRACT. No waiver shall be effective unless in writing and signed by the party against whom enforcement is sought. Such waiver shall be limited to provisions of this CONTRACT specifically referred to therein and shall be not deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.
- 12.5 Should any term or provision of this CONTRACT be held, to any extent, invalid or unenforceable, as against any person, entity or circumstance during the term hereof, by force of any statute, law, or ruling of any forum of competent jurisdiction, such

invalidity shall not affect any other term or provision of this CONTRACT, to the extent that the CONTRACT shall remain operable, enforceable and in full force and effect to the extent permitted by law.

- 12.6 This CONTRACT may be amended, extended, or renewed only with the written approval of the parties.
- 12.7 This CONTRACT states the entire understanding and CONTRACT between the parties and supersedes any and all written or oral representations, statements, negotiations, or CONTRACTs previously existing between the parties with respect to the subject matter of this CONTRACT. The CONSULTANT recognizes that any representations, statements or negotiations made by TOWN staff do not suffice to legally bind the TOWN in a contractual relationship unless they have been reduced to writing and signed by an authorized TOWN representative. This CONTRACT shall inure to the benefit of and shall be binding upon the parties, their respective assigns, and successors in interest.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this CONTRACT on the date first written above.

TOWN OF LAKE PARK, FL

ATTEST:

Vivian Mendez, Town Clerk

By: _____
Paul Castro, Mayor

(TOWN SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Thomas J. Baird, Town Attorney

CONSULTANT:

BY: _____
ITAMAR Macedo

TAB 5

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input type="checkbox"/> DISCUSSION
<input checked="" type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: 501(c)(3) Non-Profit

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager

Handwritten signature: Virginia Martin

Date:

Handwritten date: 8/14/07

Virginia Martin, Grants Writer
Name/Title

August 14, 2007
Date of Actual Submittal

Originating Department: Grants	Costs: \$ 87.50 Funding Source: Non-Dept'l Contingency Acct. #	Attachments: Resolution Cover Letter Articles of Incorporation Bylaws
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>GM</i> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>GM</i> _____: Please initial one.

Summary Explanation/Background:

The Town Commission has some projects, programs and activities that have not been implemented because of budgetary constraints. Private funding is one way of accomplishing these objectives, but the Town is generally precluded from applying for grants from private foundations, and its abilities to garner sponsorships and support from private corporations is limited.

By forming an independent non-profit 501(c)(3) organization that is eligible to apply for funds from private foundations, some major municipal objectives such as the building of a community center, more funding for youth programs, sponsoring sporting and recreational events, funding senior programs and services, conducting arts and cultural activities, etc. can be accomplished. This vehicle will also allow private corporations, businesses, and individuals to get full tax deductions for their contributions to community projects and events. The CDC will be self-sufficient, not dependent on funding from the municipality.

It is recommended that the Commissioners:

1. Authorize the Town Manager to sign the Articles of Incorporation for the Lake Park Community Development Corporation, Inc.
2. Appoint three (3) persons to serve as the first Officers and Members of the Board of Directors;
 - a. 1 person to serve for a 1 year term;
 - b. 1 person to serve for a 2 year term; and
 - c. 1 person to serve for a 3 year term.
 - d. Officers shall be President, Vice President, and Secretary/Treasurer, respectively.
3. Appoint one additional person for a three year term to serve as a representative of the Town Commission.

RESOLUTION NO. 59-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SIGN AND SUBMIT THE ARTICLES OF INCORPORATION FOR THE LAKE PARK COMMUNITY DEVELOPMENT CORPORATION, INC. FOR THE PURPOSE OF APPLYING FOR FUNDING FOR COMMUNITY DEVELOPMENT PROJECTS, PROGRAMS AND ACTIVITIES.

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission desires to expand the community’s ability to attract private funding for economic, educational, social, cultural, and recreational projects, programs, and activities for the benefit of the citizens and their families; and

WHEREAS, the Town is ineligible to apply for funding from private foundations to support these efforts; and

WHEREAS, a non-profit corporation recognized by the Internal Revenue Service is eligible to solicit funding from private foundations; and

WHEREAS, a non-profit 501(c)(3) corporation is able to offer corporations and individuals a Federal Tax deduction in return for their financial support of eligible projects, programs, and activities.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission has determined that it is in the best interests of the citizens of the Town to facilitate the formation of a Community Development Corporation.

SECTION 2. The Community Development Corporation will be self-sufficient, independent, and will not require funding from the Town of Lake Park.

SECTION 3. The Town Manager is hereby authorized and directed to sign the incorporation documents to initiate the formation of the Lake Park Community Development Corporation, Inc.

SECTION 4. The Town Commission shall name three (3) individuals to serve on the Board of Directors as required by the State of Florida to incorporate.

SECTION 5. The Town Commission shall name one (1) individual to represent the Town Commission on the Board of Directors of the Lake Park Community Development Corporation.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

The Town of Lake Park

Office of the Town Manager



LAKE PARK TOWN HALL

NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

Department of State
Division of Corporations
P. O. Box 6327
Tallahassee, FL 32314

SUBJECT: Lake Park Community Development Corporation, Inc.
(PROPOSED CORPORATE NAME – MUST INCLUDE SUFFIX)

Enclosed is an original and one(1) copy of the Articles of Incorporation and a check for :

\$70.00
Filing Fee

\$78.75
Filing Fee &
Certificate of
Status

\$78.75
Filing Fee
& Certified Copy

\$87.50
Filing Fee,
Certified Copy
& Certificate

ADDITIONAL COPY REQUIRED

FROM:

Name (Printed or typed)

Address

City, State & Zip

Daytime Telephone number

NOTE: Please provide the original and one copy of the articles.

Articles of Incorporation

of the

Lake Park Community Development Corporation, Inc.

Article of Incorporation of the undersigned, a majority of whom are citizens of the United States, desiring to form a Non-Profit Corporation under the Non-Profit Corporation Law of the State of Florida, do hereby certify:

ARTICLE I **NAME OF CORPORATION**

The name of the Corporation shall be the Lake Park Community Development Corporation, Inc.

ARTICLE II **PRINCIPAL OFFICE**

The place in this state where the principal office of the Corporation is to be located is 535 Park Avenue, Lake Park, Florida, Palm Beach County.

ARTICLE III **PURPOSE**

The Lake Park Community Development Corporation, Inc. is organized exclusively for charitable purposes, and for the benefit of the Citizens of Lake Park within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or the corresponding provision of any future United States Internal Revenue Law. The term *charitable* is used in its generally accepted legal sense and includes:

- ◆ relief of the poor, the distressed, or the underprivileged;
- ◆ advancement of education;
- ◆ erecting, operating or maintaining public buildings, monuments, or works; lessening the burdens of government; and
- ◆ combating community deterioration and juvenile delinquency.

Without in any way limiting the foregoing general purposes, the specific purposes of the Corporation are to:

- (a) Engage the citizens of Lake Park in the planning, design and development of a multi-purpose community center;
- (b) Arrange for the financing of a multi-purpose community center for the benefit of the Citizens of Lake Park;
- (c) Operate the community center for the benefit of the Citizens of Lake Park;

- (d) Nurture the growth and development of small business enterprise in Lake Park as a means to enable people to achieve their income and employment objectives, and in so doing, promote the diversification and expansion of the local economy;
- (e) Stimulate and foster the growth of leadership skills as a means to encourage active civic participation in the governance and development of the community.

Except as limited by the Corporation's Bylaws and these Articles of Incorporation, the Corporation will have and exercise all rights and powers in furtherance of its purposes as now or may hereafter be conferred on not-for-profit corporations pursuant to Florida Statutes, and in accordance with other applicable law.

ARTICLE IV DISTRIBUTION OF EARNINGS

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

ARTICLE V DISSOLUTION

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VI DIRECTORS

The business of the Corporation shall be conducted by a Board of Directors as specified in the Corporation's Bylaws of the Corporation. The manner in which the directors are elected shall be in accordance with the Bylaws of the Corporation. The first Board of Directors will be appointed by the Commissioners of the Town of Lake Park, Florida. Afterwards, the Directors will be elected by the members of the Board of Directors for rotating 3 year terms

ARTICLE VII OFFICERS

The affairs of the Corporation shall be managed by a Chairman, Vice-Chairman, Secretary and Treasurer and such other officers as may be authorized by the Board of Directors. Said officers shall be elected as provided in the Bylaws of the Corporation.

The names and addresses of the persons who are the initial officers of the corporation are as follows:

Chairman, _____ Address _____

Vice-Chairman, _____ Address _____

Secretary/Treasurer, _____ Address _____

ARTICLE VIII INITIAL REGISTERED AGENT AND STREET ADDRESS

The name and Florida street address (P.O. Box NOT acceptable) of the registered agent is:

ARTICLE IX INCORPORATOR

The name and address of the Incorporator is:

ARTICLE X AMENDMENTS

These Articles of Incorporation may be amended at a regular or special meeting of the Board of Directors.

Having been named as registered agent to accept service of process for the above stated corporation at the place designated in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.

Signature/Registered Agent _____ Date _____

Signature/Incorporator _____ Date _____

BYLAWS

of the

Lake Park Community Development Corporation, Inc.

A Not-For-Profit Corporation

Section 1

OFFICES

- 1.1 Principal Offices. The principal office of the Lake Park Community Development Corporation, Inc. (the "Corporation") in the State of Florida shall be located at 535 Park Avenue, Lake Park, FL 33403.
- 1.2 Other Offices. The Corporation may have such other offices within the State of Florida as the Board of Directors may from time to time determine.

Section 2

PURPOSE

- 2.1 Statement of Purpose. The Lake Park Community Development Corporation, Inc. is organized exclusively for charitable purposes, and for the benefit of the Citizens of Lake Park within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or the corresponding provision of any future United States Internal Revenue Law. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of education; erecting, operating or maintaining public buildings, monuments, or works; lessening the burdens of government; and combating community deterioration and juvenile delinquency. Without in any way limiting the foregoing general purposes, the specific purposes of the Corporation are to:
 - (a) Engage the citizens of Lake Park in the planning, design and development of a multi-purpose community center;
 - (b) Arrange for the financing of a multi-purpose community center for the benefit of the Citizens of Lake Park;
 - (c) Operate the community center for the benefit of the Citizens of Lake Park;
 - (d) Nurture the growth and development of small business enterprise in Lake Park as a means to enable people to achieve their income and employment objectives, and in so doing, promote the diversification and expansion of the local economy;

- (e) Stimulate and foster the growth of leadership skills as a means to encourage active civic participation in the governance and development of the community.

Except as limited by the Corporation's Articles of Incorporation and these Bylaws, the Corporation shall have and exercise all rights and powers in furtherance of its purposes as now or may hereafter be conferred on not-for-profit corporations pursuant to Florida Statutes, the code, and in accordance with other applicable law.

2.2 Limitations on Activities

- (a) Distributions. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, any Director or Officer of the Corporation or any other private individual, and no Director or Officer of the Corporation, or any other private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation; provided, however, that the Corporation may confer benefits in the form of distributions, in dissolution or otherwise, in the manner set forth in Section 2.2 (d) of these Bylaws.
- (b) Compliance with Code. Notwithstanding any other provision of these bylaws, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under section 501(c)(3) of the Code or by an organization contributions to which are deductible under Section 170 (c)(2) of the Code. The Corporation shall not engage in investments or conduct other activities that would cause the Corporation to become a private foundation, as such term is defined in Section 509 of the Code.
- (c) Contributions. The Corporation shall not accept contributions from any entity or person in an amount or of a type which would cause the Corporation to become a private foundation, as such term is defined in section 509 of the Code. The Corporation shall spend each and every contribution, gift, or fee received by the Corporation for the purposes as set forth in Section 2.1 before January 1 of the fifth calendar year which begins after the date such contribution is made or otherwise in accordance with Section 170(b)(1)(A)(vi) of the Code.
- (d) Dissolution. Upon the dissolution of the Corporation, after paying or making provisions for the payment of all the liabilities of the Corporation out of assets thereof, the Board of Directors shall distribute all residual assets of the Corporation to such organization or organizations established and operated exclusively for charitable, educational, literary, or scientific purposes which, at the time of such disposition, qualify as an exempt organization or organizations under Section 501(c)(3) of the Code or

corresponding sections of any prior or future Code, or to the federal, state, or local government exclusively for public purposes. Any assets not so disposed of shall be disposed of by a court of competent jurisdiction exclusively for such charitable purposes, or to such organization or organizations established and operated exclusively for such charitable purposes, as such court determines.

Section 3

DIRECTORS

- 3.1 **Number.** Directors shall be elected by the Board of Directors. The authorized number of Directors of the Corporation shall be set from time to time by resolution of the Board of Directors; provided that the number shall not be less than five (5), one of whom shall be a representative of the Town Commission. The composition of the Board of Directors shall, to the extent possible reflect the diversity of the Town of Lake Park. One Director shall
- 3.2 **Term of Office.** The initial Board of Directors shall be appointed by the Lake Park Commission and shall hold office until their terms expire and their successors in office are elected and qualified. Regarding the composition of the first Board of Directors, one-third (1/3) shall be appointed for one year; one third (1/3) for two years; and one-third (1/3) for three years. Thereafter, the term of office of each Director shall be three (3) years following his/her election and until the qualification of his/her successor in office.
- 3.3 **General Power.** Except as otherwise provided in the Articles of Incorporation or by law, the powers of the Corporation shall be exercised, its properties controlled and its affairs conducted by the Board of Directors, which may, however delegate the performance of any duties or the exercise of any powers to such Officers and agents as the Board of Directors may designate from time to time by resolution.
- 3.4 **Officers of the Board of Directors.** The officers of the Board of Directors shall be a Chairman, Vice Chairman, Secretary, and Treasurer, all of whom shall be elected annually by the Board of Directors at their annual meeting.
- 3.5 **Duties of Officers of the Board of Directors.**
- (a) **Chairman.** The Chairman of the Board shall preside at all meetings of the Board of Directors and shall have the powers and perform the duties usually pertaining to such office, including the power to appoint committee members and to designate a chairman of each committee in accordance with Section 5.4, and shall have such other powers and perform such other duties as may be from time to time prescribed by the Board of Directors.

- (b) Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, perform the duties and exercise the powers of the Chairman. In addition, the Vice Chairman shall have such powers and perform such duties as may be prescribed from time to time by the Chairman of the Board, or by the Board of Directors.
- (c) Secretary. The Secretary of the Corporation shall keep minutes of meetings of the Board of Directors in a book provided for that purpose, see that notices are duly given in accordance with these Bylaws, be custodian of fund records and the Seal of the Corporation, see that the Seal of the Corporation is properly affixed to all documents, the execution of which on behalf of the Corporation is duly authorized, keep a register of names and addresses of all members, and in general perform all duties incident to the Office of Secretary and such other duties as may be assigned to the Secretary from time to time by the Chairman of the Board, or by the Board of Directors.
- (d) Treasurer. The treasurer shall monitor staff's handling of, and be responsible for, all funds and securities of the Corporation, regularly review receipts for moneys due and payable to the Corporation from any source whatsoever, review deposits of all Moneys in the name of the Corporation in such banks and depositories as are selected by the Board of Directors, and in general perform all duties incident to the Office of Treasurer and such other duties as may be assigned to the Treasurer from time to time by the Chairman of the Board, or by the Board of Directors.
- (e) Executive Director. The Executive Director shall be the chief executive officer of the Corporation and , subject to the Board of Directors, the Executive Director shall supervise and control the business affairs of the Corporation. The Executive Director shall serve as an Ex-Officio member of all Corporate Committees, and of the Board of Directors. The Executive Director shall perform all duties incident to the office, and such other duties as may from time to time be prescribed by the Board of Directors. The Executive Director shall present a report on the State of the Corporation at the Annual Meeting of the Corporation.
- (f) Other Officers. Any other officer designated and elected by the Board of Directors, shall perform such duties as may be assigned to them by the Board of Directors.
- (g) Delegation. The Board of Directors may delegate temporarily, the powers and duties of any Officer, in case of such Officer's absence or for any other reason, to any other Officer, and may authorize the delegation by any Officer of any of such Officer's powers and duties to any agent or employee of the Corporation subject to the general supervision of such

Officer.

- 3.6 Resignations and Removal. Any Director may resign from the Board of Directors at any time by giving written notice to the Chairman or the Secretary and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any Director may be removed at any time with or without cause, by a majority vote of a quorum of the Board of Directors.
- 3.7 Meeting Attendance. Any Director who is absent for three (3) consecutive regularly scheduled meetings without excuse acceptable to the Board of Directors shall be considered to be removed from office without further action by the Board. Notification of such removal shall be provided by the Secretary of the Corporation within thirty (30) days following the third unexcused absence.
- 3.8 Vacancies. Any vacancy occurring in the Board of Directors shall be filled by a majority vote of a quorum of the Board of Directors. A Director appointed to fill a vacancy shall be elected for the unexpired term of such Director's predecessor in office.
- 3.9 Compensation. Directors shall not receive any compensation or Director Fees for their services.
- 3.10 Procedure. The Board of Directors may adopt its own rules of procedure governing the conduct of its meetings.

Section 4

MEETINGS

- 4.1 Regular Meetings. An annual meeting of the Board of Directors shall be held each year for the purpose of electing Directors and Officers of the Corporation, and for the transaction of such other business as may come before such Board of Directors meeting. The Board of Directors shall hold regular monthly meetings, and such additional meetings as determined by the Board of Directors. The Board of Directors shall, by resolution, prescribe the time and place for the holding of the regular meetings and may provide that the adoption of such resolution shall constitute notice of such regular meetings.
- 4.2 Special Meetings. Special meetings of the Board of Directors may be called by or at the direction of the Chairman, the Executive Director, or the written request of one-third (1/3) of the Directors, such meetings to be held at such time and place as shall be designated in the notice thereof, provided that the place of the meeting shall be in the State of Florida.
- 4.3 Notice. Except as otherwise provided herein, notice of the time and place of any

regular or special meeting of the Board of Directors shall be in writing (letter, fax, or email) or by telephone, provided that the giving of any oral notice shall be recorded in the minutes of the meeting by statement of the Officer, Director, or employee giving such notice. Any member of the Board of Directors may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a member of the Board of Directors attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully noticed, called, or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the waiver of notice of such meeting.

4.4 Quorum. A majority of the Directors of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. Attendance shall be either in person or by telephone or video phone connection whereby the distant member(s) and those members present in person all hear, may speak to, and be heard on the matters raised therein. If less than a majority of Directors of the Board of Directors is present at any meeting, a majority of the Directors present may adjourn the meeting without further notice, until a quorum is present.

4.5 Manner of Acting.

(a) Formal Action by the Board of Directors. The act of the majority of members of the Board of Directors present at a meeting at which a quorum is present shall be the act of the entire Board of Directors, unless the act of a greater number is required by statute, the Articles of Incorporation, or these Bylaws.

(b) Informal Action by the Board of Directors. No action of the Board of Directors shall be valid unless taken at a meeting at which a quorum is present. However, any action may be taken without a meeting if consent in writing (setting forth the action so taken) is signed by all Members of the Board of Directors.

Section 5

COMMITTEES

5.1 Designation. The Board of Directors may, from time to time, designate committees for the Corporation including, but not limited to, the following:

(a) Executive Committee;

(b) Finance Committee;

- (c) Human Resource Committee;
- (d) Long Range Planning Committee;
- (e) Nominating Committee; and
- (f) Public Outreach & Information Committee.

Additional committees that are designated by the Board of Directors pursuant hereto shall discharge such responsibilities as may be assigned to them by the authority establishing such committees.

5.2 Duties of Committees. The responsibilities of each committee shall be as follows:

- (a) Executive Committee. The Executive Committee shall exercise, when the Board of Directors is not in session and prudent management requires prompt action, all of the authority of the Board of Directors in the management of the Corporation, except as such authority may be limited by resolution of the Board of Directors. The Executive Committee shall include the Chairman of the Board, Vice Chairman, Secretary, Treasurer, and the Executive Director (Ex-Officio) among its members. All members of the Executive Committee must be members of the Board of Directors. This committee shall meet once each month, two weeks prior to the Board meeting, to determine the agenda and delineate business to be transacted at the Board Meeting.
- (b) Finance Committee. The Finance Committee shall regularly review the books and financial records of the account of the Corporation and consult with the Corporation's independent certified public accountant(s) and employee(s) concerning the annual audit and such books and records.
- (c) Human Resource Committee. The Human Resource Committee shall provide a job description, define the position responsibilities, and determine education/experience requirements for each employee position with the Corporation. This committee shall establish a policies and procedures manual for use by the employees that defines hours and days of operation, vacation policies, Holiday Schedule, sick leave, personal leave, job performance standards, performance review schedules and methods, compensation levels, and general operating policies for the employees of the Corporation, subject to approval by the Board of Directors.
- (d) Long Range Planning Committee. The Long Range Planning Committee shall be responsible for monitoring and suggesting periodic revisions to the business plan of the Corporation, and recommending to the Board

ways in which the stated goals shall be met. This committee shall be responsible for recommending to the Board when it would be prudent to substantially revise the course of action stated in the business plan through a full Board Retreat or similar action which would allow close examination of the Corporation's direction.

- (e) Nominating Committee. The Nominating Committee shall consider and nominate individuals for election as Directors, and annually nominate a slate of Officers for the Corporation.
- (f) Public Information and Outreach Committee. The Public Information and Outreach Committee shall foster and maintain good working relationships with governmental, commercial, and academic organizations as well as coordinate the Corporation's general outreach efforts through the Chambers, media, community organizations, tenant associations, and the Churches.

5.3 Powers. Except with respect to the Executive Committee, or where a committee is specifically delegated authority to act when the Board of Directors is not in session, all of the committees described above shall serve in an advisory capacity to the Board of Directors regarding those aspects of the business and affairs of the Corporation to which they have been delegated responsibility. A committee shall have, and may exercise, all the authority granted to it by the authority establishing such committee, except that no committee shall have the authority to:

- (a) Approve any actions or proposals required by law or the Articles of Incorporation to be approved by the Board of Directors;
- (b) Fill vacancies on the Board of Directors or in any committee;
- (c) Adopt, amend, or repeal these Bylaws;
- (d) Amend or repeal any resolution of the Board of Directors;
- (e) Act on matters designated by these Bylaws or by Board resolution to the Board of Directors or to another committee; or
- (f) Commit organizational assets or resources of any sort without the approval of the Board of Directors at a duly constituted Board Meeting.

5.4 Appointment of Committee Members. As deemed necessary or appropriate, the Chairman may appoint committee members, who may or may not be Directors, and shall designate a chairman of each committee; provided, however, that each committee shall include not less than two members, at least half of which shall be a Director of the Corporation.

- 5.5 Tenure of Committee Members. The members of each committee shall take office on the day of their appointment and hold office until the next annual meeting or until their successors have been appointed or until their earlier resignation, removal from office or death, or until the committee has been dissolved.
- 5.6 Removal of Committee Members. Any committee member may be removed from office at any time, with or without cause, by formal action of the Board of Directors.
- 5.7 Resignation of Committee Members. Any committee member may resign from a Committee at any time by giving written notice to the Chairman or the Secretary and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
- 5.8 Vacancies. Any vacancy occurring in the membership of a committee and any membership thereon to be filled by reason of increase in the number of members of a committee shall be filled by the Chairman of the Board.
- 5.9 Compensation. Committee members shall not receive any compensation for their services as committee members.
- 5.10 Meetings. Meetings of any committee may be called at any time by:
- (a) The Chairman of the committee;
 - (b) Any two committee members;
 - (c) The Chairman of the Board of Directors; or
 - (d) The Executive Director.
- 5.11 Place of Meetings. Committee meetings shall be held at the principal place of business of the Corporation or at such other place as the chairman of the committee may from time to time designate and provide for in the notice of the meeting
- 5.12 Notice of Meetings. Notice of the time and place of regular or special committee meetings shall be in writing or by telephone, provided that the giving of any oral notice shall be recorded in the minutes of the committee meeting by statement of the person giving such notice. Any member of the committee may waive notice of any committee meeting. The attendance of a member of the committee at any committee meeting shall constitute a waiver of notice of such meeting, except where a member of the committee attends a committee meeting for the express

purpose of objecting to the transaction of any business on the ground that the committee meeting is not lawfully called or convened. Except as otherwise specified in these Bylaws, neither the business to be transacted at, nor the purpose of, any regular or special committee meeting need be specified in the notice or waiver of notice of such meeting.

- 5.13 Adjourned Meeting. A majority of the committee members present, whether or not a quorum exists, may adjourn any meeting of a committee to another time and place. Notice of any such adjourned meeting shall be given to all committee members, whether or not present at the time of the adjournment.
- 5.14 Quorum. A majority of the number of members of a committee shall constitute a quorum for the transaction of business at any committee meeting. Attendance shall be either in person or by phone whereby the distant committee member(s) and those committee members present in person all hear and may speak to and be heard on the matters raised therein.
- 5.15 Action of Committees. Any action required or which may be taken by a committee pursuant hereto shall be taken and considered the act of the committee only if:
- (a) Formal action is taken at a meeting of the committee at which a quorum is present, whether in person or by telephone, pursuant to a vote of a majority of the committee members so present, or
 - (b) Informal action is taken without a meeting if a consent in writing (setting forth the action to be taken) is signed by all the committee members.
- 5.16 Recordation of Actions. All actions of any committee shall be recorded in minutes, if taken during a meeting, or in an action by written consent, if taken without a meeting, and shall be made available, upon request, to any Director of the Corporation.
- 5.17 Procedure. The Committees may adopt their own rules of procedure which shall not be inconsistent with the Articles of Incorporation, these Bylaws, or applicable law.

Section 6

INDEMNIFICATION OF DIRECTORS, OFFICERS, AND OTHERS

- 6.1 Indemnification. The Corporation shall defend and indemnify any Director or

Officer made a party or threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding:

- (a) Whether civil, criminal, administrative, or investigative, other than an action, suit or proceeding by or in the right of the Corporation, by reason of the fact that such person is or was a Director or Officer of the Corporation or is or was serving as a director, officer, employee or agent of any other Corporation, partnership, joint venture, trust or other enterprise at the request of the Corporation, against judgments, fines, amounts paid in settlement and expenses, including attorneys' fees, actually and reasonably incurred as a result of such action, suit or proceeding or any appeal thereof, if such person acted in good faith and in a manner such person reasonably believed to be in, or not opposed to, the best interest of the Corporation, and in criminal actions or proceedings, without reasonable cause for belief that such conduct was unlawful. The termination of any such action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not in itself create a presumption that any such Director or Officer did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interests of the Corporation or, with respect to any criminal action or proceeding, that such Director or Officer had reasonable cause to believe that such conduct was unlawful.
- (b) By or in the right of the Corporation to procure a judgment in its favor by reason of such person's being or having been a Director or Officer of the Corporation, or by reason of such person's serving or having served at the request of the Corporation as a Director, officer, employee or agent of any other Corporation, partnership, joint venture, trust or other enterprise, against any expenses, including attorneys' fees, actually and reasonably incurred by such person in connection with the defense or settlement of such action, or in connection with an appeal therein, if such person acted in good faith and in a manner such person reasonably believed to be in, or not opposed to, the best interests of the Corporation. Such person shall not be entitled to indemnification in relation to matters as to which such person has been adjudged to be liable for gross negligence or shallful or wanton misconduct in the performance of such person's duties to the Corporation unless, and only to the extent that, the court in which such action or suit was brought determines upon application that, despite the adjudication of liability, but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court deems proper.

6.2 Authorization. Any indemnification under section 6.1, unless pursuant to a determination by a court, shall be made by the Corporation only as authorized in the specific case upon a determination that amounts for which a director or Officer seeks indemnification were properly incurred and that such Director or Officer acted in good faith and in a manner he or she reasonably believed to be in or not

opposed to the best interests of the Corporation, and that, with respect to any criminal action or proceeding, he or she had no reasonable ground for belief that such action was unlawful. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding.

- 6.3 Limitation. The foregoing rights of indemnification shall not be deemed to limit in any way the power of the Corporation to indemnify under any applicable law.

SECTION 7

MISCELLANEOUS

- 7.1 Contracts. The Board of Directors may authorize any Officer or agent of the Corporation, in addition to the Officers so authorized by these Bylaws, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.
- 7.2 Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, and all notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such Officer or Officers, agent or agents of the Corporation and in such manner as are from time to time determined by resolution of the Board of Directors.
- 7.3 Deposits. All funds of the Corporation shall be deposited in a timely manner to the credit of the Corporation in one or more such banks, trust companies, securities firms or other depositories as the Board of Directors from time to time designates, upon the terms and conditions fixed by the Board of Directors. The Board of Directors may from time to time authorize the opening and keeping, with any such depository as it designates, of general and special bank accounts or other forms of account and may make such special rules and regulations with respect thereto, not inconsistent with the provisions of these Bylaws, as it deems necessary.
- 7.4 Gifts. The Board of Directors may accept on behalf of the Corporation any contributions, gifts, bequests or devises for and consistent with the general purposes, or for and consistent with any specific purposes, of the Corporation.
- 7.5 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep records of the actions of the Corporation, which records shall be open to inspection by members of the Board of Directors at any reasonable time.
- 7.6 Fiscal Year; Accounting Election. The fiscal year of the Corporation shall end on December 31, and methods of accounting for the Corporation shall be as the Board of Directors determines from time to time by resolution of the Board of

Directors.

- 7.7 Seal. The corporate seal of the Corporation shall be circular in form with the words "Lake Park Community Development Corporation, Inc. in the outer edge thereof.
- 7.8 Loans to Directors and Officers. No loans from the Lake Park Community Development Corporation, Inc. shall be made by the Corporation to Directors or Officers of the Corporation.
- 7.9 Revocability of Authorizations. No authorization, assignment, referral or delegation of authority by the Board of Directors to any committee, Officer, agent or other official of the Corporation, or any other organization which is associated or affiliated with the Corporation, preclude or excuse the Board of Directors from exercising the authority required to meet its responsibility. The Board of Directors shall retain the right to rescind any such authorization, assignment, referral, or delegation in its sole discretion.
- 7.10 Gender and Number. Whenever the context requires, the gender of all words used herein shall include the masculine, feminine and neuter, and the number of all words shall include the singular and plural thereof.
- 7.11 Sections and Other Headings. The Section and other headings contained in these Bylaws are for reference purposes only and shall not affect the meaning or interpretation of these Bylaws.

SECTION 8

AMENDMENTS TO BYLAWS

The power to make, alter, amend or repeal these Bylaws is vested solely in the Board of Directors; provided, however, that the text of any proposal to alter, amend or repeal these Bylaws must be given to all Directors with the notice of the meeting at which the proposal is to be considered. Any revision of the Bylaws must be approved by a 2/3's vote of the entire Board of Directors present at a meeting called for such purpose.

Adopted: _____
(Date)

SECRETARY'S CERTIFICATE

THIS IS TO CERTIFY that the foregoing Bylaws of the Lake Park Community Development Corporation, Inc. were duly adopted by the Board of Directors on _____, effective immediately upon adoption.

(Date)

IN WITNESS WHEREOF, the undersigned duly elected and acting Secretary of the Corporation, has signed this Certificate and affixed the seal of the Corporation hereon this ____ day of _____, 20__.

Secretary

Attest:

Chairman of the Board

TAB 6

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING

<input type="checkbox"/> ORDINANCE ON FIRST READING READING

<input type="checkbox"/> BID/RFP Award

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> ORDINANCE ON SECOND READING

<input type="checkbox"/> DISCUSSION

<input checked="" type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: FRDAP Grant Submission

RECOMMENDED MOTION/ACTION: Authorize the Town Manager to submit a grant application to the Florida Recreation Development Assistance Program

Approved by Town Manager *W. Davis* Date: 8/14/07

Virginia Martin/Grants Writer
Name/Title

08/10/2007
Date of Actual Submittal

Originating Department: Grants	Costs: \$ 0 Funding Source: Acct. #	Attachments: Resolution
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>GM</u> <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GM</u> : Please initial one.

Summary Explanation/Background: When I started work, one of the areas I was told needed my particular attention was the Parks and Recreation Department, that we needed funding for both programming and infrastructure. I found information on a grant from the Florida Recreation Development Assistance Program (FRDAP) that would address the development of ball fields.

Governmental units have set up a scoring system that helps them impartially judge the merit of individual grant applications. FRDAP emphatically states that the projects they fund should be part of an overlying plan for recreational development within the municipality. They want this evidenced by the project's inclusion in a 5 year Capital Improvement Plan. They are so adamant about this subject, in fact, that 21 points out of 150 total points are allocated to this one document.

Lake Park has no 5 year Capital Improvement Plan because it will be part of the Comp Plan currently under development. We can ameliorate this situation with this resolution authorizing submission of the proposal, and noting that this project is part of an over-riding vision this Commission has for the community, and further that it will be included in the Comp Plan as part of the Capital Improvement Plan.

RESOLUTION NO. 60-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SUBMIT A FUNDING PROPOSAL TO THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE PURPOSE OF RENOVATING AND FURTHER DEVELOPING THE BERT BOSTROM PARK (FORMERLY KNOWN AS THE 6TH STREET BALL FIELDS) FOR THE BENEFIT OF THE CITIZENS AND CHILDREN OF THE TOWN.

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town desires to provide the citizens and children of Lake Park with appropriate venues for sporting and recreational activities; and

WHEREAS, the Town lacks the available financial resources to independently carry out a recreational development project at this time; and

WHEREAS, the State of Florida, through the Florida Recreation Development Assistance Program (“FRDAP”), has monies available for the development of ball fields and recreational sites,

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission has determined that it is in the best interests of the citizens of the Town to seek funding to renovate and further develop Bert Bostrom Park.

SECTION 2. This project is to be incorporated as part of a 5 year Capital Improvement Plan that will be fully discussed and defined in the Comprehensive Development Plan currently under development.

SECTION 3. The Town Manager is hereby authorized and directed to submit a funding proposal to the State of Florida through the Florida Recreation Development Assistance Program for the renovation and further development of Bert Bostrom Park.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

TAB 7

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Revise fee structure for rental facilities.

**RECOMMENDED MOTION/ACTION:
Resolution to revise fee structure for rental facilities.**

Approved by Town Manager *W. J. Davis* Date: *8/13/07*
G. Dowling Interim Director Parks & Rec. *8-13-07*
 Name/Title Date of Actual Submittal

Originating Department: Parks & Recreation	Costs: \$ 0 Funding Source: Acct. #	Attachments: Memo
Department Review: <input checked="" type="checkbox"/> Parks & Recreation <i>GD</i> <input type="checkbox"/> Community Development <input type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Attached is the current rental fee policy handbook, and the new proposed rate. Per Town Manager direction staff is proposing to increase Town rental fees and add a cleaning fee, effective August 23, 2007.

RESOLUTION NO. 61-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED FEE SCHEDULE FOR THE RENTAL OF VARIOUS TOWN FACILITIES AS SET FORTH IN THE "RATE SCHEDULE AND RENTAL FEE POLICY HANDBOOK (AUGUST 2007 EDITION)" ATTACHED HERETO AS EXHIBIT "A" AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has previously adopted a fee schedule which provides for rental rates when members of the public wish to rent various Town facilities; and

WHEREAS, the Town Commission recognizes that periodic adjustments must be made to the rental rate fee schedule in keeping with increased costs and market costs in general; and

WHEREAS, the Town Commission has determined that it is in the best interest of the public health, safety and general welfare to increase and implement a new rental rate fee schedule, which are set forth in the "Rate Schedule and Rental Fee Policy Handbook (August 2007 edition)", a copy of which is attached hereto and incorporated herein as **Exhibit "A"**.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The foregoing recitals are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the revised "Rental Fees and Cost Schedule (August 2007 edition)" attached hereto as **Exhibit "A"**, and Town staff is directed to implement the fees set forth therein commencing with the effective date of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

Town Facility Fee Schedule

Exhibit A

August 2007

Mirror Ballroom

Per six (6) hour period or part thereof

	Current Charge	Proposed Charge
*Deposit -----	\$400.00	\$500.00
*Rental Fee -----	\$400.00	\$600.00
*Personnel Fee/ per staff person -----	\$85.00	\$120.00
*Each Additional Hour -----	\$50.00	\$100.00
*Alcohol Fee -----	\$100.00	\$150.00
*Cleaning Fee -----	No Charge	\$ 50.00

Kelsey Pavilion

Per four (4) hour period or part thereof

	Current Charge	Proposed Charge
*Deposit -----	\$250.00	\$300.00
*Rental Fee -----	\$200.00	\$300.00
*Each Additional Hour -----	\$50.00	\$ 75.00
*Alcohol Fee -----	\$100.00	\$150.00
*Cleaning Fee -----	No Charge	\$ 50.00

Evergreen House

Per six (6) hour period or part thereof

	Current Charge	Proposed Charge
*Deposit -----	\$250.00	\$500.00
*Rental Fee (0-20 People) -----	\$200.00	No Change
*Rental Fee (Additional people over 20) --	\$ 10.00	No Change
*Personnel Fee/ per staff person -----	\$ 85.00	\$120.00
*Each Additional Hour -----	\$ 70.00	No Change
*Alcohol Fee -----	\$100.00	\$150.00
*Cleaning Fee -----	No Charge	\$ 50.00

Kelsey Park Gazebo

Per four (4) hour period or part thereof

	Current Charge	Proposed Charge
*Rental Fee -----	\$25.00	No Change
*Each Additional Hour -----	\$ 5.00	No Change

Recreational Activity Rental

(Groups that provide a service to the Town. Examples: Ballroom Dance, Contra Dance, Swing Dancers)

Per six (6) hour period or part thereof

*Deposit (One time fee per year)-----	No Charge	\$500.00
*Rental Fee -----	20% split	25% split
*Personnel Fee/ per staff person -----	No Charge	\$120.00
*Cleaning Fee -----	No Charge	\$ 50.00

TAB 8

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Resolution authorizing the Mayor to execute an Addendum to the Hy-Bryd Inc., Contract to establish fees for inspections and re-inspections performed for the Town in connection with the review of applications for business tax receipts.

RECOMMENDED MOTION/ACTION: Motion to approve Contract Addendum by Resolution.

Approved by Town Manager

W. Davis

Date:

8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Contract Addendum
Department Review: <input checked="" type="checkbox"/> Town Attorney KER 80807 Community Affairs _____ <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input checked="" type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Town contracts with Hy-Bryd Inc., for building official duties and related building inspection services. Hy-Byrd has undertaken additional inspection duties by reviewing applications for business tax receipt f/k/a "occupational licenses". These services are not part of the original contract and Hy-Bryd has requested compensation for those duties. Hy-Byrd has been performing these inspections as a courtesy to the Town to date, however with the increased volume in these type of inspections, Hy-Byrd has requested to be compensated for this additional work. Staff believes that this is a reasonable request. The fees charged to the Town for these inspection will be charged back to the applicant and therefore these costs will be fully recovered by the Town. Hy-Byrd is proposing to charge the Town \$20.00 for conducting an inspection related to an application for a business tax receipt request with a charge of \$25.00 for the second and any subsequent re-inspections if required.

RESOLUTION NO. 63-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CONTRACT ADDENDUM NO. 2 BETWEEN THE TOWN OF LAKE PARK AND HY-BYRD INC., TO PROVIDE FOR THE INSPECTION AND RE-INSPECTION FEES TO BE CHARGED BY HY-BYRD INC., TO THE TOWN FOR INSPECTIONS CONDUCTED IN CONNECTION WITH THE ISSUANCE OF BUSINESS TAX RECEIPTS BY THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the Town, after soliciting competitive proposals for such services pursuant to the Town of Lake Park Request for Proposals, the Town awarded the contract and a contract addendum to Hy-Byrd, Inc., both of which are dated June 24, 2005 and are collectively referred to herein as the “Contract”; and

WHEREAS, the Town and Hy-Bryd Inc., have agreed to amend the Contract to provide for additional costs charged for inspections performed by the Hy-Bryd Inc., for the Town in connection with the processing of applications for business tax receipts and the issuance of zoning confirmation determinations; and

WHEREAS, this Contract Addendum No. 2 provides additional and supplemental terms to the Contract between the parties, however all other terms and conditions of the June 24, 2005 Contract and Addendum remain in full force and effect.

WHEREAS, the Town has budgeted funds in its current fiscal year budget which are available for the funding of this Contract Addendum No. 2, a copy of the Contract Addendum No. 2 is attached hereto as **Exhibit “A”**; and

WHEREAS, Town staff is recommending that the Town Commission approve the Contract Addendum and direct the Mayor to execute the attached Contract Addendum No. 2 on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are hereby incorporated herein as true and correct.

Section 2. The Mayor is hereby authorized and directed to execute the Contract Addendum No. 2 between the Town of Lake Park and Hy-Bryd Inc., attached hereto as **Exhibit “A”**.

Section 3.

This Resolution shall take effect immediately upon its adoption.

CONTRACT ADDENDUM NO. 2

THIS CONTRACT ADDENDUM NO. 2, made and entered into this ____ day of August, 2007 by and between TOWN OF LAKE PARK, 535 Park Avenue, Lake Park, Florida 33403 (hereinafter referred to as "TOWN") and Hy-Byrd Inc., a Florida corporation, a located at 511 South East Coast Street, Lake Worth, Florida 33460, and licensed and authorized to do business in the State of Florida, (hereinafter referred to as "CONTRACTOR").

WHEREAS, the TOWN is a municipality with those powers and responsibilities enumerated by Chapter 166, Florida Statutes and the Florida Constitution; and

WHEREAS, the TOWN is empowered to enter into contractual relationships with public agencies, private corporations, and/or other persons and entities pursuant to Florida law; and

WHEREAS, the TOWN has previously determined that it has a need for the provision of building inspection and related services; and

WHEREAS, the TOWN, after soliciting competitive proposals for such services pursuant to the Town of Lake Park Request for Proposals (hereinafter "RFP"), the TOWN awarded the contract and a contract addendum to the CONTRACTOR both of which are dated June 24, 2005 and are collectively referred to herein as the "Contract"; and

WHEREAS, the TOWN and the CONTRACTOR have agreed to amend the Contract to provide for additional costs charged for inspections performed by the CONTRACTOR for the TOWN in connection with the processing of applications for business tax receipts and the issuance of zoning confirmation determinations; and

WHEREAS, this Contract Addendum No. 2 provides additional and supplemental terms to the Contract between the parties, however all other terms and conditions of the June 24, 2005 Contract and Addendum remain in full force and effect.

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

1. ADDITIONAL FEES.

The following Fee Schedule is hereby added to Paragraph 4 of the Contract. The CONTRACTOR shall conduct building inspections to verify the use of properties in conjunction with requests for zoning confirmation and the TOWN's processing of applications for business tax receipts, and the CONTRACTOR shall charge the TOWN a fee of \$20.00 per each such inspection.

For all inspections conducted by the CONTRACTOR in connection with building permits, no fee shall be charged by the CONTRACTOR to the TOWN for any initial

inspection or for the first re-inspection, however the charge for any subsequent re-inspections shall be \$25.00 per each re-inspection. The costs for these inspections conducted shall be billed by the CONTRACTOR to the TOWN on a monthly basis.

IN WITNESS WHEREOF, the TOWN and CONTRACTOR has signed this Contract Addendum in triplicate. THIS CONTRACT ADDENDUM NO. 2 will be effective upon execution by the TOWN.

TOWN OF LAKE PARK, FLORIDA

BY: PAUL CASTRO, MAYOR

ATTEST:

Vivian Mendez, Town Clerk

APPROVED AS TO FORM:

Thomas J. Baird,
Town Attorney

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me, the undersigned Notary Public in and for the State of Florida, on this, the ____ day of August, 2007, by Vivian Mendez and Paul Castro, Town Clerk and Mayor, respectively.

NOTARY PUBLIC
SEAL OF OFFICE

Notary Public, State of Florida

Printed, typed or stamped name of Notary Public exactly as commissioned. Individuals who signed are:

Is personally known to me, or has produced identification:

(type of identification produced)

CONTRACTOR: HY-BYRD, INC.

BY: JOSEPH A. CRISAFULLE

State of Florida
County of Palm Beach

On this, the ___ day of August, 2007, before me, the undersigned Notary Public of the State of Florida, the foregoing instrument was acknowledged by **JOSEPH A. CRISAFULLE**, President of HY-BYRD, INC., a Florida corporation, on behalf of the corporation.

NOTARY PUBLIC
SEAL OF OFFICE

Notary Public, State of Florida

Printed, typed or stamped name of Notary Public
exactly as commissioned

Is personally known to me, or
has produced identification:

(type of identification produced)

TAB 9

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: **August 24 2007**

Agenda Item No.

- PUBLIC HEARING
 Ordinance on Second Reading
 Public Hearing

- RESOLUTION
 DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Ordinance amending Chapter 78 of the Town's Zoning Code to provide for an administrative procedure for processing requests for reasonable accommodations from the Town Code in accordance with the requirements of the Americans With Disabilities Act and the Fair Housing Act.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager *Neil Davis*

Date: 7/23/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER072407 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background: the Town Attorney in conjunction with Town staff has reviewed the Town's Zoning Code and has determined that it is in the best interest of the health, safety, and general welfare of the Town and its residents, to create a procedure whereby the Town can process requests for reasonable accommodations from the application and enforcement of certain provisions of the Town's Code of Ordinances, pursuant to the federal Fair Housing Act and the Americans with Disabilities Act. This Ordinance provides such a procedure to be codified in the Town Code.

**Town of Lake Park
Community Development Department**



Meeting Date: August 1, 2007

Patrick Sullivan, AICP, Director

Memo Date: July 23, 2007

To: Town Commission

Re: Reasonable Accommodation Ordinance

The Town Attorney has recommended that the Town Commission adopt an ordinance, which will result in the codification of a procedure in the Town Code, that the Town administration will follow in processing requests for reasonable accommodations from the application and enforcement of certain provisions of the Town's Code of Ordinances, in accordance with the requirements of the federal Fair Housing Act and the Americans with Disabilities Act.

Patrick J. Sullivan, Director
Community Development Department

psullivan@lakeparkflorida.gov

ORDINANCE NO. 18-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, TO CREATE NEW CODE SECTION 78-6 TO BE ENTITLED "REASONABLE ACCOMMODATIONS PROCEDURES" PROVIDING FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Lake Park, Florida (the "Town") has the governmental and corporate powers of a duly constituted municipality; and

WHEREAS, the Town Commission has adopted general provisions pertaining to land use and zoning within the Town, which have been codified in Chapter 78 of the Town Code of Ordinances; and

WHEREAS, the Town Attorney in conjunction with Town staff has reviewed the Town's zoning Code and has determined that it is in the best interest of the health, safety, and general welfare of the Town and its residents, to create a procedure whereby the Town can process requests for reasonable accommodations from the application and enforcement of certain provisions of the Town's Code of Ordinances, pursuant to the federal Fair Housing Act and the Americans with Disabilities Act; and

WHEREAS, the term "reasonable accommodation" is a statutorily established method by which an individual who is disabled and/or handicapped as those terms are defined in Title II of the Americans with Disabilities Act and/or the Fair Housing Amendments Act, (hereafter "disabled"), or a provider of services to the disabled qualifying for reasonable accommodations

under the afore-stated statutes, can request a modification or alteration in the application of a specific Code provision, rule, policy, or practice, provided the proposed accommodation sought by the disabled individual is reasonable and necessary to afford such person an equal opportunity to use and enjoy housing within the Town; and

WHEREAS, the Town Commission desires to adopt within the Town’s Code of Ordinances, reasonable accommodation procedures that will permit disabled individuals and/or qualifying entities, to request reasonable accommodations and, where it is appropriate, based on the facts and law, to receive reasonable accommodations from the Town; and

WHEREAS, it is the intent that these reasonable accommodation procedures that the Town Commission will adopt as set forth herein, shall be supplemental to the Town’s existing procedures to address access and/or structural obstacles at Town facilities that are coordinated by an appropriate Town employee to ensure the Town’s compliance with ADA compliance procedures; and

WHEREAS, the Town intends that these reasonable accommodation procedures are to be applicable to the Town’s ordinances, rules, policies, practices, and services so as to afford a disabled person the opportunity to use and enjoy a residential dwelling, including without limitation, the regulations pertaining to “substance abuse treatment facilities” and the definition of “family” as contained in Section 78-2 of the Town’s Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are adopted herein as true and correct legislative findings of the Town Commission.

Section 2. Chapter 78, Article I, Section 78-6 is hereby created to read as follows:

ARTICLE I IN GENERAL

Sec. 78-6 Reasonable Accommodation Procedures.

(1) This section implements the policy of the town for processing requests for reasonable accommodation from the town's ordinances, rules, policies, practices, and procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) ("ADA"). For purposes of this section, a "disabled individual" or a "disabled person" means an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or a qualifying entity) may request a reasonable accommodation with respect to the town's land use or zoning laws, rules, policies, practices, and/or procedures as provided by the FHA and the ADA by submitting an application for a reasonable accommodation pursuant to the procedures set forth in this section. For purposes of this section, an applicant for a reasonable accommodation must be a "disabled individual" or a "disabled person" that qualifies as disabled and/or handicapped under the FHA and/or ADA or an authorized agent, attorney or representative for a disabled person or individual.

(2) A request by a disabled person or individual ("applicant") for a reasonable accommodation under this section, shall be made in writing by completing a form which is a form available in the town's Community Development Department ("Department"). The completed form shall be submitted to the Department for review and processing. The form shall contain questions and requests for information, which are necessary for the town to process the reasonable accommodation request. The form shall be substantially in the format set forth in the attached Exhibit "A", which is incorporated herein.

(3) If the information required to be provided by the applicant to the town, includes

medical information and/or records, including records relating to the medical condition, diagnosis or medical history of the applicant, the applicant at the time of the submission of the medical information, may request that the Town treat the medical information as confidential information of the applicant. In such case, the town shall endeavor to keep the applicant's medical information confidential to the extent permitted by law. The town shall thereafter use its best efforts to provide written notice to the applicant and/or the applicant's authorized agent, attorney or representative, of any request received by the town for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the town. The town will cooperate with the applicant to the extent allowed by law, in actions initiated by persons or entities that challenge or oppose the town's non-disclosure of medical information or records of the applicant. However, the town shall have no obligation to initiate, prosecute, defend against, or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may produce the records to the extent the Town determines the records are not exempt from the Public Records Act, or to comply with any judicial or administrative order without prior notice to the applicant.

(4) When a reasonable accommodation request form has been completed and submitted to the Department, it will be referred to the town manager and the town attorney for review and consideration. The town manager, or his/her designee, shall have the authority to consider and decide requests for reasonable accommodation, after a duly noticed public hearing has been held on the request and members of the public have been permitted to be heard on the request and provide comments, input and other relevant information. The town manager, or designee, shall not be required to render a decision on the request at the public hearing. The town manager, or

designee, shall issue a written determination on the request within forty-five (45) days of the date of receipt of a technically complete application. The town manager may, in accordance with federal law either: (1) grant the reasonable accommodation request in full, (2) grant a portion of the reasonable accommodation request and deny a portion of the reasonable accommodation request, and may also impose conditions upon the portion of the reasonable accommodation request that was granted, or (3) deny the reasonable accommodation request. Any denial of a reasonable accommodation request shall be in writing, and shall state the grounds for the denial. All decisions of the town manager on a request for reasonable accommodation shall be in writing and shall give the applicant notice of the applicant's right to appeal. The written decision of the town manager shall be sent to the applicant (i.e. the disabled individual or his/her authorized agent, attorney, or representative) by certified mail, return receipt requested at the address specified for notice by the applicant on the application form. If the Town Manager, or designee, determines that additional information from the applicant is necessary for the town manager to reach a determination on the request, the town manager may, prior to the end of the forty-five (45) day period, issue a written request to the applicant detailing the additional information and/or records which are necessary for the town manager to render a decision. The applicant shall have fifteen (15) days from the date of the written request for additional information within which to provide the requested information to the town manager. In the event the town manager timely requests the applicant to provide additional information, the forty-five (45) day determination period shall no longer be applicable, and the town manager, or designee, shall issue a written administrative decision within thirty (30) days after receipt of the additional requested information from the applicant. If the applicant fails to provide the requested additional information within the fifteen (15) day period, the town manager, or designee, shall

issue a written notice advising the applicant that due to the fact that the applicant failed to timely submit the additional information, the request for reasonable accommodation has been deemed by the town to be abandoned by the applicant and/or withdrawn, and that no further action by the town regarding the applicant's reasonable accommodation request shall be taken.

(5) In determining whether a reasonable accommodation request should be granted or denied, the applicant must establish that the applicant is protected under the provisions of the FHA and/or ADA by demonstrating that the applicant is handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section, the disabled individual who is the subject of the request for a reasonable accommodation must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; or (iii) that the disabled individual is regarded as having such impairment. After satisfying the foregoing three criteria, the disabled individual who is the subject of the request for a reasonable accommodation must demonstrate that the proposed accommodations being sought are reasonable and necessary to afford him/her an equal opportunity to use and enjoy housing. The foregoing three criteria, shall be the basis for the town manager's decision, and by the town commission in the event of an appeal.

(6) If denied an applicant may appeal the town manager's, or designee's, decision on a reasonable accommodation request within thirty (30) days after of the date on which the written decision is rendered by submitting a written notice of appeal to the town manager. All notices of appeal shall contain a statement of the request for reasonable accommodation a statement of the facts and other evidence which the applicant contends supports the applicant's entitlement to a reasonable accommodation, a copy of the decision of the town manger or designee, and any

legal argument which the applicant contends support the applicant's the appeal and the alleged error in the town manager's decision. Appeals shall be heard by the town commission at a duly noticed public hearing. The town commission shall render a written Final Order on the appeal as soon as is reasonably practicable, but in no event shall the decision be rendered more than sixty (60) days after the notice of appeal was been filed by the applicant.

(7) No fee shall be imposed by the Department in connection with a request for reasonable accommodation under this section, or for an appeal of a decision of the town manager to the town commission. The town shall have no liability for or legal obligation to pay an applicant's attorney's fees or costs, including attorney's fees and costs incurred in any appeal at any appellate level.

(8) During the time when an application for reasonable accommodation (or an appeal of a decision of the town manager) is pending, the town shall not enforce the zoning ordinance, rules, policies, and procedures which is the subject of the request for a reasonable accommodation against the applicant.

(9) The following general provisions shall be applicable:

(a) The town shall display a notice in the town's public notice bulletin board (and shall maintain copies available for review in the Department, the building/permitting division, and the town clerk's office), advising the public, that disabled individuals (and qualifying entities) may request a reasonable accommodation as provided in this section.

(b) A disabled individual may apply for a reasonable accommodation on his/her own behalf, or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual as their authorized agent, attorney, or representative.

(c) The town shall provide assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including without limitation, assistance with interpreting the reasonable accommodation application form and responding to the questions contained therein, assistance with completing the form, assistance with filing an appeal, and assistance in appearing at hearings to ensure the process is accessible.

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

Section 4. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Reasonable Accommodation Request Form:

1. Name of Applicant: _____

Telephone Number: _____

2. Address: _____

3. Address of housing or other location at which accommodation is requested:

4. Describe qualifying disability or handicap:

5. Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought:

6. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service:

7. Name, address and telephone number of representative, if applicable:

8. Other information:

9. Signature of Disabled Individual or Representative, if applicable, or Qualifying Entity: _____ Date: _____

Exhibit "A:

TAB 10

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
 Ordinance on Second Reading
 Public Hearing

RESOLUTION

DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Ordinance amending various Sections of Chapter 78 of the Town Code of Ordinances containing zoning district regulations, to permit substance abuse treatment facility uses in additional residential and commercial zoning districts, subject to separation and licensing requirements.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager

[Handwritten Signature]

Date:

7/25/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Ordinance
Department Review: <input type="checkbox"/> Town Attorney KER072507 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Town Attorney, in conjunction with Town staff, has reviewed the Town's Zoning Code and has determined that it is in the best interest of the health, safety, and general welfare of the Town and its residents, to enact additional zoning regulations which provide adequate housing opportunities for residents of substance abuse treatment facilities, and which promote the goals of the state and federal fair housing acts and the Americans with Disabilities Act by allowing substance abuse treatment facilities in additional multi-family residential zoning districts and additional commercial zoning districts, subject to separation requirements, and applicable statutory and licensing requirements.

**Town of Lake Park
Community Development Department**



Meeting Date: August 1, 2007

From: Patrick Sullivan, AICP, Director

Memo Date: July 25, 2007

To: Town Commission

Re: Substance Abuse Treatment Facility Rezoning Ordinance

The Town Attorney has recommended that the Town Commission amend the Town Zoning Code to expand the number of zoning districts which permit residential substance treatment facilities as a use. Currently, this use is only allowed in the Town's C-1 Zoning District. Because of the limited areas within the Town where these facilities may be located, and because no residential zoning districts currently allow this use, the current Code is at risk to a potential legal challenge under either or both the Fair Housing Act or the Americans With Disabilities Act.

A substance abuse treatment facility is currently defined in Section 78-2 of the Town Code as follows:

"Substance abuse treatment facility means a service provider or facility that is:

- (1) Licensed or required to be licensed pursuant to F.S. § 397.311(18); or**
- (2) Used for room and board only in and in which treatment and rehabilitation activities are provided at locations other than the primary residential facility, whether or not the facilities used for room and board and for treatment and rehabilitation, are operated under the auspices of the same provider.**

For the purposes of this subsection (2) of this definition, service providers or facilities which require tenants, or occupants, to participate in treatment and rehabilitation activities, or perform testing to determine whether tenants or occupants are drug and/or alcohol free, as a term or condition of, or essential component of, the tenancy or occupancy, shall be deemed to satisfy the "treatment and rehabilitation activities" component of the definition contained in this section. Community residential homes are separately defined in this section, and in F.S. § 419.001, and are not substance abuse treatment facilities."

This definition includes a number of different uses within its scope, including but not limited to, sober and halfway houses, community residential homes (subject to the definitional requirements of a community residential home), rehabilitation facilities, residential recovery facilities, sober residences, and other similar uses, which meet the definitional standards.

The Ordinance proposes amending the Town Code to allow residential substance abuse treatment facilities in several of the Town's multi-family residential zoning districts, which Town staff believes are most appropriate for this use. The Ordinance amends the Code to allow substance abuse treatment facilities in the R-2A, R-2, and the R-3 residential multi-family zoning districts, and also the C-2, C-3, C-4 and the CLIC commercial zoning districts.

The legislative intent in this regard and the exercise of the Town's police power is in keeping with the statutory requirements of the FHA and the ADA and the judicial law interpreting the requirements of both Acts. To reiterate, the Town desires to regulate substance abuse treatment facilities in a manner, which is consistent with state and federal law, specifically including but not limited to, the State and Federal Fair Housing Acts and the Americans with Disabilities Act. It is the intent of the Town to enact regulations which are consistent with State and Federal legislation, and which do not discriminate against individuals recovering from substance abuse. The proposed amendments to the Town Code as set forth in the Ordinance are not intended, and shall not be construed to, supercede state statutory requirements pertaining to the location and site selection of community residential homes, and substance abuse treatment facilities. In regulating substance abuse treatment facilities, the Town recognizes the need to balance its desire to preserve the quality of life in the community, and the character of the Town and its zoning scheme, against the goals and objectives of the State and Federal Fair Housing Act ("FHA") and the Americans with Disabilities Act ("ADA"). As such, the Town wishes to enact zoning regulations which provide adequate housing opportunities for residents of substance abuse treatment facilities, and which promote the goals of the state and FHA and ADA.

Because the opportunities to establish a residential substance abuse treatment center in the Town is limited by the existing zoning to solely the C-1 commercial zoning district, Town staff has determined that it is in the best interest of the Town, to enact zoning regulations which permit substance abuse treatment facilities in additional appropriate zoning districts, subject to separation requirements, and applicable statutory and licensing requirements. The proposed Ordinance significantly expands the number of zoning districts in which substance abuse treatment facilities can be located to several residential zoning districts that are most appropriate for this use, and to additional commercial zoning districts, subject to the locational and distance requirements contained in the Ordinance. These limitations restrict the proximity between substance abuse treatment facilities in close proximity from one another, and proscribe a separation or distance requirement between substance abuse treatment facilities located in commercial zoning districts from single family residential zoning districts.

After thoroughly researching the requirements of the FHA and the ADA and the Town's Zoning Code and current judicial law, the Town Attorney has drafted this Ordinance. Both the Town Attorney, the Town's outside litigation counsel, and the Town's Community Development Director strongly recommend the adoption of this Ordinance as an offensive measure to protect the Town's Zoning Code and zoning scheme against potential future challenge to the Code on constitutional grounds under the FHA, ADA and/or the Civil Rights Acts.

ORDINANCE NO. 19-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; BY AMENDING SECTION 78-65 ENTITLED “R-2A RESIDENCE DISTRICTS”; SECTION 78-66 ENTITLED “R-2 RESIDENCE DISTRICTS”; SECTION 78-67 ENTITLED “R-3 RESIDENCE DISTRICTS”; AMENDING SECTION 78-72 ENTITLED “C-2 BUSINESS DISTRICTS”; AMENDING SECTION 78-73 ENTITLED “C-3 BUSINESS DISTRICTS”; AMENDING; SECTION 78-74 ENTITLED “C-4 BUSINESS DISTRICTS”; AMENDING SECTION 78-75 ENTITLED “CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to permitted and special exception zoning uses in the Town’s business districts, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town desires to regulate substance abuse treatment facilities in a manner which is consistent with state and federal law, specifically including but not limited to, the State and Federal Fair Housing Acts and the Americans with Disabilities Act; and

WHEREAS, it is the intent of the Town to enact regulations which are consistent with State and Federal legislation, and which do not discriminate against individuals recovering from substance abuse; and

WHEREAS, the amendments to the Town Code as set forth herein, are not intended and shall not be construed to, supercede state statutory requirements pertaining to the location and site selection of community residential homes, and substance abuse treatment facilities; and

WHEREAS, in regulating substance abuse treatment facilities, the Town recognizes the need to balance its desire to preserve the quality of life in the community, and the character of the Town and its zoning scheme, against the goals and objectives of the State and Federal Fair Housing Acts and the Americans with Disabilities Act; and

WHEREAS, the Town wishes to enact zoning regulations which provide adequate housing opportunities for residents of substance abuse treatment facilities, and which promote the goals of the state and federal fair housing acts and the Americans with Disabilities Act; and

WHEREAS, the Town further recognizes that substance abuse treatment facilities are generally larger in scale, operation, and occupancy of residents, and are different in use and function from community residential homes. As such, substance abuse treatment facilities are more commercial than residential in nature and use, are more appropriately located outside residential districts, and within zoning districts that can best accommodate the higher occupancy levels, and greater intensities of the operation of such facilities; and

WHEREAS, Town staff has further determined that it is in the best interest of the Town, to enact zoning regulations which permit substance abuse treatment facilities in additional appropriate zoning districts, subject to separation requirements, and applicable statutory and licensing requirements; and

WHEREAS, after researching and reviewing the current state and federal requirements pertaining to the local zoning and regulation of community residential homes and substance abuse treatment facilities, Town staff has recommended to the Town Commission that the Town Code be

amended to permit residential substance abuse treatment facilities in the R-2, R-2A, R-3, C-1, C-3, C-4 and the CLIC-1 residential and commercial zoning districts, subject to separation requirements; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code to permit residential substance abuse treatment facilities in the R-2, R-2A, R-3, C-1, C-3, C-4 and the CLIC-1 residential and commercial zoning districts, subject to separation requirements as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 78, Article III, Sections 78-65, 78-66, 78-67, 78-72, 78-73, 78-74 and 78-75 of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read as follows:

Sec. 78-65. R-2A residence districts.

Within R-2A residence districts, the following regulations shall apply:

(1) Uses permitted. Within any R-2A residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

(g) Substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility.

Sec. 78-66. R-2 residence districts.

Within R-2 residence districts, the following regulations shall apply:

Uses permitted. Within any R-2 residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

(f) Substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility.

Sec. 78-67. R-3 residence districts.

Within R-3 residence districts, the following regulations shall apply:

Uses permitted. Within any R-3 residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged unless otherwise permitted by these regulations, except for the following uses:

(n) Substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility.

Sec. 78-72. C-2 business districts.

Within C-2 business districts, the following regulations shall apply:

Uses permitted. Within C-2 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

(q) Substance abuse treatment facilities, provided that the operator of any such facility provided that any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

Sec. 78-73. C-3 regional business district.

The C-3 regional business district is designed for the reuse and/or redevelopment of commercial property. It contains special regulations and procedures that are integrated with those of the Village of North Palm Beach to avoid conflicts that could otherwise be created by the location of the town/village boundary. Within C-3 business districts, the following regulations shall apply:

(k) Substance abuse treatment facilities, provided that the operator of any such facility provided that any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

Sec. 78-74. C-4 business district.

Within the C-4 business district, the following regulations shall apply:

(1) General description. This district is intended to be located between the western boundary of Section 20 of Township 42 South, Range 43 East and the Florida East Coast (F.E.C.) right-of-way to the east, bounded on the south by the northern boundaries of parcels 307, 316 and 306, the eastern boundary of parcel 306 and then easterly on Watertower Road on a line extending to the Florida East Coast Railroad and on the north by the south boundary line of the existing C-1 commercial (business) district, as is shown on the Town of Lake Park Official Zoning Map. This area is served by major roads but is not feasible for heavy commercial or industrial developments. The regulations for this district are intended to encourage development compatible with surrounding or abutting

districts, with suitable open spaces, landscapes and parking spaces. The intent of this district is to limit development to a concentration of permitted uses, by confining those permitted uses to business offices, wholesaling, retailing and light manufacturing activities.

(2) Uses permitted. Within the C-4 business district, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by those regulations, except for the following uses:

(p) Substance abuse treatment facilities, provided that the operator of any such facility provided that any such facility obtains a business tax receipt from the town and the facility is not located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

Sec. 78-75. CLIC-1 campus light industrial/commercial district.

Within the CLIC campus light industrial/commercial district, the following regulations shall apply:

(1) Purpose and intent. It is the purpose of the CLIC district to allow the development of a mixed-use, campus light industrial/commercial employment center. The location of this district abutting the MU mixed-use residential/commercial/light industrial district provides opportunities for employment in close proximity to higher population densities, thereby promoting walk-to-work activity and reduced traffic congestion. The regulations for this district are intended to encourage development compatible with surrounding or abutting zoning districts, with suitable open spaces, on-site landscaping and parking areas. A landscape buffer along Silver Beach Road is required so that this district will not be incompatible with residential land uses on the south side of Silver Beach Road.

(2) Uses permitted. Within the CLIC zoning district, no building, structure, land or water use shall be permitted and no building shall be erected, structurally altered or enlarged, except for the following uses:

a. Any of the following uses shall be permitted:

16. Substance abuse treatment facilities, provided that the operator of any such facility provided that any such facility obtains a business tax receipt from the town and shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

TAB 11

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

- RESOLUTION
- DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: An Ordinance amending Town Code Sections 9-71 and 9-72 to provide for implementation of a citation process as an additional code enforcement method and the establishment a fine schedule by resolution.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading

Approved by Town Manager

[Handwritten Signature]

Date: 8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER080907 <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine.

Town of Lake Park Community Development Department



Meeting Date: August 22, 2007
Memo Date: August 10, 2007

Patrick Sullivan, AICP, Director

To: Town Commission

Re: Implementation of Code Citation process

Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine. The use of citations have proven to be effective and will reduce the amount of staff time typically spent in the issuance of the traditional Notice of Violation/Notice of Hearing.

The use of citations as an additional enforcement tool is authorized by Chapter 162, Fla. Stat., and the current Town Code, however the procedure has never been implemented. Revisions to the Code are necessary to update the procedures for the issuance of citations. Town staff is also recommending that the fine schedule in the Code be repealed and be readopted by Resolution to allow more flexibility in updating the fine schedule.

Town staff has prepared a Resolution approving the fine schedule, a new fine schedule, and a form of citation, all of which are attached hereto as composite **Exhibit "A"**. The fine schedule shall also appear on the reverse side of the citation. The citation will be issued by the Town's Code Compliance Officers, PBSO deputies and certified citizens'

patrol officers. If the violator pays the fine within the time specified and does not contest the citation, no hearing will be required. If however, the violator elects to contest the citation, the violator will be scheduled to appear at a hearing before the Special Magistrate.

Town staff is recommending that the Town Commission approve the amendments to the Town Code updating the citation procedure through adoption of the Ordinance attached hereto as **Exhibit "B"**, and after second reading of that Ordinance, that the Town Commission approve the form of the citation and the fine schedule by Resolution.

Code Citation Fine Comparison

Code Section	Violations	Propoosed Fine	Current Fine
10-31	Prohibited parking on sidewalk	\$100	\$25
10-31	Nuisance (general)	\$100	\$50
10 -154	Noise disturbance	\$250	\$50
16 -3	Unlawful trespass on public land	\$125	\$50
18 -61	Domestic animals prohibited in public park	\$50	\$50
18 -85	Violation of permit terms for use of park	\$50	\$50
18 -121	No permit for special event	\$250	\$50
20 -32	No permit for garage sale	\$50	\$50
24 -6	Illegal roll-off (residential)	\$250	Notice of Violation
24 -7	Illegal roll-off (commercial)	\$250	Notice of Violation
24 -8	Illegal dumping / littering	\$250	\$50
24 -78	Overloaded sanitation container	\$50	\$50
30 -2	Prohibited parking	\$100	\$25
30 -2	Prohibited parking in roadway	\$125	\$25
30 -33	Commercial loading and unloading	\$250	\$25
30 -35	Parking commercial vehicle in residential are	\$125	Notice of Violation
34 -6	Hatracking; tree topping	\$250	\$250
34 -64	Illegal watering 1 st offense	\$75	\$75
34 -64	Illegal watering 2 nd or more offense	\$250	\$250
70 -32	Sign code violation	\$125	\$125

Those items above noted "notice of violation" ususally yield \$0 in fines as the violation is complied with before it can ever get to a hearing.

ORDINANCE NO. 20-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED “ENFORCEMENT PROCEDURES AND STANDARDS”; AND REPEALING SECTION 9-72 ENTITLED “NOTICE TO APPEAR”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to code enforcement, and an alternative code enforcement procedure using citations, which have been codified in Article III of Chapter 9 entitled “Alternate Code Enforcement” of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission desires to commence using citations as an additional means to enforce certain provisions of the Town Code which are Code violations that are often a one-time occurrence and which do not require any additional time to be given to the violator for compliance, such as parking violations, violations of water restrictions, illegal dumpsters, illegal dumping, dogs running loose (leash law), noise violations, littering, and other similar violations; and

WHEREAS, it is the intent of the Town Commission that citations be used by the Town’s code compliance officers to enforce such provisions of the Town Code in lieu of the traditional

Notice of Violation and Notice of Hearing which is a labor intensive and costly method of code enforcement; and

WHEREAS, currently the Town Code, in Chapter 9, Article III, Section 9-71 authorizes the use of citations, and contains a schedule of violations and penalties for violations of specified provisions of the Town Code, but the use of citations has never been implemented; and

WHEREAS, in addition, the schedule of violations and penalties in Code Section 9-71 is not currently being used, is outdated, and an updated schedule of violations and penalties for citation use is more appropriately contained in a resolution; and

WHEREAS, Town staff has prepared such a Resolution containing a more appropriate schedule of violations and penalties, and has also created a form of citation to be used in enforcing the violations set forth in the Resolution; and

WHEREAS, Town staff is recommending that the form of the citation and the Resolution with the new schedule of violations and penalties be adopted upon second reading of this Ordinance; and

WHEREAS, Town staff has recommended that the Town Commission delete the fine provisions set forth Code Section 9-71, and to instead adopt the schedule of violations and fines by resolution of the Town Commission; and

WHEREAS, Town staff has also recommended repealing Code Section 9-72 which contains an antiquated “notice to appear” procedure that is not and has never been used by the Town; and

WHEREAS, upon the adoption of this Ordinance and the Resolution containing a new schedule of violations and penalties, the Town will begin the implementation of the use of citations as an additional means of enforcing the Town’s Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 9, Article III, Section 9-71 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows, and Section 9-72 of the Code of Ordinances of the Town of Lake Park, Florida is hereby repealed as follows:

ARTICLE III. ALTERNATE CODE ENFORCEMENT

Sec. 9-71. Enforcement procedures and standards.

(a) Issuance of citations. ~~A code compliance officer is an employee of the town who is duly authorized by the town manager and responsible for the enforcement of this Code. A code compliance officer, Palm Beach County Sheriff's Office deputies, and certified citizen's patrol officers, may issue a citation to a person when, based on personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance, and that the town's special magistrate county court will hold a hearing on the violation if the citation is either contested or if the fine is not paid within the time specified in the citation. charge.~~

~~(b) Notice. Prior to issuing a citation, a code compliance officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code compliance officer finds that the person has not corrected the violation within the time period, the code compliance officer may issue a citation to the person who has committed the violation. If the code compliance officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, or if a repeat violation is found, the code compliance officer is not obligated to provide the person with a reasonable time period within which to correct the violation prior to the issuance of the citation.~~

~~(b) (e) Form and contents of citation. The citation issued by the code compliance officer shall be in a form prescribed by the town, and shall contain among other things, the following:~~

- ~~(1) The date and time of issuance.~~
- ~~(2) The name and address of the person to whom this citation is issued.~~
- ~~(3) The date and time the civil infraction was committed.~~
- ~~(4) The facts constituting reasonable cause.~~
- ~~(5) The number of section of the code or ordinance violated.~~
- ~~(6) The name and authority of the code compliance officer.~~
- ~~(7) The procedure for the person to follow in order to pay the civil penalty or contest the citation.~~
- ~~(8) The applicable civil penalty if the person elects to contest the citation.~~

(9) The applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement if the person fails to pay the civil penalty within the time allowed or fails to appear before the town's special magistrate or code enforcement board ~~in court~~ to contest the citation, the person shall be deemed to have waived such person's right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(c) ~~(d)~~ Disposition by the special magistrate county court. After issuing a citation to an alleged violator, a code compliance officer shall provide ~~deposit~~ the original citation and one copy of the citation to with the town's code enforcement division ~~county court~~ for further processing. ~~disposition.~~

~~(d)~~ (e) Sections of code which may to be enforced by citation. Certain code sections and ordinances lend themselves to be enforced by means of a citation method and as such, the town commission has established by resolution, a schedule of code sections to be enforced by citation and a schedule of penalties for the violation of the respective code sections, which resolution and schedule of violations and penalties may be amended from time to time at the pleasure of the town commission. ~~and the town has deemed the following sections of the Code as those to be enforced through the citation method and has provided a schedule of violations and penalties to be assessed as follows:~~

~~Fine amount~~

~~Class I offense . . . \$50.00~~

~~Section 10-154, Noise disturbance.~~

~~Section 10-156, Noise sensitive zones.~~

~~Section 10-157, Noise violations.~~

~~Section 16-3, Unlawful to trespass or lodge on public lands.~~

~~Section 18-61, Domesticated animals prohibited in parks.~~

~~Section 18-63, Hours of operation for town parks.~~

~~Section 18-65, Restricted vehicular traffic in town parks (marina excluded).~~

~~Section 18-85, Conditions of issuance.~~

~~Section 20-32, Permit required (garage sales).~~

~~Section 22-31, Prohibition--Charitable solicitations.~~

~~Section 24-39, Placement of refuse container, and yard trash.~~

~~Section 24-78(a), Overloading refuse containers.~~

~~Section 34-64, Irrigation restrictions.~~

~~Section 70-103(i), Temporary political signs pertaining to specific elections.~~

~~Section 78-152, Motor vehicle/boat repairs prohibited.~~

~~Section 78-254, Grass area on improved lot.~~

~~Fine amount~~

~~Class II offense . . . \$75.00~~

~~Section 70-32, Sign, no permit.~~

~~Fine amount~~

~~Class III offense . . . \$125.00~~

~~Section 68-3, Outdoor storage residential.~~

~~Section 68-5, Outdoor storage commercial.~~

~~Section 70-102, Prohibited sign.~~

~~Section 78-254, Grass area on unimproved lot.~~

~~Fine amount~~

~~Class IV offense . . . \$250.00~~

~~Section 10-101, Junked/abandoned vehicle on public property.~~

~~Section 10-121, Junked/abandoned vehicle on private property.~~

~~Section 24-143, Mandatory disposal of garbage, trash and recyclables.~~

~~Section 28-33, No local business tax receipt: The statutory penalty, pursuant to F.S. § 205.053, as amended, plus a fine of up to \$250.00.~~

~~Upon receipt of a citation, the person alleged to have violated the town Code may request a hearing before the town's special magistrate a court appearance. The special magistrate county court judge may assess a maximum civil penalty not to exceed \$500.00, plus the town's administrative costs if the violation is contested. ~~If the citation is not contested, the amount of fine is the face value of the citation plus costs.~~~~

~~(e) (f) Code violations; civil infraction. All violations of this code shall be considered as civil infractions with a maximum civil penalty not to exceed \$500.00.~~

~~(f) (g) Citation contested; special magistrate, county court. Should any person receiving a citation desire to contest the citation same, the such person who is issued the citation shall have the right to appear before the town's special magistrate ~~in county court in order to present their such person's case and have the case decided determined disposition made by the town's special magistrate, court.~~~~

~~(g) (h) Failure to accept citation; misdemeanor. Any person who willfully refuses to sign and accept a citation issued by a code compliance officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.~~

~~(h) (i) Provisions additional and supplemental. The provisions of this section are additional and supplemental means of enforcing the code sections referred to in subsection (d) (e) of this section. Nothing contained in this section shall prohibit the town from enforcing its codes or ordinances by other means.~~

Sec. 9-72. Notice to appear.

~~(a) Generally. Notwithstanding F.S. § 34.07, a code compliance officer, designated pursuant to section 9-71(a) and (b), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code compliance officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code compliance officer has no authority to arrest such person.~~

~~(b) Time period to correct violation. Prior to issuing a notice to appear, a code compliance officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code compliance officer finds that the person has not corrected the violation within the prescribed time period, a code compliance officer may issue a notice to appear to the person who has committed the violation. A code compliance officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code compliance officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, that the violation is engaged in violations of an itinerant or transient nature, as defined by~~

~~local code of ordinances within jurisdiction, or if the violation is irreparable or irreversible.~~

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

**TOWN OF LAKE PARK, FLORIDA
CITATION NUMBER _____**

DAY OF WEEK	MONTH	DAY	YEAR	TIME	AM
-------------	-------	-----	------	------	----

FIRST NAME (Print)	MIDDLE	LAST NAME (VIOLATOR)
--------------------	--------	----------------------

STREET ADDRESS

CITY	STATE	ZIP CODE
------	-------	----------

TEL. NO.	DATE OF BIRTH	RACE	SEX	HGT
----------	---------------	------	-----	-----

VEHICLE TAG NO OR VEHICLE ID NO.	MAKE/MODEL:	COLOR
----------------------------------	-------------	-------

LOCATION OF VIOLATION: (if different from above)

CODE SECTION VIOLATED:

DESCRIPTION:

REPEAT VIOLATION: \$500.00

This Citation is issued pursuant to Chap. 162 F.S., Chap. 316, F.S., Chap. 9, Sec. 9-17. The violation(s) charged is a civil infraction with a maximum civil penalty of up to \$250.00 per violation per day and up to \$500.00 per day for a repeat violation, plus administrative costs. You may avoid having to appear at a quasi-judicial hearing before the Town's Special Magistrate on the violations charged herein by paying the civil penalty in the amount of \$_____ by either cash or a check made payable to the "Town of Lake Park" within ten (10) days of the date of this Citation. Payments may be mailed or hand delivered to the Town of Lake Park, Finance Department, 535 Park Avenue, Lake Park, FL 33403. DO NOT MAIL CASH.

In the event you fail to pay the penalty and/or wish to contest the Citation, you are hereby commanded and summoned to appear before the Special Magistrate for a hearing on the violation(s) on _____, 200_ at 10:00 a.m. in the Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida 33403.

IF YOU FAIL TO EITHER PAY THE FINE IN THE AMOUNT STATED ON THIS CITATION, OR YOU FAIL TO APPEAR AT THE HEARING TO CONTEST THE CITATION, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION, AND A FINAL JUDGMENT MAY BE ENTERED AGAINST YOU FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY, TOGETHER WITH ADMINISTRATIVE COSTS. Any person who willfully refuses to sign and accept a Citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Sec. 775.082 F.S. or Sec. 775.083 F.S. (60 days in jail or \$500.00 or both).

SIGNATURE OF VIOLATOR	PRINTED NAME OF VIOLATOR
-----------------------	--------------------------

SIGNATURE OF CODE ENFORCEMENT OFFICER

VIOLATION DESCRIPTION

CODE SECTION	COMMON VIOLATIONS	FINE
10-31	Prohibited parking on sidewalk	100.00
10-31	Nuisance (general)	100.00
10-154	Noise disturbance	250.00
16-3	Unlawful trespass on public land	125.00
18-61	Domestic animals prohibited in public park	50.00
18-85	Violation of permit terms for use of park	50.00
18-121	No permit for special event	250.00
20-32	No permit for garage sale	50.00
24-6	Illegal roll-off (residential)	250.00
24-7	Illegal roll-off (commercial)	250.00
24-8	Illegal dumping / littering	250.00
24-78	Overload sanitation container	50.00
30-2	Prohibited parking	100.00
30-2	Prohibited parking in roadway	125.00
30-33	Commercial loading and unloading	250.00
30-35	Parking commercial vehicle in residential area	125.00
34-6	Hatracking; tree topping	250.00
34-64	Illegal watering 1st offense	75.00
34-64	Illegal watering 2nd or more offense	250.00
70-32	Sign code violation	125.00

TAB 12

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

- RESOLUTION
- DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Amendments to Section 54 of the Code of Ordinances to correct time periods, miscellaneous and clerical errors.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager *W. Davis* Date: 8/15/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER 081307 <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Abating overgrown lawns and other unsightly nuisances should be effected within a very short time period. The process that was recently put into effect required 30 days notification prior to the Town being able to take action and abate the nuisance. In a recent attempt to abate an overgrown lawn nuisance it was realized that the 30 day notification for this type of nuisance was too long. This amendment to Section 54 eliminates the 30 day notification requirement and leaves it up to the judgment of the Community Development Department to set a reasonable notification time based on the individual circumstances of the violation.

ORDINANCE NO. 21-2007

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERALLY"; SECTION 54-82 ENTITLED "BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED"; SECTION 54-131 ENTITLED "NUISANCE DECLARED"; SECTION 54-132 ENTITLED "NUISANCE TO BE ABATED"; AMENDING SECTION 54-133 ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; SECTION 54-134 ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Lake Park, Florida (the "Town") has the governmental and corporate powers of a duly constituted municipality; and

WHEREAS, the Town Commission has previously adopted provisions pertaining to property maintenance and nuisance abatement which have been codified in Chapter 54, Sections 54-81, 54-82, 54-131, 54-132, 54-133 and 54-134; and

WHEREAS, subsequent to the adoption of these provisions, it has become apparent that minor revisions need to be made to various portions of these Code Sections in order to provide the Town with more flexibility in property maintenance and abating certain nuisances in an expedient manner; and

WHEREAS, Town staff has recommended that the Town Commission amend Code Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134, as provided herein; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Chapter 54, Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134, pertaining to property maintenance and nuisance abatement as recommended by Town staff.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are adopted herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. Chapter 54, Article III, Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134 are hereby amended to read as follows:

Sec. 54-81. Property maintenance standards. general.

(a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the town.

(b) General regulations.

(1) All buildings and structures, both existing and new, and all parts thereof, shall be maintained in good repair and kept in a sound, safe and sanitary condition. All devices or safeguards which are required by this article in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or the owner's designated agent, and the tenant shall be responsible for the maintenance of buildings, structures and premises. The exterior of all buildings or structures shall be kept free from stains, mold, mildew, peeling paint, discoloration, graffiti, and general disrepair. Buildings or structures shall have no missing windows, doors, or railings .

(2) All driveways, sidewalks, and parking areas shall be maintained reasonably free of discoloration or deterioration, including potholes.

(3) Fences and walls shall be maintained structurally sound (such as vertically plumb).

Fences and walls shall be maintained in their original condition (such as reasonably free of discoloration, staining, or peeling).

(4) Hedges shall be trimmed and maintained in a healthy and neat condition; and shall not extend onto or over public or adjoining private properties or road rights-of-ways.

(c) Maintenance of construction sites. All construction sites shall be maintained in a clean and orderly condition during the entire construction process. Only town approved dumpster(s)/enclosure(s) shall be located on site throughout the construction process. The dumpster(s)/enclosure(s) shall be emptied when full, or if it emits noxious odors, or is attracting vermin or insects. All construction debris, materials, equipment, trailers, and other property, used directly or indirectly in connection with the construction activities, shall be physically contained within the boundaries of the construction site. Dumpster(s)/enclosure(s) may be required for additions or remodeling of single-family dwellings if deemed necessary by the Community Development Director.

Sec. 54-83. Boarded up buildings, hurricane shutter removal required.

(3) If real property in any zoning district is secured for more than thirty (30) days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building and shall be cut and placed so as to fit within ~~form to~~ the opening being secured.

(5) Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than twenty-eight ~~fourteen~~ (28) days after the lifting of any hurricane or tropical storm warning or watch unless:

- (a) A hurricane or tropical storm watch occurs during the ~~twenty-eight~~ fourteen (28) day period, at which point the ~~twenty-eight~~ fourteen (28) day period begins anew after the hurricane or tropical storm conditions have subsided; or
 - (b) The structure is used for residential purposes, but no person is in residence and the structure is secured by manufactured storm shutters.
- (6) In no case shall plywood sheets be used for the boarding of occupied residences beyond the times set out in subsections (4) and (5) above.

Sec. 54-131. Nuisance declared.

It is hereby declared and determined by the town commission, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the ~~unincorporated area of the town~~:

- (3) Uncultivated vegetation greater when:
 - a. Greater than twelve (12) inches in height located on nonresidential vacant lots; or
 - b. Greater than eight ~~seven~~ (8) inches in height when located on developed or undeveloped residential or developed nonresidential lots.

Sec. 54-132. Nuisance to be abated.

~~It is further determined by the town commission, that~~ Any nuisance declared by this section, which is found, on any property within the town a lot in the unincorporated area of the town shall be abated in the following manner:

- (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris as provided in subsections 54-131(1) and (2), it shall be abated in its entirety, provided that the nuisance exists lies upon a lot which is adjacent to a property which is developed ~~and used~~ or has been used for residential, commercial or industrial purposes; or
- (2) If the nuisance consists solely of uncultivated vegetation as provided in subsections 54-131(3), (4) and (5), and the parcel is less than one and one-half ~~(1 1/2)~~ acres in size, the nuisance shall be abated in its entirety. If the parcel is greater than one and one-half ~~(1 1/2)~~ acres in size, the nuisance shall be abated on the portion one hundred twenty-five ~~(25)~~ feet of the boundary of any adjacent property, which is developed ~~and used~~ or has been used for residential, commercial or industrial purposes.
- (3) In cases involving areas declared by the town commission as blighted, pursuant to state statutes, or in any cases which there is evidence of vagrants using the overgrown property for habitation, or that crimes of a violent nature, or crimes involving the sale or possession of illegal substances are occurring on the premises, then the nuisance may be abated in its entirety, regardless of lot size, ~~provided that the nuisance lies upon a lot which is adjacent to property which is developed~~. The evidence of such activities required must be documented by the town code compliance division or other appropriate law enforcement agency. ~~For purposes of this section only, rights-of-way shall be considered adjacent, developed property. The~~ In abating such nuisances, property owners owner and the town are encouraged to preserve, and need not clear, trees and *Serenoa repens* (commonly known as Saw Palmetto); ~~and provided further that the~~ Property owners and the town are encouraged to clear *Melaleuca quinquenervia* (commonly

known as Punk Tree, Cajeput, or Paper Bark Tree), *Casurina Spp.* (commonly known as Australian Pine); *Acacia Ariculaeformis* (commonly known as Earleaf Acacia); and ~~provided further that the~~ property owners and the town shall be required to clear *Schinus terebinthifolius* (commonly known as Brazilian Pepper).

(4) If the nuisance consists of the obstruction of adequate view of intersections, crossings, or traffic signs, the nuisance shall be abated in accordance with the safe sight distance triangles provisions of the Code or other applicable regulations, and when not provided by law or ordinance in that section, the nuisances shall be abated so as to afford a clear, unobstructed view.

(5) If the nuisance consists of dead trees, only those standing dead trees located in an area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-way, need be removed.

(6) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to its abatement.

Sec. 54-133. Procedure for abatement of a nuisance.

(a) ~~Authorized agents, employees and independent contractors of the~~ The community development department ~~are is~~ empowered to enter upon and inspect lots on which a nuisance is suspected to exist. Any code compliance officer or Palm Beach County Sheriff's deputy or other authorized agent, employee or independent contractor of the town shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon residential, commercial or industrial property while in the discharge of duties imposed by these regulations. If an inspection reveals the presence of a nuisance, the community development department shall notify the property owner of the nuisance in the manner provided in section 9-42. ~~by registered or certified mail, return receipt requested, sent to the last known address of the owner;~~ that a nuisance exists which is a violation of this ordinance. The notice shall also:

- (1) Advise the property owner of the right to a hearing as provided in section 54-134;
- (2) Specify what corrective action must be taken and the date by which the corrective action must be completed;
- (3) State that a failure to abate the nuisance as required by the notice will result in the abatement of the nuisance by the town community development department or an outside contractor retained by the town abating it—and that the cost incurred by the town in the abatement of the nuisance of which ~~action~~ shall be assessed against the property as a lien; and
- (4) That a lien shall be recorded against the property in the public records of Palm Beach County.
- (5) That the failure of the property owner to file an appeal of the determination of a nuisance before the expiration of the date specified in the notice for completion of the corrective action, shall constitute a waiver of the property owner's right to a hearing and right to appeal the town's determination of a nuisance.

The appeal forms required in section 54-134 shall be included in the notice, along with a statement that such form must be used to appeal the administrative determination. ~~The~~

~~property owner shall have thirty (30) days from the date notice is mailed to abate the nuisance.~~

(b) ~~If an appeal is filed, a quasi-judicial hearing will be scheduled by the town's code compliance division before the town's special magistrate. The town shall give the property owner notice of the hearing in the manner provided in section 9-42. an enforcement action shall proceed as provided in section 54-133.~~

(c) ~~If no appeal is filed or if the notice sent as provided in subsection 54-133(g) is returned unclaimed, the community development department shall, upon the expiration of the compliance date notification period, re-inspect the property lot to determine whether or not the nuisance has been abated to the satisfaction of the town. If the community development department determines that the property lot still harbors a nuisance, and/or the required corrective action is not completed to the satisfaction of the town manager, the town may immediately commence all reasonable actions necessary to abate the nuisance. it shall cause its abatement according to the provisions of this article. To accomplish that goal, the community development department and/or its agents are authorized by the town commission to enter upon the property lot and to take all steps reasonably necessary to effect the abatement.~~

(d) ~~If abatement is effected by the community development department, as provided in subsection (e), the cost to the town of abating the nuisance on each lot, including an administrative and operating fee of six hundred dollars (\$600.00), shall be calculated and assessed against the lot by the community development director or the town manager. The assessment shall contain a legal description of the property, the street or physical address, describe the lot, show state the cost of abatement, and specify the administrative and operating fee. The community development department shall mail a notice of the assessment to the owner at the owner's last known address by regular U.S. mail. Until full payment is received, assessments shall be legal, valid and binding liens obligations upon the property. The assessment shall become due and payable to the town as of the date of the mailing of the notice of assessment, interest shall begin to accrue at the statutory rate of eleven (11) percent per annum on any unpaid portion thereof.~~

(e) ~~As soon as possible after the assessment has been made by the community development director or town manager, a certified copy of the assessment shall be recorded in by way of a claim of lien for assessments in the official records of the town maintained by the town clerk, and the Claim of Lien shall also be recorded in the public records of Palm Beach County. The lien shall become effective on the date that a copy of the lien is recorded.~~

(f) ~~Lien assessments, together with interest thereon, may be enforced by civil action in the appropriate court of competent jurisdiction. The lien created hereby shall be a first lien, equal to a lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate a nuisance has been recorded. The lien shall continue in full force until discharge by payment or otherwise, until settled and released by the community development director or the town manager.~~

(g) ~~The community development department shall mail a notice that a lien has been recorded to the record owner of each of each lot described in the lien for the assessments. The notice shall be sent by certified or registered mail, return receipt requested, to the owner's last known address. The notice shall be in a form prepared by the community development department, which shall include the following information:~~

Name and address of the owner;
Legal description of the lot where the nuisance has been abated;
Date of mailing of the notice of the lien;
A brief description of the nuisance;
Date that notice was originally sent to abate the nuisance;
A statement of the actual costs of abatement, the administrative fee, and any interest due;
Instructions regarding payment and removal of the lien; and
Additional information as necessary and appropriate.

(h) Nothing in this part shall prevent the town or the community development department from pursuing enforcement of this article through other processes.

Sec. 54-134. Appeal procedures.

At any time before the expiration of the time specified in the notice for the completion of the corrective action to abate the nuisance, Within twenty-five (25) days after the initial notice of a nuisance is sent by the community development department, as provided in section 54-133; the property lot owner may appeal the town's determination that a nuisance exists on the property by submitting an appeal on form prepared by the community development department together with make written request to the town for a hearing before the special magistrate to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice to the lot owner. The owner's appeal shall be submitted upon forms to be provided by the community development department, and shall be accompanied by a certified check or money order in the amount of two hundred dollars (\$200.00) made payable to the town Town of Lake Park, which amount shall constitute a fee necessary to defray the costs to the town, the town attorney, the community development department, and for the sSpecial mMagistrate hearing, and the processing and administering the appeal. Failure to file an appeal or to appear before the sSpecial mMagistrate within the proscribed time shall be deemed a waiver of the property lot owner's rights to appeal the administrative action. The special magistrate shall hear the appeal on its regularly scheduled agenda and the hearing shall be conducted in accordance with the procedure set forth in section 9-37, and fines, costs and fees may be imposed by the special magistrate in the same manner as provided in section 9-39, and other. The town's code compliance division special magistrate shall give the property lot owner seeking an appeal written notice of the date and location of the scheduled hearing in the same manner as provided in section 9-42. At the hearing, the town and the lot owner may introduce such evidence as is relevant. The hearing shall be conducted in accordance with the rules of procedure applicable to code enforcement proceedings. The decision of the sSpecial mMagistrate shall be final and the final order finding a nuisance and imposing a fine and costs shall be recorded by the town and shall constitute a lien of the town against the subject property any other property owned by the property owner in the state of Florida.

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

Section 4. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

TAB 13

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
 - Ordinance on Second Reading
 - Public Hearing

- RESOLUTION
- DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Changes to the Occupational Tax fee schedule Sec. 28-51

RECOMMENDED MOTION/ACTION: Motion to approve

Approved by Town Manager

W. Davis

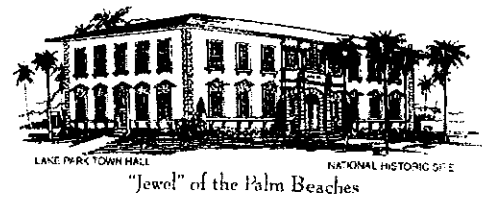
Date:

8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report
Department Review: <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: This ordinance amendment will increase fees, clean up outdated uses, and provide for reasonable classifications as prescribed by statute. The occupational tax fees have not been increased since August of 2000. This change will increase taxes by a formula that is in line with state statute. The amended ordinance provides for categories and the tax is uniform throughout each category as is required by statute. Most of the original uses were put in the ordinance back in the late 70's. There are numerous uses (such as pony rides) that are not being used. The amendment to the ordinance will eliminate old and outdated uses.

**Town of Lake Park
Community Development Department**



Meeting Date: August 22, 2007
From: Patrick Sullivan, AICP, Director
Memo Date: August 9, 2007

To: Town Commission
Re: Ordinance Amending Business Tax Schedule in Code Section 23-41

This Ordinance amends the Town Code of Ordinance, Chapter 28, Section 28-41 to increase the business tax which is levied by the Town on persons who maintain a permanent business location or branch office within the Town for the privilege of engaging or managing any business, profession or occupation.

The Town currently has a schedule of taxes contained in the fee schedule of Section 28-41 of the Town Code. The business tax fee schedule in this Code Section has not been increased since August of 2000.

The Town is required to utilize the reclassification and rate increase methodology as set forth in Section 205.043(b) Fla. Stat. (2007) when it increases its business tax rates. This statute allows the Town to increase business taxes by 100% for existing taxes that are \$100 or less; 50% for taxes that are between \$101.00 and \$300.00; and 25% for taxes more than \$300. Merchant inventory taxes are limited to no more than a 25% increase.

For example, if a business tax is presently \$47.00, the Town Commission may increase the tax to \$94.00. A tax of \$200.00 can be increased to \$300.00, and a tax of \$400.00 can be increased to \$500.00.

Furthermore, the Town Code pertaining to business taxation contained in Chapter 28 does not classify business uses by category as is required by the local business tax statute, Chapter 205, Fla. Stat. (2007). This Ordinance provides for categories so that the Town Code will comply with state law.

The Code currently lists business uses alphabetically, and contains a number of uses that do not exist and are archaic such as "pony rides". This Ordinance will amend the Code to eliminate unused and outdated uses. Below, is an example of how the Ordinance will amend the Code to properly categorize business uses in compliance with Chapter 205, Fla. Stat. (2007).

Proposed Example:

- Category
- **Financial**
AUTOMATIC TELLER- EA. LOCATION PER MACHINE
BANKS - S & L, LOAN COMPANIES
 - **Gas Stations, including convenience stores**
FILLING STATION - PUMPS ONLY - STORE IS EXTRA
 - **Housing and Lodging**
HOTELS / MOTELS - PER UNIT
RENTAL - COMMERCIAL PROP. Per location
RENTAL PROPERTY- SINGLE FAMILY
RENTAL-DUPLEX/OTHER - PER UNIT
RENTAL OTHER
RENTAL SVC. W/IN TOWN LIMITS

ORDINANCE NO. 22-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCE CHAPTER 28, TO RE-CLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED "SCHEDULE OF FEES AND REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Florida legislature has recognized that local governments have a bona fide interest in protecting their residents from consumer fraud; and

WHEREAS, the Town Commission has adopted general provisions pertaining to the taxation of business, occupations, and professions which maintain and operate an office and/or branch office within the Town which have been codified in Chapter 28 of the Town's Code of Ordinances; and

WHEREAS, the Town enacted its occupational license n/k/a business tax ordinance prior to 1978; and

WHEREAS, general provisions pertaining to the taxation of business, occupations, and professions which maintain and operate an office and/or branch office within the Town which have been codified in Chapter 28 of the Town’s Code of Ordinances; and

WHEREAS, the Town Commission has not increased the taxes charged pursuant to Town Code Section 28-41 for the privilege of engaging in a business, occupation, and/or profession within the Town since 2002; and

WHEREAS, Town staff has recently reviewed Code Section 28-41 and has determined that this Code Section should be amended to eliminate certain archaic and obsolete business listings and their corresponding tax rate, to establish categories of businesses, occupations and professions as required by Chapter 205, Fla. Stat. (2007), and to increase the amount of the business tax charged by the Town in accordance with the tax rate increase methodology required by Section 205.043 (b), Fla. Stat. (2007); and

WHEREAS, the Town Commission has reviewed the recommendations of Town Staff and the proposed amendments to Section 28-41 and has determined that it is in the best interests of the public health, safety and general welfare to adopt the proposed amendments to Section 28-41.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 28, Section 28-41 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended as follows:

~~Sec. 28-48. Schedule of fees and regulations.~~

The classifications, code numbers and rates of all annual business taxes unless otherwise specified, shall be as follows:

Classification Fee

A

~~(1) ABSTRACT COMPANIES \$141.00~~

~~Additional business tax receipt required for:~~

~~e. AM130 Sightseeing boats 47.00~~

~~Space to operate must be approved and assigned by the town commission. Marine coverage insurance must be in effect and in full force. A certificate of the insurance must be filed with the application for a business tax receipt before a business tax can be issued.~~

~~(13) AN040 ANTIQUE SALES. Definition: Merchandise of intrinsic value not to be confused with secondhand merchandise. New merchandise must be less than 50 percent of total inventory value. Requires merchant business tax receipt~~

~~(17) AR030 ARMS SALES 180.00~~

~~Includes pistols, shotguns and firearms of all kinds, and/or knives, brass knuckles, slingshots, switchblades, or any other handheld device ruled to be a deadly weapon by the Florida Supreme Court. Does not cover fireworks. Surety bond and police reports required. Where other merchandise is sold a merchant inventory business tax receipt is required.~~

~~(23) AT030 ATTORNEYS-AT-LAW, Without further business tax receipt, may act as a collection agency and may pay taxes for clients without being classified as a tax collection agency; may also act as Insurance Adjustor, F.S. § 626.851 et seq., each 141.00~~

B

~~(33) BICYCLES:~~

~~a. BI010 Bicycle dealers, includes sales, rentals, and repairs. Merchant business tax receipt required.~~

~~(36) BOATS:~~

~~e. BO014 Sales. Motors, boat trailers, with an established place of business within town limits. Merchant business tax receipt required.~~

C

~~(57) CI020 CITRUS FRUIT SHIPPER, including taking orders for fruit shipping; if part of retail sales establishment, a business tax receipt is required in addition to merchant license 66.00~~

~~(63) CO050 COMMERCIAL FREIGHT AND PASSENGER AGENCY, applicable when the company is not otherwise business taxed by the town . . . 220.00~~

~~E~~

~~(89) EN030 ENGRAVERS, when not paying any other town business tax ——— 47.00~~

~~(90) EXHIBITIONS, promoted by commercial establishment, to be held for no more than 14 consecutive days during any three month period; no more than four exhibitions per year at any one establishment or shopping center. Examples of exhibitions are: auto shows, arts and crafts shows, clothesline art shows, bicycle races, band concerts, boat shows, promotion of research products.~~

~~a. EX010 An exhibition for which no policing is necessary, and no inspections are necessary by fire, health, building, police, electrical or plumbing inspectors, annual business tax . . . 141.00~~

~~b. EX011 An exhibition for which policing is necessary, and inspections are necessary by fire, health, building, police, electrical or plumbing inspectors, annual business tax ——— 270.00~~

~~F~~

~~(95) FI030 FILM, VIDEO, MOTION PICTURE RENTAL LIBRARY. This is in addition to a camera shop. Where merchandise is sold, a merchant business tax is required . . . 47.00~~

~~(96) FIRE EXTINGUISHERS:~~

~~a. FI040 Sales and service, with place of business within town limits, using vehicles to perform services, merchant business tax required.~~

~~(100) FO010 FOOD LOCKERS AND COLD STORAGE, renting cold storage space to the public other than ice factory and when not paying a warehouse and public storage business tax . . . 94.00~~

~~(102) FUNERAL CHAPELS, UNDERTAKERS. When carrying a stock of, or selling caskets, or any other merchandise, or personal property, merchant business tax required in addition to below:~~

~~G~~

~~(105) GAS, BOTTLED GAS, GAS COMPANIES, GASOLINE (BULK), LIQUIFIED NATURAL GAS, KEROSENE, OILS FOR ILLUMINATING, COOKING, OR LUBRICATING, PROPANE:~~

~~e. Bottled gas:~~

~~1. GA036 Service from a truck, with no established place of business, per vehicle . . . 47.00~~

~~2. GA038 With an established place of business within the town limits.~~

~~Permits wholesale or retail of manufactured gas or liquefied petroleum gas. Merchant business tax required.~~

~~Name on both sides of trucks. No installation of appliance or tanks permitted under this business tax.~~

~~(107) **GU010 GUNSMITH**, if selling arms merchant business tax also required . . . — 47.00~~

H

~~(119) **IN005 INCOME TAX SERVICE, INDIVIDUAL**, not full-time occupation, for time from January 1, to April 15 of any one year. If no advertising is done and there are not employees. No business tax required.~~

~~(122) **IN050 INTERIOR DECORATOR, DESIGNER DISPLAY ROOMS AND SHOWROOMS**, where no stock on floor is carried for sale. Merchant business tax is if stock is sold from the floor . . . — 47.00~~

J

~~(125) **JE010 JEWELRY OR WATCH REPAIRING**, if part of a business establishment, a merchant business tax also required . . . — 28.00~~

~~(126) **JUNK DEALER OR SHOP, GATHERER, JUNKYARD:**~~

~~b. **JU020** Junk gatherer, by vehicle when not covered by junk dealer's business tax, requires a surety bond of \$250.00. Each vehicle . . . — 47.00~~

K

~~(128) **KE040 KEY OR LOCKSMITH**, when not paying any other town business tax . . . 27.00~~

M

~~(135) **MA062 MAIL RETAIL STORE, MAIL BOX CENTER**, not United States Postal Service, if selling merchandise must also obtain merchant business tax receipt. . . — 47.00~~

~~(139) **ME020 MERCHANT**. All merchandise not otherwise provided for in this article shall be classified as mercantile lines and each person engaged in the sale of such merchandise is required to cover their operations by obtaining a business tax receipt as follows: The business tax on every merchant, whether any other business tax is required by any subsection of this article or not, shall be measured by the amount of stock of merchandise and shall be figured and arrived at as follows:~~

~~a. For the first \$1,000.00 or fraction of \$1,000.00 of stock of merchandise 21.00~~

~~b. For each additional \$1,000.00 or fraction thereof 5.00~~

e. The amount calculated per a. and b. above shall be multiplied by a constant factor as outlined below, to determine the total license business tax due:

TABLE INSET:

<i>Calculated Amount per a. and b. above</i>	<i>Constant Factor</i>
\$100.00 or less . . .	1.0
\$101.00 to \$300.00 . . .	1.0
Over \$300.00 . . .	1.0

d. The words "stock of merchandise" shall be held to mean the cash value of merchandise or goods on hand last January first, or for the applicant's fiscal year, whichever being the higher, and not the amount of the capital stock invested in the business. If a business tax receipt is issued for a business not operating on the preceding January first, then a business tax receipt shall be issued for \$20.00 on a merchandise valuation of \$1,000.00. Inventory shall be taken 60 days after issuance of the business tax receipt and the business tax shall be computed on such inventory and whatever additional tax, if any, is due shall be paid at such time and a receipt shall be issued showing the payment of such amount.

(144) ~~MOTOR VEHICLE SALES, SERVICE, REPAIR, RENTAL, SHIPPING, TOWING,~~ includes automobiles, trucks, tractors, and motoreycles.

e. Motor vehicle sales:

1. New vehicles. Franchise agencies or persons engaged in the sale of new automobiles or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum:

Preceding year

- i. AU070 4 to 99 — 189.00
- ii. AU071 100 to 149 . . . 220.00
- iii. AU072 150 to 199 . . . 294.00
- iv. AU073 200 to 249 . . . 367.00
- v. AU074 250 to 299 . . . 441.00
- vi. AU075 300 to 349 . . . 441.00
- vii. AU076 350 or over . . . 504.00

2. Used vehicles or new tractors. Agencies or persons engaged in the sale of only used automobiles, trucks or tractors or new tractors shall be subject to the following schedule of business taxes based on the number of used units or new tractor units sold per annum:

Preceding year

- i. AU080 4 to 99 — 94.00
- ii. AU081 100 to 149 — 141.00
- iii. AU082 150 to 199 — 189.00
- iv. AU083 200 to 249 — 189.00

v. ~~AU084 250 to 299 221.00~~

vi. ~~AU085 300 to 349 257.00~~

vii. ~~AU086 350 or over . . . 294.00~~

3. ~~Agencies or persons licensed under subsections 1 or 2 are required to obtain a business tax receipt for each of the following additional businesses conducted on the site:~~

i. ~~Motor vehicle repair shop;~~

ii. ~~Paint and body shop;~~

iii. ~~Parts department, whether retail sales only or in association with repair shop;~~

iv. ~~Used cars;~~

v. ~~No business tax receipt required for auto wrecking service if used in normal course of business and not registered with law enforcement agencies for calls;~~

vi. ~~Parts, sales:~~

~~New parts merchant business tax receipt required, business tax based on inventory.~~

~~AU130 Used parts (secondhand dealer) 47.00~~

~~No business tax receipt required for auto wrecking if used in normal course of business and not registered with law enforcement departments for calls. Notice to chief of police of any autos purchased from juveniles~~

~~AU162 Plus an additional business tax for each cab or taxi operated, each . . . 47.00~~

~~(146) **MUSIC:**~~

a. ~~MU010 Conservatory 47.00~~

~~Teaching of music by staff, booking musical events and entertainment, such as shows and orchestras. If there is retail sales of sheet music, musical instruments and other related materials, a merchant business tax receipt is required.~~

b. ~~Playing machines, coin-operated, see COIN-OPERATED MACHINES.~~

e. ~~Teachers, no business tax receipt required. Persons giving lessons in homes without assistance or staff require no business tax receipt however, if music, records, or instruments are sold, then a merchant business tax receipt is required.~~

N

~~(148) **NEWS:**~~

a. ~~NE002 Magazine depot, wholesale 47.00~~

~~If merchandise is sold, an additional merchant business tax receipt is required.~~

P

~~(159) **PA040 PAWNBROKERS, PAWNSHOPS,** requires approval by the town commission, after a permit has been issued by law enforcement personnel, \$250.00 cash or surety bond. If selling other than articles taken on pledge, a merchant business tax receipt license is required in addition to the pawnbroker's business tax receipt. . . 400.00~~

~~(162) PE020 PET SHOPS, BIRDS, FISH AQUARIA, includes the sale of supplies, pet foods, etc. Merchant business tax receipt also required ——— 47.00~~

~~T~~

~~(192) TA040 TAXIDERMIST, where merchandise is carried, merchant business tax receipt is also required ——— 94.00~~

~~(194) TE030 TELEPHONE COMPANY, includes telecommunications, beepers, wireless service providers, not including retail sales of equipment, which requires a merchant business tax receipt 420.00~~

~~U~~

~~(198) UNIFORM SALES OR RENTALS:~~

~~a. With an established place of business within the town limits, merchant business tax receipt.~~

~~W~~

~~(201) WATER SOFTENER SALES, SERVICE, INSTALLATION:~~

~~a. WA030 Sales and rental of equipment and service. Merchant business tax receipt required with an established place of business in the town.~~

Sec. 28-41. Schedule of Taxes and regulations

Sec. 28-51. Schedule of Taxes and regulations

All businesses that maintain an inventory for resale shall be subject to a merchant inventory tax in addition to any base operation taxes. The business tax on every merchant, whether any other business tax is required by any subsection of this article or not, shall be measured by the amount of stock of merchandise and shall be figured and arrived at as follows:

<u>FIRST \$1000 OR FRACTION THEREOF</u>	<u>\$42.00</u>
<u>PER EACH ADDITIONAL \$1000.00 or fraction thereof</u>	<u>\$6.25</u>

The words "stock of merchandise" shall be held to mean the cash value of merchandise or goods on hand last January first, or for the applicant's fiscal year, whichever being the higher, and not the amount of the capital stock invested in the business. If a business tax receipt is issued for a business not operating on the preceding January first, then a business tax receipt shall be issued for \$40.00 on a merchandise valuation of \$1,000.00. Inventory shall be taken 60 days after issuance of the business tax receipt and the business tax shall be computed on such inventory and whatever additional tax, if any, is due shall be paid at such time and a receipt shall be issued showing the payment of such amount.

Description	Units	Base tax	Min. tax
Agriculture, Forestry, Fishing			
FLORIST-IN BUSINESS OR AS PART OF GROCERY STORE		\$94	
LAWN & GARDEN SERVICE		\$94	
LAWN/GARDEN-NON LOCAL/VEHICLE	VEHICLE		\$94
NURSERY IN TOWN LIMITS		\$94	
NURSERY MTC. SVC.		\$94	
GARDEN/FRUIT STAND		\$94	
OTHER AG/GARDEN if inventory is part of the business then subject to merchant tax also		\$94	
Amusement, Recreation, etc			
ATHLETIC CLUBS		\$94	
ATHLETIC CLUBS additional tax per employee			\$9
DANCE STUDIO		\$94	
MUSIC CONSERVATORY		\$94	
PHYSICAL FITNESS FACILITIES, GYM		\$94	
POOL / BILLIARD ROOMS	TABLES		\$22
THEATERS	SEATS		
	LESS THAN 300 SEATS	\$275	
	MORE THAN 300 SEATS	\$330	
OTHER AMUSEMENT/RECREATION if inventory is part of the business then subject to merchant tax also		\$94	
Construction			
ALL OTHER CONTRACTORS		\$141	
BUILDING CONTRACTORS, GENERAL		\$141	
CABINET SHOPS, MILLWORK, NOVELTY, ETC		\$141	
ENG OR HEAVY CONST. CONTRACTOR		\$141	
ENGINEER; LIAISON SERVICE	EACH	\$0	\$47
PAINTER, PAPER HANGER, SHEETROCK, ETC		\$94	
WOOD YARD OR DEALER		\$94	
CONSTRUCTION OTHER		\$141	
Education, Day Care			
DAYCARE - UP TO 15 CHILDREN	CHILDREN	\$80	
DAYCARE - 16-60 CLIENTS	CHILDREN	\$150	
DAYCARE - MORE THAN 61 CLIENTS	CHILDREN	\$225	
	STUDENTS		
PRIVATE SCHOOLS - 1 TO 15 STU		\$80	
PRIVATE SCHOOLS - 17 TO 50 STUDENTS	STUDENTS	\$140	

	STUDENTS		
PRIVATE SCHOOLS - MORE THAN 51 STUDENTS		\$200	
DAYCARE-NONPROFIT		\$47	
Financial			
AUTOMATIC TELLER- EA. LOCATION PER MACHINE	MACHINES		\$110
BANKS - S & L, LOAN COMPANIES		\$220	
Gas Stations, including convenience stores			
FILLING STATION - PUMPS ONLY - STORE IS EXTRA		\$94	
Hospitals, Labs, Care Facilities			
HOSP/CLN/CONVL HOME EA PATIENT- LESS THAN 10 BEDS	BEDS	\$141	
HOSPITALS/CLINICS/CONVALESCENT - PER BED OVER 10	BEDS	\$9	
LABORATORY		\$94	
NURSING HOMES		\$94	
Housing and Lodging			
HOTELS / MOTELS - PER UNIT	ROOMS		\$11
RENTAL - COMMERCIAL PROP. Per location		\$100	
RENTAL PROPERTY- SINGLE FAMILY	UNITS		\$62
RENTAL-DUPLEX/OTHER - PER UNIT	UNITS		\$26
RENTAL OTHER	UNITS		\$26
RENTAL SVC. W/IN TOWN LIMITS		\$141	
Office - Business			
ADMINISTRATOR		\$141	
ARTIST		\$94	
BROADCASTING STATIONS		\$141	
BROKER - MERCHANDISE		\$141	
BROKER - MTG OR LOAN		\$141	
BROKER - YACHT SALES		\$141	
BROKERS - BUSINESS		\$141	
BUSINESS OFFICE - UNCLASSIFIED HEREIN		\$141	
COLLECTION AGENCY - TO INCLUDE ONE EMPLOYEE		\$94	
MORE THAN ONE EMPLOYEE - PER EMPLOYEE	EMPLOYEES	\$94	

CONSULTANT AND/OR BUSINESS ADVISORS, where advice is the only service rendered, and nothing is bought or sold in connection with the service rendered. Includes: Bond consultant; city planning consultant; Landscape architect; computer consultant (software or Website developer, system designer or similar lines); engineer (civil, consulting, drafting, electrical, mechanical, or similar lines, where a contractor's license is not required); investment securities consultant; naturalization consultant, personal problem consultant; public relations consultant; tax consultant; and other similar professionals			
CONSULTANT, INDIVIDUAL		\$141	
CONSULTING FIRM W/EMPLOYEES		\$141	
DETECTIVES /DETECTIVE AGENCIES		\$141	
EMPLOYMENT AGENCIES		\$141	
EXTERMINATOR, PEST CONTROL		\$141	
HOME OCCUPATIONS		\$141	
INS AGENCY - HEALTH/LIFE/PROP.		\$141	
INSURANCE - TITLE AGENCY		\$94	
INSURANCE OR BONDING COMPANY		\$141	
INSURANCE AGENCY - EACH LIC. AGENT	AGENTS		\$19
INTERIOR DECORATOR/DESIGNER		\$94	
LAND DEV. MGT. OFFICE		\$141	
MODELING AGENCY		\$94	
MULTI-SERVICE		\$141	
NEWSPAPERS		\$141	
NEWSSTAND - RETAIL		\$94	
OPTICIAN		\$141	
ORTHOPEDIC SHOE TECHNICIAN SVC		\$94	
PROMOTION OF SPORTS		\$94	
REAL ESTATE BROKERAGE / APPRAISER		\$141	
REAL ESTATE SALES AGENT/BROKER per agent/broker		\$94	
RESEARCH SERVICES		\$94	
SOLICITORS		\$94	
TELEPHONE ANSWERING SERVICE		\$94	
TELEPHONE COMPANY		\$420	
BUSINESS - OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Office - Professional			
ACCOUNTANT/ BOOKKEEPER		\$94	
ANIMAL HOSPITALS		\$141	

ARCHITECT Certificate from Florida Board of Architecture required		\$141	
ATTORNEYS - AT- LAW Without further business tax receipt, may act as a collection agency and may pay taxes for clients without being classified as a tax collection agency; may also act as Insurance Adjustor, F.S. § 626.851 et seq.,	EACH ATTY		\$141
AUDITORS / CPAS		\$141	
CHIROPRACTORS		\$141	
DENTAL HYGIENIST		\$94	
DENTIST	EACH		\$94
PHYSICIAN, SURGEON	UNITS		\$141
VETERINARY SURGEON OR VET		\$141	
OFFICE - PROFESSIONAL OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Restaurants, food service and processing			
BAKERY / BAKER - RETAIL/WHOLESALE		\$94	
BUTCHER SHOPS		\$94	
CATERER		\$94	
COLD DRINK STANDS		\$94	
DELICATESSEN		\$94	
FISH MARKET		\$94	
ICE CREAM PARLOR		\$94	
RESTAURANT capacity to 25 patrons		\$94	
RESTAURANT - TAKE OUT SERVICE		\$94	
RESTAURANT 26 - 75 Patrons		\$125	
RESTAURANT OVER 75 Patrons		\$200	
CONCESSION		\$94	
Retail and Wholesale Sales			
ARTISANS OR CRAFTSMAN		\$94	
BICYCLE DEALERS/SERVICE			\$47
CONSIGNMENT SHOP		\$94	
FIRE EXTINGUISHERS SALES & SERVICE		\$94	
FIRE EXTINGUISHERS /FROM TRUCK	TRUCKS	\$94	
GAS / PROPANE WHOLESALE one truck		\$189	
OIL / GAS - BOTTLED - TRUCK SERVICE	TRUCKS		\$94
GAS - RETAIL DEALERS		\$94	
GAS / PROPANE FILLING STATIONS		\$94	
ICE CREAM/NUTS/POPCORN/VEHICLE	VEHICLES		\$47
JEWELRY OR WATCH REPAIRING		\$94	
OFFICE EQUIPMENT RENTAL SVC.		\$94	

PET SHOPS, BIRDS, FISH, AQUARIA		\$94	
PRINTER, PRINTING SERVICES		\$94	
SHOE AND BOOT REPAIR SHOPS		\$94	
SWIMMING POOL		\$94	
CONCESSION		\$18	
RETAIL/WHOLESALE OTHER if inventory is part of the business then subject to merchant tax also		\$94	
Services			
ALTERATIONS not including businesses where alterations or repairs are incidental to the primary business		\$94	
ANIMAL AND / OR DOG GROOMING			\$47
AUCTIONEER -FIXED BUILDING		\$94	
AUCTIONEER - NO FIXED BUILDING		\$141	
BARBERSHOP / BEAUTY PARLOR	CHAIR		\$94
	EACH ADDITIONAL CHAIR		\$9
BENCH ADVERTISING - PER BENCH	BENCHES		\$47
BINGO PARLOR		\$220	
BOATS - HIRE/CANOES/ROW/MOTOR		\$94	
BURGLAR ALARM SYSTEM -SERVICES		\$94	
CAR WASH - WITH SVC. STATION		\$94	
CAR WASH BUSINESS		\$94	
CARPET CLEANER VEHICLE SERVICE	VEHICLES		\$47
CLEANING SERVICE / PRESSURE WASHING		\$94	
GARBAGE / TRASH PRIVATE FIRM		\$94	
JANITORIAL - FROM TRUCK		\$94	
JANITORIAL - RES/COMM CLIENTS		\$94	
KEY OR LOCKSMITH		\$94	
LAUNDRY - COIN OP SERVICE 1 to 20 machines		\$94	
	MACHINES		
More than 20 machines: BASE tax plus per machine tax			\$5
LAUNDRY VENDING - SOAP ETC. 1-4 machines		\$19	
LAUNDRY VENDING - SOAP ETC. 5 or more per machine			\$5
LAUNDRY - DRY CLEANING		\$94	
LAUNDRY PICK UP STATION		\$94	
MAIL OR PACKAGE DEL., COURIER		\$220	
MAIL ORDER ESTABLISHMENT		\$94	
MAIL RETAIL		\$94	
MASSEUR	EACH		\$47
MESSENGER/PKG DELIVERY SERVICE		\$94	
PERSONAL SVC. NOT CATEGORIZED		\$94	

REPAIR SHOP / SVC. PER VEHICLE	VEHICLES		\$47
REPAIR SHOP/SVC - BUS. IN TOWN		\$240	
PHOTO STUDIO		\$94	
TAILOR		\$94	
TANNING PARLOR		\$94	
TICKET BOOKING OFFICE		\$94	
PORTABLE TOILET SERVICE		\$94	
TRAVEL AGENCY / BUREAU		\$94	
SERVICES OTHER if inventory is part of the business then subject to merchant tax also.		\$94	
Storage, Warehousing			
BOTTLERS/WSHE SOFT DRINKS-250K		\$210	
WAREHOUSE - SINGLE USE		\$94	
WAREHOUSE - OFFICE less than or equal to 5,000 square feet		\$94	
WAREHOUSE - OFFICE greater than 5,000 per additional 5,000 square feet or fraction thereof		\$141	
WAREHOUSE OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Transportation, Communication, Utilities			
CELL TOWER, RADIO/TV TOWER		\$141	
each additional lessee	LESSEE		\$141
ATV SALES AND SERVICE plus business tax based on value of inventory		\$141	
NEW OR USED BOAT SALES plus business tax based on value of inventory		\$300	
NEW and USED boats as above are required to obtain a business tax receipt for each of the following additional businesses conducted on the site: Boat repair shop; Paint and Body shop; Parts department whether retail sales or in association with repair shop. Parts & sales business tax receipt is based on inventory.			
BOAT REPAIR/PARTS INSTALL		\$141	
BOAT PAINT AND BODY SHOP		\$240	
BOAT USED PARTS DEALER		\$94	
BOAT STORAGE		\$184.00	

MOTOR VEHICLE SALES - NEW Franchise agencies or persons engaged in the sale of new automobiles, motor homes or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum: Preceding year. Plus, business tax based on value of inventory.			
1-99	CARS/YR	\$284	
100-149	CARS/YR	\$330	
150-199	CARS/YR	\$441	
200-249	CARS/YR	\$459	
250-299	CARS/YR	\$551	
300-349	CARS/YR	\$551	
350 or over	CARS/YR	\$630	
MOTOR VEHICLE SALES - USED agencies or persons engaged in the sale of new automobiles, motor homes or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum: Preceding year. Plus, business tax based on value of inventory.			
1-99	CARS/YR	\$141	
100-149	CARS/YR	\$212	
150-199	CARS/YR	\$284	
200-249	CARS/YR	\$284	
250-299	CARS/YR	\$332	
300-349	CARS/YR	\$386	
350 or over	CARS/YR	\$441	
NEW and USED vehicles as enumerated in Sec 1 and 2 above are required to obtain a business tax receipt for each of the following additional businesses conducted on the site: Motor Vehicle repair shop; Paint and Body shop; Parts department whether retail sales or in association with repair shop; used cars. Parts & sales business tax receipt is based on inventory.			
MOTOR VEHICLES ASSOC. AGENCY (e.g. AAA) Base Operation		\$94	
MOTOR VEHICLES ASSOC. AGENCY per salesperson	Sales person	\$18	
MOTOR VEH. REPAIR/PARTS INSTALL		\$141	
MOTOR VEH. PAINT AND BODY SHOP		\$240	
MOTOR VEH. USED PARTS DEALER		\$94	
MOTOR VEH. STORAGE		\$184	
MOTOR VEHICLES-RENTAL HEADQTR.		\$94	
TAXICABS and for hire vehicles of any form. Proof of minimum insurance required by state department of motor vehicles. A sworn copy of rate and fare schedule must be filed with permit			

application			
TAXI BUSINESS to include one vehicle		\$94	
Additional vehicles per vehicle			\$94
AUTO WRECKING SERVICE / TOWING per vehicle - if registered with law enforcement departments.	VEHICLES	\$94	
Vending Machines			
VENDING, COIN-OPERATED AND OTHER MACHINES The following machines are exempt: postage stamps; drinking cups; unadulterated Florida citrus juice; parcel checking lockers and toiled locks; and cigarette machines. Operator must furnish a list of locations; tags must be attached to machines; if electrically operated, log application to electrical inspector. There is a maximum tax of \$2,000 per year. For items not herein specified, such tax shall be determined from time to time by the Town Manager on a basis comparative with other vending machines.			
C.O. VENDING MACHINE PER MACHINE	MACHINES		\$66
C.O. PINBALL / VIDEO GAMES	MACHINES		\$66
GAME ARCADES/PARLORS	# OF GAMES		\$94
Other			
ADULT ENTERTAINMENT		\$1,100	
JUNK YARD		\$450	
PAWNBROKERS, PAWN SHOPS require approval by the town commission, after a permit has been issued by law enforcement personnel, \$250.00 cash or surety bond. If selling other than articles taken on pledge, a merchant business tax receipt is required in addition to the pawnbroker's business tax receipt		\$500	
Merchant Inventory taxes			
MERCHANT. All merchandise not otherwise provided for in this article shall be classified as mercantile lines and each person engaged in the sale of such merchandise is required to cover their operations by obtaining a business tax receipt.		\$500	

Section 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 5. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

TAB 14

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Facility Fee waiver / reduction criteria.

RECOMMENDED MOTION/ACTION:

Adopt new Facility Fee waiver / reduction policy

Approved by Town Manager *[Signature]* Date: 8/13/07
Gr. Dowdy Interim Director Parks & Rec 8-13-07
 Name/Title Date of Actual Submittal

Originating Department: Parks & Recreation	Costs: \$ 0 Funding Source: Acct. #	Attachments: Memo
Department Review: <input checked="" type="checkbox"/> Parks & Recreation <i>[Signature]</i> <input type="checkbox"/> Community Development <input type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Attached is proposed criteria for Fee Waiver Reduction for Town facilities. Staff is proposing a four (4) category breakdown.

RESOLUTION NO. 57-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has previously adopted fee waiver and reduction criteria for organizations wishing to rent Town facilities together with a corresponding fee schedule which provides for fee waivers and reductions when Town facilities are rented by organizations who meet the Town established criteria;

WHEREAS, the Town Commission recognizes that periodic adjustments must be made to the established fee waiver and reduction fee waiver schedule for qualified organizations in keeping with increased costs and the market in general; and

WHEREAS, the Town has determined that it is in the best interests of the Town to adopt both new criteria and a new fee waiver and reduction schedule as set forth in the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities (August 2007 edition)”, a copy of which are attached hereto and incorporated herein as **Exhibit “A”**

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The foregoing recitals are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the adoption of the revised criteria for qualification for organization discount in the rental of Town facilities, and the fee waiver and reduction schedule for qualified organizations as set forth in the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities (August 2007 edition)” attached hereto as **Exhibit “A”**, and Town staff is directed to implement the fees set forth therein commencing upon the effective date of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

Exhibit A

At its May 16th Regular Commission Meeting, the Commission directed that staff develop criteria for fee waiver/reductions for the rental of Town facilities, to include Non-Profit Groups. In order to facilitate the development of such criteria, staff has established the following categories for the rental of Town facilities by individuals and organizations:

Category I (Events Sponsored by Public Sector Organizations)

This category is for rental of Town facilities for events specifically sponsored by public agencies such as the Town of Lake Park, public schools and other governmental agencies. This is a new category for which no rental fee structure previously existed. Staff is proposing the following rental fee waiver/reduction schedule for public sector organizations:

- No charge for the first event occurring during one calendar year period
- A reduction of 50 percent of the facility rental fee only for any additional events occurring during one calendar year period
- All other fees (e.g., the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100 percent

The rental of Town facilities by public sector organizations shall be approved in advance by the Town Manager on a case-by-case basis.

Category II (Events Sponsored by Nonprofit and Other Charitable Organizations)

This category is for rental of Town facilities for events specifically sponsored by legally established nonprofit or other charitable organizations which are physically located within the municipal boundaries of the Town of Lake Park and whose projects, in the opinion on the Town Manager, directly benefit citizens of the Town of Lake Park. This category includes organizations such as Kiwanis of Lake Park. In order to qualify for this rental fee structure, organizations must submit the following documentation form along with the completed Town rental application form:

- A complete copy of the organization's Internal Revenue Service tax-exempt certification letter (e.g., 501(c)(3), 501(c)(6), etc.)
- A copy of the organization's current Palm Beach County Occupational License
- A copy of the organization's current Town of Lake Park Occupational License
- A brief summary of how the event will directly benefit citizens of the Town of Lake Park

This is a pre-existing category for which no rental fee structure previously existed. Staff is proposing the following rental fee waiver/reduction schedule for nonprofit and other charitable organizations:

- No charge for the first two events occurring during one calendar year period
- A reduction of 50 percent of the facility rental fee only for any additional events occurring during one calendar year period
- All other fees (e.g., the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100 percent

The rental of Town facilities by nonprofit and other charitable organizations shall be approved in advance by the Town Manager on a case-by-case basis.

Category III (Individual Residents and Nonresidents)

This category is for rental of Town facilities for events sponsored by individuals who may or may not be residents of the Town of Lake Park, and whose activities in the opinion of the Recreation Director directly benefit citizens of the Town of Lake Park. This is a pre-existing category which previously required full price for either residents or nonresident of Lake Park. Staff is proposing the following rental fee waiver/reduction schedule for residents.

For Residents:

- A reduction of 10 percent of the facility rental fee only.
- All other fees (e.g., the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100 percent

For Nonresidents:

- No waiver or reduction of the facility rental fee
- All other fees will be assessed at 100 percent

The rental of Town facilities by individual residents and nonresidents shall be approved in advance by the Recreation Director on a case-by-case basis.

Category IV (Current Town Employees)

This category consists of individual who are currently employed by the Town of Lake Park. This is a pre-existing category for which previously required 50 percent reduction on rental fee and deposit, but no limit on usage. Staff is proposing the following rental fee waiver/reduction schedule for current Town employees:

- A reduction of 50 percent of the facility rental fee only for one event per calendar year
- All other fees (e.g., the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100 percent

The rental of Town facilities by current Town employees shall be approved in advance by the Recreation Director on a case-by-case basis.

Staff conducted a survey of neighboring municipalities to determine their facility fee waiver/reduction schedule. The following are the findings from that survey:

Village of North Palm Beach:

- All nonprofit groups are charged full price, no fees are reduced.

Village of Palm Springs:

- 10% discount for Non-Profit Groups.
- All nonprofit groups must provide current copy of 501(c)(3) or 501(c)(6) documentation

Town of Jupiter:

- 10% - 50% discount for nonprofit groups
- All nonprofit groups must provide current copy of 501(c)(3) Tax Exempt Certificate.

Exhibit A



**TOWN
OF
LAKE PARK'S
AUGUST 2007**

**RENTAL
POLICIES**

**If You Are Renting A Town Facility,
Please Read This Entire Policy.**

***Lake Park Recreation*
561-881-3338**

1. Town of Lake Park Rental Facilities

The Town of Lake Park is pleased to be able to provide a variety of facilities for rent. Each facility offers a unique feel and flavor. From the indoor glamour of an old-fashioned ballroom to the plush greenery of a historic park, the town's rental facilities aim to offer an array of ambiances. Plan your next event around one of our facilities today.

KELSEY PAVILION: Situated along the Intracoastal in Historic Kelsey Park, the facility is an ideal gathering location for any event. Located near the playground in Kelsey Park, the Kelsey Pavilion offers an outdoor patio area and wonderful water views. **Capacity: 40 PERSONS. Fee: Non-Resident \$300 + tax for 4 hours, \$50 cleaning fee and a \$300 Required Deposit. Town Resident Fee: \$270 + tax for 4 hours, \$50 cleaning fee and a \$300 Required Deposit.** There is a charge of \$75 + tax for each additional hour over 4 hours.

KELSEY PARK GAZEBO: This old-fashioned open-air Gazebo in the Heart of Historic Kelsey Park sets the scene for wedding ceremonies and other similar ceremonies. Located in Kelsey Park on U.S. Highway One and Park Avenue. According to town code for assembly use of Kelsey Park, the Gazebo is unfortunately not for groups to serve food, but for ceremonies only. The permit of the Gazebo allows for only the rental of the Gazebo and not for the surrounding area of Kelsey Park. **Fee: \$25 + tax for 4 hours.**

MIRROR BALLROOM: The Historic Mirror Ballroom is the largest facility available, offering the decor and charm of the old'n days. Located on the second floor of Historic Town Hall, this 100-person capacity ballroom has a working stage. **Fees: Non-Resident \$600 + tax for a 6-hour period, \$120 personnel fee, \$50 cleaning fee and a \$500 required deposit. Town Resident \$540 + tax for a 6-hour period, \$120 personal fee, \$50 cleaning fee and a \$500 required deposit.** There is an additional \$100 + tax as a rental fee and \$20 security fee for each additional hour past 6 hours, which must be paid with your final payment at least two weeks from the event. There is also an additional charge of \$150 if alcohol is to be served.

Lake Park Recreation 561-881-3338

2. Town of Lake Park Rental Facility Policies

PROCEDURES AND REQUIREMENTS: To rent town rental facilities, the event organizer must come to the Lake Park Recreation Department located inside the Town Hall 535 Park Ave. Lake Park. If the date is available, The organizer must fill out the Agreement completely and return it to the appropriate staff member along with the stated **deposit**. The established rates are for a **four (4) hour period, unless stated otherwise. There will be an additional charge for each additional hour** the facilities are utilized, and it must be stated at least two weeks before the event. **Within fourteen (14) days prior to the event, the rental rate must be paid in full.**

PROCEDURE:

- (1) Complete the application and pay the necessary deposit.**
- (2) 2 weeks prior to the function, pay the total amount.**
- (3) Following the event, after a positive inspection of the rental facility, your deposit will be forwarded back to you.**

KEYS: Keys needed for the Kelsey Park Pavilion, the pavilion bathrooms, etc..., will be available only a day before the event is to take place. Renting parties must have their payment paid in full to receive the necessary keys. Immediately following the event, the keys must be returned to the Lake Park Recreation Station or the party will forfeit their deposit. Parties renting the Mirror Ballroom will have the doors opened and locked by a staff member on site.

NO WAIVING OF FEES: Due to the maintenance costs of town rental facilities, there will be no waiving or reducing of fees, unless its approved in advance by the Town Manager.

DEPOSITS - NOT REFUNDABLE UPON CANCELLATION: A deposit is required at the time the reservation of town rental facilities is made. **All deposits are forfeited at the time of cancellation of the event, regardless of the date. The deposit can not be forwarded to a future date.** Following the event, the deposit is refundable in no less than fourteen (14) days, upon a positive inspection of the rental facility and its premises, in lieu of any damage and/or theft.

MAXIMUM NUMBER OF PEOPLE: Due to the Lake Park Fire Codes and facility space, the maximum number of people allowed per event varies per rental facility. It is important to find out what that number is for the facility that you are renting. The Kelsey Park Pavilion holds no more than 40 people, while the Mirror Ballroom holds no more than 100 people. There are no exceptions.

PERSONNEL/SECURITY: A staff member and a fee of \$120.00 may be required for an event regardless of the number of people attending. The staff member(s) shall be allowed to partake of food and non-alcoholic drink. **The staff member(s) will not be expected to be utilized as set-up, wait staff and/or cleanup workers.** Each additional hour will entail an additional fee of \$20 per hour for the personnel fee. **If alcohol is involved, a fee of \$150 to have additional security will be assessed.**

TIME: All renting parties must vacate town facilities no later than 11:00 p.m. It is suggested that functions end at 10:00 p.m., to allow time for vacating the premises. No individuals and vehicles are allowed in Kelsey Park or Town Hall beyond 11:00 p.m.

FOOD & BEVERAGES: Food and beverages are allowed, depending on the chosen rental facility.

SET-UP / BREAKDOWN: All renting parties are responsible for the set-up and breakdown of the functions tables and chairs. If any special needs must be addressed, the renting party should contact the Town of Lake Park no later than one week prior to the event. **All groups that choose not to breakdown their event, and return the tables and chairs to their original location, will forfeit their deposit.**

CLEANUP: The event organizer is responsible for all cleanup and damage both inside of and outside of (including all perimeters) the chosen rental facility. General cleanup must be completed before ending the event and will be included within the 6-hour rental period. Any excessive cleanup that may be necessary will be taken out of the deposit before any reimbursement is made. **It is up to the event organizer to end their party on time or be assessed the additional charge, which is payable immediately.** Failure to leave the premises on time, will result in the contacting of the Palm Beach County Sheriff Department for the groups immediate dismissal and forfeiture of the deposit. Should there be excessive clean-up, beyond the cost of deposit, the renting party will be charged an additional fee.

RENTAL RESTRICTION: To maintain the "Special Event" quality of town rental facilities, no group is permitted to rent town facilities and its surrounding area more than one time during a 45-day period.

CHILDREN: All children's behavior is to be monitored by the event organizer. Town rental facilities are not designed to allow children to run free throughout the buildings. It will be the responsibility of the event organizer to control the behavior of all of the guests, especially the children.

CHAIRS/TABLES: The Town will provide chairs and tables in the Mirror Ballroom and the Kelsey Park Pavilion only. All chairs and tables will need to be **setup by the renting party and must be relocated to the exact areas as they are found.** No exceptions. **No additional chairs and/or table may be brought into any Lake Park Rental Facility.**

DECORATIONS: Please refer decorating questions to the Lake Park Staff. Due to Lake Park Fire Codes, absolutely **NO CANDLES OR SMOKE MACHINES** are permitted in town rental facilities. **Glitter, confetti and rice are also not permitted.** No decorations may be taped to the interior walls of the Kelsey Pavilion and the Mirror Ballroom, as it ruins the paint.

SMOKING: Absolutely **NO TOBACCO** of any kind is allowed inside of, or on the patio of, town rental facilities. Tobacco consists of cigarettes, cigars, pipes and smokeless tobacco (chew). **As with all government buildings, smoking is only permitted in grassy lawn areas around the outside of town rental facilities - 50 feet in distance.** Ashtrays are not provided by the town and the event organizer is responsible for any and all smoking debris, trash, damage, etc...

PERMITS: A permit will be needed to have any type of function in or near town rental facilities. Those permits would include, but not limited to: Rental Permit, Alcohol Permit, etc.

ALCOHOL: If you intend on having alcohol at your event, a town permit is required. It is important to note that in order to receive a permit, you will need to pay an additional \$150.00 for additional security. It is important to note that without this permit, there is no way you can offer alcohol at all. **The event organizer accepts all responsibility for the alcohol consumption of their guests.** The town personnel and the Town of Lake Park will not be held liable for any behavior or alcohol intake of the guests at any event at town rental facilities. Please see the Personnel Paragraph above for details.

MUSIC: There are no sound systems and/or microphones available at any location in town. All rental groups are responsible for their own P.A. Systems. Limited music is permitted at town rental facilities. The event organizer **is responsible for keeping the music volume at a reasonable level.** Also, in compliance with the residential homes around town rental facilities, the town personnel present at the event is directed to inform the event organizer that the volume should be adjusted, if necessary.

DAMAGE AND/OR THEFT: Should there be any damage or theft, the deposit will be forfeited. Should the cost for damage and/or theft (photographs, furniture, etc...) exceed the deposit, the event organizer will be responsible for the additional costs.

THEFT: The Town of Lake Park, and its staff, will be held harmless should any item of the event organizer and/or their function be stolen or misplaced.

ANIMALS: At no time are animals allowed to be in or around town rental facilities. In accordance with Lake Park Codes, no animals are allowed in Kelsey Park (including petting zoos).

RIDES AND/OR ACTIVITIES: At no time are "bounce houses", "slides", etc., and/or carnival rides allowed to be in or around town rental facilities, especially in Kelsey Park.

GENERAL LIABILITY: The event organizer is completely responsible for all damage, theft, physical harm, alcoholic consumption and incidences that cause public complaint and/or P.B.C. Sheriff notification. It is the responsibility of the event organizer to control the alcoholic intake and the behavior of their guests.

BALLROOM DOORS: The side glass doors of the Mirror Ballroom are not to be opened, except in case of emergency evacuation. The balconies and outside staircases are for historical purposes and are never to be utilized as a smoking patio and/or an access to the parking lot.

IMPORTANT NOTICE: It is important to remember these rental facilities belong to the Town of Lake Park and one of them is actually located inside Historic Town Hall. Each facility should be respected. Everyone attending events that take place in town rental facilities should enjoy the atmosphere and respect the furnishings, paintings and amenities. The Town of Lake Park reserves the right to reject a rental party for any reason, and any circumstances, whatsoever.

INDEMNIFICATION: Renter shall, during the term of this agreement, fully protect, indemnify and hold Town harmless from any and all claims, demands, actions, suits, judgments, liabilities, losses, costs and expenses (including reasonable attorneys' fees and expenses) of every kind and character arising, or alleged to arise, out of or in connection with any injury to, or the death of, any person or any damage to or loss of any property in any manner growing out of or connected with, or alleged to grow out of or to be connected with, any act, omission, event, condition or casualty in connection with the business or profession conducted on the premises or the use or occupancy of the premises by Renter, his employees, agents, licensees or invitees, or causes by or resulting from, or alleged to be caused by or to result from, the negligence of other conduct of Renter, his employees, agents, licensees or invitees.

GENERAL PROVISIONS:

Captions: The captions or titles to the various sections of this agreement are for convenience and ease of reference only and do not define, limit, augment or describe the scope, content or intent of this agreement or of any parts thereof.

Joint and Several Obligations: If Renter consists of more than one person or entity, the obligation of all such persons is joint and several.

Situs: The agreement shall be constructed and interpreted according to the laws of the State of Florida.

In witness whereof, the parties have executed this Agreement, as evidence of their agreement to the information set out therein.

3. Town of Lake Park Facility Usage Permit

Date of Event: _____ 200__ Time of Event _____ - _____

Rental Facility (Circle One): Pavilion - Gazebo - Mirror Ballroom

Type of Event (Birthday, Wedding, Meeting, etc.):

Contact Person's Name:

Name of Party or Organization (if applicable):

Phone Number: Home:
Cell:
Any Additional #'s:

Address:

Number of People Attending Event:

Alcoholic Beverages: YES NO

I, THE UNDERSIGNED, HAVE READ AND UNDERSTAND EVERYTHING IN THIS RENTAL AGREEMENT POLICY.

Signature of Renter _____ Date _____

Signature of Lake Park Staff Member _____
Date _____

Paid Deposit _____ Paid Remainder _____
(Amount) (Date) Key Return Date _____

4. Town of Lake Park Facility Usage Agreement

✓ _____(initial) This agreement, made the _____ day of _____, 200____, by and between THE TOWN OF LAKE PARK, a Florida municipal corporation (Town) and _____(Renter).

✓ _____(initial) Premises: Town leases to Renter and Renter leases from Town the _____(facility - Ballroom/Pavilion/Gazebo).

✓ _____(initial) Term: The hours of rental are from _____ o'clock ____ .m. until _____ o'clock ____ .m. on _____ (Date).

✓ _____(initial) Rental Rate: Renter shall pay Town the rental sum of \$ _____, fourteen (14) days prior to the event.

✓ _____(initial) Security Deposit: Renter shall deposit with Town the sum of \$300.00, or \$500.00 as security for the full and faithful performance by Renter of all of Renter's obligations hereunder. The deposit shall be made at the time the reservation for the premise is made with Town. No interest shall be paid upon the security deposit nor shall Town be required to maintain said deposit in a segregated account. The security deposit shall not be considered prepaid rent. In the event that Renter shall default in the full and faithful performance of any of the terms hereof, then Town may, without notice, either retain the security deposit as liquidated damages, or Town may retain the same and apply it toward actual damages sustained by Town by reason of the default of the Renter. If the renter fully and faithfully complies with all of the terms hereof, the security deposit or any balance thereof shall be returned to Renter after fourteen (14) days after expiration of this agreement, including extension thereof.

Leases and Assignments: Renter shall not have the right to assign this agreement to any other person or entity.

✓ _____(initial) Rules and Regulations: The rules and regulations attached hereto as Exhibits "1" and "2", shall be incorporated into and made a part of this agreement.

✓ _____(initial) Indemnification: Renter shall, during the term of this agreement, fully protect, indemnify and hold Town harmless from any and all claims, demands, actions, suits, judgments, liabilities, losses, costs and expenses (including reasonable attorneys' fees and expenses) of every kind and character arising, or alleged to arise, out of or in connection with any injury to, or the death of, any person or any damage to or loss of any property in any manner growing out of or connected with, or alleged to grow out of or to be connected with, any act, omission, event, condition or casualty in connection with the business or profession conducted on the premises or the use or occupancy of the premises by Renter, his employees, agents, licensees or invitees, or causes by or resulting from, or alleged to be caused by or to result from, the negligence of other conduct of Renter, his employees, agents, licensees or invitees.

General Provisions:

Captions: The captions or titles to the various sections of this agreement are for convenience and ease of reference only and do not define, limit, augment or describe the scope, content or intent of this agreement or of any parts thereof.

Joint and Several Obligations: If Renter consists of more than one person or entity, the obligation of all such persons is joint and several.

Situs: The agreement shall be constructed and interpreted according to the laws of the State of Florida.

In witness whereof, the parties have executed this Agreement, as evidence of their agreement to the information set out therein.

I, THE UNDERSIGNED, HAVE READ AND UNDERSTAND EVERYTHING IN THIS RENTAL AGREEMENT POLICY.

RENTER'S NAME (PRINT) _____

RENTER'S SIGNATURE: _____ **DATE:** _____

TAB 15

RESOLUTION NO. 58-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED DOCKAGE RATE SCHEDULE FOR THE LAKE PARK HARBOR MARINA FOR VESSEL OWNERS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town recognizes that periodic adjustments must be made to dockage rental rates in keeping with increased costs and the marina market in general; and

WHEREAS, the Town has determined that it is in the best interests of the Town and Lake Park Harbor Marina to increase and implement the rental rates, which are set forth in the Rate Schedule which is , attached hereto and incorporated herein as **Exhibit "A"**

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

SECTION 1. The whereas clauses are hereby incorporated as true and correct as the findings of Fact and conclusions of law of the Town Commission

SECTION 2. The Town Commission hereby approves the revised Marina Rate Schedule attached hereto as **Exhibit "A"**, and Town staff is directed to implement the fees set forth therein commencing with the Effective Date of this Resolution. That the rate schedule in EXHIBIT "A" be amended so that the MARINA DIRECTOR may allow for boats to occupy slips greater in length than requested when slips of appropriate size are not available, in order to increase occupancy, therefore increase revenue for the marina.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

EXHIBIT



Lake Park Harbor Marina
105 Lake Shore Drive
Lake Park, FL 33403
Ph (561) 881-3353 Fax (561) 881-3355

DOCKAGE RATES

Effective October 1, 2006

	30'	35'	40'	45'	50'
Summer (5/1-10/31) \$17.50/ft	\$525.00	\$612.50	\$700.00	\$787.50	\$875.00
Annual \$17.50/ft	\$525.00	\$612.50	\$700.00	\$787.50	\$875.00
Winter (11/1-4/30) Six month contract \$22.50/ft	\$675.00	\$787.50	\$900.00	\$1,012.50	\$1,125.00
Winter - Monthly \$25.50/ft	\$765.00	\$892.50	\$1,020.00	\$1,147.50	\$1,275.00

The above rates do not include 6.5 % sales tax or metered electrical charge.
 There is a \$10.00 per month utility fee covering water, trash pickup, etc.
 Rates are based on over-all vessel or slip length, whichever is greater.
 Security deposit is required.

Transient Rate: \$1.50 per foot of over-all vessel length per day + 6.5 % sales tax
Daily Electric 30amp - \$6.00 50amp - \$8.00

Amenities:

- 103 slip marina handling up to 60' vessels
- Floating and fixed docks
- Ship store and fuel dock open seven days a week
- Pump out stations
- Large, clean restrooms with showers
- Laundry facility
- Ice, bait, fishing tackle, snacks, drinks and more
- Two launching ramps staffed by marina personnel
- Wi-Fi availability
- Meeting/event room available for rent
- 24 hour security
- Monitor VHF channel 16

TAB 16

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: **August 15, 2007**

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input checked="" type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Selection of an Audit Committee to Evaluate Proposals for a New Auditing Firm

RECOMMENDED MOTION/ACTION:

Approved by Town Manager *W. Davis* Date: *8/15/07*

Name/Title	Date of Actual Submittal	
Originating Department: Town Manager	Costs: \$ 0 Funding Source: Acct. #	Attachments: Resolution Auditor Selection Guidelines
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PRSO	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: For the past 14 years, the Town has engaged the same auditing firm to review and audit its financial condition and internal control procedures. It is

the Manager's opinion that it is not good practice to engage the same auditing firm for such a considerable length of time and that in order to ensure objectivity in the auditing function, it is in the best interest of the Town to identify and engage a new auditing firm.

In the past, municipalities were able to advertise for Requests for Proposals (RFP) and select an auditing firm without the requirement of an audit committee. It was not unusual for the Manager and certain staff members of the governmental entity to review proposals and make recommendations for award to the governing body. Section 218.391 of Florida Statutes establishes the required procedures for the selection of auditors to perform the annual financial audits required by Section 218.39, Florida Statutes. This section of law was amended by Chapter 2005-32, Laws of Florida, effective July 1, 2005, to specify a consistent auditor selection process for all counties, municipalities, special districts, etc.

It is now law that an audit committee be appointed by the Town Commission for the purpose of selecting an auditing firm. Staff is now prohibited from engaging in this selection process. According to page 3 of the Auditor Selection Guidelines, "*All members of the audit committee should be members of the governing board*" Such guidelines further state: "*The audit committee should have sufficient members for meaningful discussion and deliberation, but not so many as to impede its effectiveness. As a general rule, the minimum membership of the committee should be no fewer than three*".

In considering the possible lack of qualified individuals in a small town, the law allows that qualified persons with experience in governmental financial reporting and auditing from outside sources independent of the Town Commission (i.e., the governing board) may be appointed to serve on the auditing committee. Under this approach, it is likely that the Commission will need to engage outside parties with the required experience in governmental financial reporting and auditing to serve on the auditing committee; however, there are alternatives allowed for smaller governments. Such alternatives are as follows:

- 1. The Commission as a whole can serve as the audit committee to select an auditing firm with the assistance of an outside entity with the needed experience in governmental financial reporting and auditing;**
- 2. Individual Commission Members can volunteer to serve as audit committee members with the assistance of qualified volunteers from neighboring municipalities; or**
- 3. Commission as a whole or individual members can choose not to serve as audit committee members and allow qualified volunteers from neighboring municipalities to serve as the audit committee.**

To help facilitate this process, staff has obtained a list of qualified volunteers from neighboring municipalities. Those individuals are: Mr. Stanley Hochman, Finance Director for Royal Palm Beach, Ms. Patrice Monaco, Finance Director for Belle Glade, and the third member is yet to be determined.

A resolution is attached with "blanks" to be filled in as to the method the Commission chooses to utilize to engage an audit committee, as well as "blanks" for the names of qualified volunteers.

RESOLUTION NO. 62-08-07

A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO IDENTIFY AND ENGAGE AN AUDIT COMMITTEE FOR THE PURPOSE OF SELECTING AN AUDITING FIRM AS REQUIRED BY FLORIDA STATUTE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Manager believes that it is not in the best interest of the Town to engage the same auditing firm for a considerable length of time; and

WHEREAS, in order to ensure objectivity in the auditing function it is in the best interest of the Town to identify and engage a new auditing firm; and

WHEREAS, Section 218.391, *Florida Statutes* now establishes required procedures for the selection of auditors to perform annual financial audits required by Section 218.39, *Florida Statutes*; and

WHEREAS, the legislature now requires that an audit committee be appointed by the Town Commission for the purpose of selecting an auditing firm and that all audit committees should have no fewer than three members in order to have meaningful discussion and deliberation; and

WHEREAS, qualified persons with experience in governmental financial reporting and auditing from outside sources independent of the Town Commission (i.e., the governing board) may be appointed to serve on the audit committee; and

WHEREAS, under this approach, it is likely that the Commission will need to engage outside parties with the required experience in governmental financial reporting and auditing to serve on the audit committee;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1: The Town Commission hereby authorizes the Town Manager to implement its choice of one the three alternatives listed below:

1. The Commission as a whole can serve as the audit committee to select an auditing firm with the assistance of outside persons with the needed experience in governmental financial reporting and auditing;
2. Individual Commission Members can volunteer to serve as audit committee members with the assistance of qualified volunteers from neighboring municipalities; or
3. The Commission as a whole or individual members can choose not to serve as audit committee members and allow qualified volunteers from neighboring municipalities to serve as the audit committee.

Section 2. The Town Commission hereby chooses option _____ and wishes for _____ to serve as audit committee members.

Section 3. This resolution shall take effect immediately upon adoption.

FILE

Auditor Selection Guidelines

2007

Prepared by the Auditor Selection Task Force

Acknowledgements

The primary contributors to these guidelines were the members of the Auditor Selection Task Force as follows:

Representing the Florida Government Finance Officers Association:

Bill Bogan
Alan Gaarder
Eugene Schiller

Representing the Florida League of Cities:

George McGowan
Francine Ramaglia
Bill Underwood

Representing the Florida Association of Counties:

Eric Gassman

Representing the Florida Association of Court Clerks and Comptroller:

James B. Moye

Representing the Florida Association of Special Districts:

Chuck Haas

Representing the Florida School Finance Officers Association:

Olga Swinson

Representing the Florida Association of Public Purchasing Officers:

Rhonda Scott
Elaine Walker

Representing the Florida Institute of Certified Public Accountants:

Jeff Barbacci
Jeanine Bittinger
Richard Cristini
David Dennis
Jennifer Green
Richard Law
Kelly Leary
Ed Leonard
Alan Nast
Tom Reilly
Jack Rowell
Jeff Tuscan
Mary Young

Representing the Legislative Committee on Intergovernmental Relations:

Rip Colvin

Representing the Joint Legislative Auditing Committee:

Debbie White

Representing the Auditor General

Jim Dwyer
Ted Sauerbeck

A special thank you goes to Stephen Gauthier, Director of the Technical Services Center of the Government Finance Officers Association, who provided updated information related to the GFOA publications related to auditor selection.

Table of Contents

1.	Auditor Selection Law	1
2.	Audit Committee Composition and Size	2
	a. Legal Requirements.....	2
	b. Non-mandatory Guidance.....	2
	c. Small Government Considerations.....	3
3.	Audit Committee Responsibilities	5
	a. Legal Requirements.....	5
	b. Non-mandatory Guidance.....	5
	1) Establishment of the Audit Committee.....	5
	2) Audit Committee Responsibilities.....	6
	3) Communications with the Audit Committee.....	8
	c. Small Government Considerations.....	9
4.	Audit Proposal Evaluation Factors	10
	a. Legal Requirements.....	10
	b. Non-mandatory Guidance.....	10
	1) Audit Firm Qualifications.....	10
	2) Technical Qualifications.....	10
5.	Use and Elements of Request for Proposal	12
	a. Legal Requirements.....	12
	b. Non-mandatory Guidance.....	12
	1) Public Announcement for Audit Services.....	12
	2) Elements of the Request for Proposal.....	12
6.	Use and Elements of Audit Services Contract	20
	a. Legal Requirements.....	20
	b. Non-mandatory Guidance.....	20
	1) Engagement Letter.....	20
	2) Required Contract Elements.....	20
	3) Additional Contract Elements.....	21

Appendices

Appendix A – Auditor Selection Law (Section 218.391, Florida Statutes).....	23
Appendix B – Questions and Answers.....	25
Appendix C – Auditor Selection Resources.....	29

Auditor Selection Law

Section 218.391, Florida Statutes, establishes required procedures for the selection of auditors to perform the annual financial audits required by Section 218.39, Florida Statutes. This section of law was amended by Chapter 2005-32, Laws of Florida, effective July 1, 2005, to specify a consistent auditor selection process for all counties, municipalities, special districts, district school boards, charter schools, and charter career technical centers. Section 218.391, Florida Statutes, as amended, is included as Appendix A to these guidelines.

Chapter 2005-32, Laws of Florida, implemented recommendations made by the Auditor Selection Task Force established by the Auditor General for the purpose of providing recommendations to the Legislature for improvements in the auditor selection requirements. A basic premise of the Task Force Report, as stated in the report, was that the use of an adequate auditor procurement process helps ensure selection of a qualified auditor and satisfactory audit effort (i.e., audit effort sufficient to detect significant noncompliance, control deficiencies, or a lack of reasonable and necessary business practices).

The Task Force included representatives of the Florida Institute of Certified Public Accountants, Florida Government Finance Officers Association, Florida Association of Counties, Florida Association of Court Clerks and Controller, Florida League of Cities, Florida Association of Special Districts, Florida School Finance Officers Association, and Florida Association of Public Purchasing Officers. Also included were a staff member of the Legislative Auditing Committee and individuals representing charter schools and citizens.

The auditor selection law, as amended by Chapter 2005-32, Laws of Florida, establishes an auditor selection process that requires the use of an audit committee, a request for proposal (RFP) for the solicitation of the necessary audit services, and a selection and negotiation process in which fees cannot be the sole or predominant reason for selecting a particular audit firm. The Task Force recommendations, as well as the resulting legislation, were based on the concept of establishing minimal mandatory legal requirements, with additional non-mandatory detailed guidance to be promulgated by the Auditor General or professional associations in the following areas:

- Use of audit committees
- Composition of audit committees
- Use and elements of an RFP for audit services
- Use and elements of audit services contracts

The purpose of this document, which was prepared by the Task Force, is to provide additional non-mandatory guidance in the selection of auditors for performing the annual financial audit required by Section 218.39, Florida Statutes. Additional auditor selection topics are addressed in Appendix B to these guidelines, Questions and Answers. Appendix C provides a listing of resources used to prepare the guidelines.

Audit Committee Composition and Size

Legal Requirements

Section 218.391, Florida Statutes, requires that the governing body of each charter county, municipality, special district, district school board, charter school, and charter technical career center establish an audit committee. The composition of the audit committee is not specified, except that the composition for a noncharter county, at a minimum, must include each of the county officers elected pursuant to s. 1(d), Art. VIII, of the State Constitution, or a designee, and one member of the board of county commissioners or its designee.

Non-mandatory Guidance

While, as indicated above, the composition of an audit committee is not specified in the law (other than the required members for noncharter counties), the effectiveness of an audit committee in performing its assigned duties is certainly dependent on the qualifications and skills of its members and the relationship of the members to the governing body.

In its *Recommended Practice –Audit Committees (1997, 2002, and 2006)*, the GFOA made the following recommendations on the composition of audit committees:

- *Ideally, all members of the committee should possess or obtain a basic understanding of governmental financial reporting and auditing. The audit committee also should have access to the services of at least one financial expert, either a committee member or an outside party engaged by the committee for this purpose. Such a financial expert should through both education and experience, and in a manner specifically relevant to the government sector, possess 1) an understanding of generally accepted accounting principles and financial statements; 2) experience in preparing or auditing financial statements of comparable entities; 3) experience in applying such principles in connection with the accounting for estimates, accruals, and reserves; 4) experience with internal accounting controls; and 5) an understanding of audit committee functions.*

The *AICPA Toolkit* suggests that at least one member of the audit committee should have financial experience and provides guidance as to attributes that comprise financial experience, including an understanding of relevant accounting principles and auditing standards; experience in preparing, auditing, analyzing, or evaluating financial statements; an understanding of internal controls and procedures for financial reporting; an understanding of audit committee functions; and a general understanding of the government environment. The AICPA also suggests some alternative approaches to acquiring financial experience on the audit committee, including obtaining assistance from other government organizations or audit committees; engaging an independent financial professional; or providing a training program for audit committee members.

- *All members of the audit committee should be members of the governing body. To ensure the committee's independence and effectiveness, no governing body member who exercises managerial responsibilities that fall within the scope of the audit should serve as a member of the audit committee.*

This recommended practice suggests that the actual audit committee membership be composed of the governing board or a subset of the governing board. Under this approach, it is likely that the entity will need to engage an outside party to obtain the needed experience in governmental financial reporting and auditing. Additionally, the audit committee could be provided an orientation on the duties and responsibilities of the committee, including such topics as objectives of internal control, accounting, auditing and financial reporting to assist in making sound judgments.

- *An audit committee should have sufficient members for meaningful discussion and deliberation, but not so many as to impede its efficient operation. As a general rule, the minimum membership of the committee should be no fewer than three.*

Another factor that could affect the size of the audit committee, particularly in small communities, is the availability of individuals who possess both the skills desired of an audit committee member and the willingness to make the commitment to perform effectively as a member. It is important that the entity not compromise these factors, as well as independence considerations, in establishing the size of the audit committee.

- *Members of the audit committee should be educated regarding both the role of the audit committee and their personal responsibility as members, including their duty to exercise an appropriate degree of professional skepticism.*

This recommended practice suggests that training with regard to the audit committee function should be provided to the committee members. This is particularly critical where the committee members are governing board members who may not possess the needed experience in governmental financial reporting and auditing. At a minimum, such training might include making members familiar with these guidelines and the publications referenced herein.

Small Government Considerations

Smaller entities may experience difficulty in obtaining the necessary experience in governmental financial reporting and auditing from a source that is independent from financial management of the entity. Qualified persons willing to provide such experience may simply not be available within the community. In such instances, the small entity might consider consulting with larger entities in the area to identify employees or consultants of those entities who might be willing to work with their audit committee. Should the small entity opt to not establish an audit committee composed of governing board members, the small entity could seek to use the audit committee of the larger entity as their audit committee. While it would not be appropriate to simply engage an audit firm because it was

selected by another entity, the other entity's audit committee could conduct the auditor selection process on behalf of the small entity. Regardless of the method used to provide an audit committee function, ultimate responsibility for the selection of the auditor rests with the governing body.

Audit Committee Responsibilities

Legal Requirements

The primary purpose of the audit committee, as contemplated in Section 218.391, Florida Statutes, is to assist in the selection of an auditor to conduct the annual financial audit required by Section 218.39, Florida Statutes; however, Section 218.391(2), Florida Statutes, provides that the audit committee may serve other audit oversight purposes as determined by the entity's governing body. Additionally, the law provides that the public may not be excluded from the audit committee's proceedings.

Section 218.391(3), Florida Statutes, establishes the duties of the audit committee to include:

- Establishment of factors to be used for the evaluation of audit services to be provided by the audit firm.
- Public announcement of an RFP.
- Provision of interested firms with the RFP.
- Evaluation of proposals provided by qualified firms.
- Ranking and recommendation in order of preference of no fewer than three firms deemed to be the most highly qualified to perform the required services. If fewer than three firms respond to the RFP, the committee shall recommend such firms as it deems to be the most highly qualified.

Non-mandatory Guidance

Establishment of the Audit Committee. Prior to the enactment of Chapter 2005-32, Laws of Florida, entities subject to the annual audit requirement were required to establish auditor selection committees. As described above, Chapter 2005-32, Laws of Florida, expanded the previous auditor selection committee to an audit committee that may be used for purposes other than auditor selection, as determined by the governing body.

The Government Finance Officers Association (GFOA) Recommended Practice, *Audit Committees (1997, 2002, and 2006)*, describes the audit committee as "... a practical means for a governing body to provide much needed independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors." The GFOA's concept of an audit committee clearly encompasses functions beyond the selection of the auditor in stating "An audit committee also provides a forum separate from management in which auditors and other interested parties can candidly discuss concerns. By effectively carrying out its functions and responsibilities, an audit committee helps to ensure that management properly develops and adheres to a sound system of internal controls, that procedures are in effect to objectively assess management's practices, and that the independent auditors, through their own review, objectively assess the government's financial reporting practices."

The GFOA recommended procedure advises that the audit committee be formally established by charter, enabling resolution, or other appropriate means. In addition to addressing the composition of the audit committee (see the previous section, Audit Committee Composition and Size), the formal means can be used to establish the responsibilities of the audit

committee and avoid subsequent confusion or conflict over the authority of the audit committee.

Should the audit committee be assigned responsibilities suggested by the GFOA that are in addition to the statutorily prescribed auditor selection function, the GFOA recommends that the audit committee be made directly responsible for the appointment, compensation, retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review, or attest services. GFOA further recommends that, under such circumstances, the audit committee be established in such a manner that all accountants thus engaged report directly to the audit committee. If the audit committee is assigned oversight responsibilities with respect to the independent audit and the establishment of internal controls and adequate management processes, the GFOA Recommended Practice, *Audit Committees (1997, 2002, and 2006)* should be consulted for additional guidance.

Audit Committee Responsibilities. The American Institute of Certified Public Accountants (AICPA) has recently established an Audit Committee Effectiveness Center (www.aicpa.org/audcommctr/homepage.htm) that addresses many of the responsibilities that might be performed by an audit committee and presents “the guidance and tools to make audit committee best practices actionable.” The Center includes, among other resources, an *AICPA Audit Committee Toolkit: Government Organizations* that is available on the web site or by purchase in book form from the AICPA. The Toolkit provides guidance in establishing and staffing an audit committee, as well as accomplishing the objectives of the audit committee. An “Audit Committee Charter Matrix,” included in the *AICPA Toolkit*, suggests steps to be taken to accomplish the objectives, deliverables to be provided, and frequency or due dates for the various steps. The *AICPA Toolkit* also includes guidelines for conducting an audit committee self-evaluation.

The *GFOA Handbook* indicates that the scope of the audit committee’s responsibilities should be established by formal action of the governing body and the audit committee should be directly responsible for all aspects of audit management. The GFOA publication, *Governmental Accounting, Auditing, and Financial Reporting (GFOA Blue Book)*, states: The audit committee’s primary responsibility should be to oversee the financial reporting and disclosure process, including all aspects of the independent audit, from the selection of the auditor to the resolution of audit findings. The audit committee should have access to the reports of any internal auditors, as well as access to any annual internal audit work plans. The audit committee should present to the governing board and management an annual written report of how the committee has discharged its duties and met its responsibilities.” With respect to auditor selection, the *GFOA Handbook* states that the audit committee should perform the following functions in addition to those required by law:

- Plan the procurement process
- Determine the appropriate scope of the audit
- Prepare the RFP

Planning the procurement process would involve planning and coordinating the auditor solicitation process including performance of the specific functions indicated in Section 218.391(3), Florida Statutes.

As previously indicated, Section 218.391, Florida Statutes, requires the establishment of an audit committee by each entity required to procure an annual financial audit pursuant to Section 218.39, Florida Statutes. The law authorizes, but does not require, use of the audit committee for other purposes. Audit committee responsibilities recommended by the *GFOA Handbook*, which are in addition to the statutorily prescribed auditor selection responsibility, include:

- Monitoring the audit

The *GFOA Handbook* indicates that concerns of interest to the audit committee during the audit would include whether the audit is progressing on schedule and whether potential problems are identified and immediately corrected, if appropriate. Potential problems might include difficulties in gathering information or contacting key personnel, discovery of instances or indications of irregularities or illegal acts that require immediate attention, and circumstances that could result in less than an unqualified opinion. Monitoring can be accomplished through periodic progress reports or meetings.

- Review of the financial statements prior to completion of the audit

The *GFOA Handbook* recommends that this review place special emphasis on changes that have occurred since the issuance of the previous period's financial statements and on amounts in the financial statements that involve the use of estimates or judgment.

- Review of the results of the audit

The *GFOA Handbook* recommends that the audit committee review each of the auditor's reports to gain a thorough understanding of problems identified by the auditor and provide the background needed to address resolution of the problems. In view of the emphasis placed on management letters in Florida law and the Rules of the Auditor General, the audit committee review should encompass the management letters required to be submitted as a part of the audit report. For the audit committee to effectively review the results of the audit, the results must be communicated in a manner that assures a thorough understanding by the audit committee members. In lieu of relying solely on the delivery of a written audit report, this might be accomplished at a meeting in which audit committee members have an opportunity to ask questions of the auditors. This could be done either in addition to, or in conjunction with, a public meeting of the entity's governing board at which governing board members would also have an opportunity to question the auditors. If the findings are presented at a governing board meeting, consideration should be given to a meeting convened solely or predominantly for this purpose to assure that the findings are adequately communicated.

- Evaluating management's proposed corrective action plans

Specified entities are required by Auditor General Rule 10.558(1) to provide the Auditor General with responses to all audit findings included in their annual financial audits. The responses are required to include corrective action to be taken to resolve each finding.

- Monitoring corrective action taken

The *GFOA Handbook* points out that while it is management's responsibility to implement corrective action related to audit findings, the audit committee should be responsible for monitoring management's implementation. The *GFOA Handbook* suggests that governing bodies may wish to consider requiring management to answer to the governing body for any failure to implement corrective action plans in a timely manner and to the satisfaction of the audit committee. In monitoring implementation of corrective actions, the Audit Committee should consider and evaluate any management disagreement with auditor recommendations or concerns as to the costliness of implementation.

- Evaluating auditor performance

The *GFOA Handbook* views auditor evaluation as the first step of the subsequent year's audit procurement or, if audit procurement is not scheduled for the subsequent year, a process for identifying and recommending needed improvements in the auditor's performance. The *GFOA Handbook* recommends that the audit committee meet with management to discuss matters pertaining to the auditor's performance including: ability to meet deadlines; compliance with other provisions of the audit contract; competence and cooperativeness of the audit staff; and thoroughness and reasonableness of audit adjustments, findings, and recommendations. The *AICPA Toolkit* includes a questionnaire that can be used to evaluate the independent auditor. The questionnaire includes questions for audit committee members, key government executives, and the independent auditor.

In performing these responsibilities, the Audit Committee may determine a need for audit procedures that are in addition to the minimum procedures necessary to issue an opinion on financial statements. Such information would be useful in preparing future requests for proposals.

Communications with the Audit Committee. To the extent that the audit committee has responsibilities beyond the auditor selection responsibility, effective communication between the auditors and the audit committee is necessary. The AICPA establishes generally accepted auditing standards to which auditors of entities in Florida are subject, together with *Government Auditing Standards* promulgated by the Comptroller General of the United States. Generally accepted auditing standards require that auditors communicate certain matters with persons having responsibility for oversight of the financial reporting process and define the recipient of such communications as the audit committee (AU para. 380.01,

AICPA Codification of Statements on Auditing Standards). Matters required to be communicated to the audit committee include:

- the auditor's responsibility under generally accepted auditing standards
- significant accounting policies and implementation
- management judgments and accounting estimates
- audit adjustments that could, either individually or collectively, have a significant effect on the entity's financial statements
- judgments about the quality of the government's accounting principles
- other information included with financial statements
- disagreements with management
- consultation with other accountants
- major issues discussed with management prior to retention of the audit firm
- difficulties encountered in performing the audit

Additionally, generally accepted auditing standards require that the auditor communicate with the audit committee regarding internal control-related matters (AU Section 325, AICPA Codification of Statements on Auditing Standards) and illegal acts (AU Section 317, AICPA Codification of Statements on Auditing Standards).

Government Auditing Standards (para. 4.07) provide that information such as potential restrictions of the auditor's reports, such as inclusion of any material that is classified for security purposes or not releasable to particular parties or the public for other valid reasons, be communicated and that written communication is preferred. The auditor's communication of information to the audit committee will assist the audit committee in reviewing the financial statements and monitoring the audit.

The *AICPA Toolkit* describes, and provides an example of, an Issues Report from Management, that can be used to document any significant issues, judgments, and estimates that may have a material impact on the financial statements, for discussion with the audit committee. The *AICPA Toolkit* also provides further guidance and examples regarding the types of information the auditors are required to communicate to the audit committee.

Small Government Considerations

While smaller entities may lack the resources to expand the use of the audit committee to accommodate all or many of the non-mandatory functions described above, all entities, regardless of size, are required to use the committee for auditor selection. The entities are encouraged to use the audit committees for the other functions to the extent available in their particular circumstances. Additional discussion regarding the establishment of audit committees by small governments is included in the Audit Committee Composition and Size section.

Audit Proposal Evaluation Factors

Legal Requirements

Section 218.391(3)(a), Florida Statutes, requires that the audit committee establish the factors to be used for the evaluation of audit services to be provided and that such factors include, but not be limited to, ability of personnel, experience, ability to furnish the requested services, and such other factors as may be determined by the committee to be applicable to the particular requirements. Section 218.391(3)(d), Florida Statutes, prohibits the use of compensation as the sole or predominant factor for evaluating proposals.

Non-mandatory Guidance

Consistent with Florida law, the *GFOA Recommended Practice – Audit Procurement (1996 and 2002)* states: “The audit procurement process should be structured so that the principal factor in the selection of an independent auditor is the auditor’s ability to perform a quality audit. In no case should price be allowed to serve as the sole criterion for selection of an independent auditor.”

Audit Firm Qualifications. While Florida law prescribes minimal audit firm qualifications that must be considered, the *GFOA Handbook* describes an evaluation process that includes both criteria that must be met in order to qualify for a more detailed review and a method for rating the technical qualifications of proposers. The criteria listed by the GFOA include:

- Meeting applicable independence criteria.
- License to practice as a CPA in the state.
- Receipt of adequate continuing professional education by key personnel.
- Completion of a quality control review within the past three years.
- A history of performing quality audits.

The *GFOA Handbook* considers these to be criteria, the absence of which cannot be compensated by other credentials.

Technical Qualifications. The *GFOA Handbook* establishes two categories for technical qualifications of proposers: (1) expertise (ability) and experience, and (2) audit approach. Ability and experience qualifications include:

- Past experience and performance on comparable government engagements.
- Quality of the professional personnel to be assigned to the engagement and quality of the firm’s management support personnel to be available for technical consultation.
- Experience with specific state and Federal grant programs.
- Information technology ability

Audit approach qualifications include:

- Approach to documentation and review of the comprehensive framework of internal control.
- Adequacy of proposed staffing plan (hours and level) for the various segments of the engagement.
- Adequacy of sampling techniques.
- Adequacy of analytical procedures.

The *GFOA Handbook* points out that technical qualifications should be tailored to meet each government's unique environment and specific audit requirements and cites as an example a government that sponsors its own pension plan for employees, which might require actuarial expertise.

The *GFOA Handbook* recommends assignments of ranges of point values to each criterion to aid in the evaluation of the technical qualifications of proposers. The use of ranges of point values allows the entity to reflect the relative importance of the qualifications for that government and engagement and allows the evaluator the flexibility to reflect qualitative differences in the qualifications presented in the proposals.

Use and Elements of Request for Proposal

Legal Requirements

As indicated previously, Section 218.391(3)(c), Florida Statutes, requires that the audit committee provide interested audit firms with an RFP. The RFP is required to include information on how proposals are to be evaluated and such other information as the committee determines is necessary for the firm to prepare a proposal.

Non-mandatory Guidance

The *GFOA Blue Book* describes the purpose of the RFP as follows: “A sound RFP should obtain from proposers all information needed to evaluate their technical qualifications to perform the audit. The RFP also should provide proposers with a detailed description of the government, its specific audit needs, and the government’s audit procurement process.”

Public Announcement for Audit Services. As previously indicated, Section 218.391(3), Florida Statutes, provides that the audit committee’s duties shall include public announcement of an RFP and provision of interested firms with the RFP. To achieve the benefits of a competitive selection process, it is critical that there be sufficient responses by qualified audit firms to the RFP to assure an opportunity for competition. The *GFOA Handbook* states that a well-planned solicitation effort is needed to identify a sufficient number of qualified audit firms. This can be accomplished in a variety of ways and the law does not mandate any specific method. The method selected should provide sufficient time for the potential responders to prepare an appropriate response. The *GFOA Handbook* identifies several methods of identifying qualified audit firms, including advertisement in local newspapers, notice in a publication of the state society of certified public accountants, inquiries of other entities in the same region, and direct mailing to audit firms. In Florida, all local government audit reports are required to be filed with the Auditor General who maintains a database of audit reports received, including the names of the audit firms that conducted the audits. To promote competition, the method of noticing the RFP should be designed to reach as many potential providers of audit services as possible. For example, if the entity opts to advertise in a newspaper, the newspaper selected should have adequate coverage to assure an opportunity for a sufficient number of responses.

Elements of the Request for Proposal. The *GFOA Handbook* includes a list of 24 information elements that should be considered in designing an RFP for audit services. These elements generally either provide information to the prospective proposers regarding the RFP evaluation process or assure that adequate information is provided by the proposers to allow for an informed decision by the entity. The RFP might not include all of these elements, but they should be considered and those elements considered to be appropriate for the given circumstances should be incorporated into the RFP. The elements listed in the *GFOA Handbook*, supplemented by additional guidance found in the *AICPA Toolkit*, consist of:

1. *How proposals will be evaluated.*

The RFP should clearly state the factors upon which the selection will be based and could provide:

- a. The relative weights of the evaluation factors, particularly with respect to qualifications and price, when price is considered as one of the evaluation factors.
- b. A statement that price will not be the sole or predominant factor to assure that highly qualified firms will receive appropriate consideration and to discourage the submission of proposals with unrealistically low prices by less qualified firms.
- c. Auditor qualifications that are mandatory for all proposers.
- d. Particular qualifications that will be considered most favorably (e.g., experience with particular grant programs).

2. *Procedures to be followed in the proposal process.*

The prospective proposers who will be incurring the cost of preparing and presenting a proposal will need specific information as to how to respond to the RFP. Such information might include:

- a. The appropriate format to use in making the proposal.
- b. Identification of a contact person.
- c. Whether there will be a proposal conference or on-site inspections.
- d. Information regarding the submission of prices.
- e. Other aspects of the proposal process, including submission deadlines, consideration of late proposals, and notification of results.

3. *Brief description of the government and its accounting systems and financial reporting structures.*

Prospective proposers require information that will provide a basis for determining the type and amount of resources that will be needed to perform the audit. This information might include:

- a. General description of the government.
- b. Organizational chart and key personnel.
- c. Size of the government (e.g., geographic area, number of employees, total budget or payroll).
- d. Reference to documented policies and procedures.
- e. Fund structure and basis of accounting.
- f. Involvement in Federal and state assistance programs.
- g. Description of pension plans.
- h. Information regarding component units and joint ventures.
- i. Magnitude of financial operations.

- j. Scope of electronic data processing operations including types of computers in use (e.g., mainframes and personal computers), networking, software vendors, and major applications).
- k. Existence, size, and scope of the internal audit function.
- l. Contact person for access to prior audit information.

The *AICPA Toolkit* also includes guidelines for describing the government organization, which include, in addition to the items listed above:

- a. Year of incorporation
- b. Charter date
- c. Form of government
- d. Term length and term limits for elected officials
- e. Composition of governing body
- f. Composition of audit committee
- g. Activities and services provided by the government to its citizenry
- h. Component units and joint ventures

4. *Known weaknesses in the government's internal control structure*

Prospective proposers will want to be made aware of significant known internal control deficiencies. This could be accomplished by providing the proposers with a copy of the prior year audit report (including financial statements, auditor's reports, and management letters), prior year adjusting entries, and evidence of corrective actions.

5. *Anticipated implementation problems arising from new authoritative pronouncements.*

The classic example of a new authoritative pronouncement that could impact the RFP response was the implementation of GASB Statement 34. While all entities should have implemented GASB Statement 34 by now, an entity's readiness to implement other new pronouncements, as well as new laws or regulations having a significant impact on the entity's financial operations and reporting could impact the auditor's consideration of the resources needed to perform the audit.

6. *Principal contacts inside and outside the government.*

Examples of contacts that proposers might want to be aware of as individuals with whom they will be expected to interact during the engagement include:

- a. Chief executive officer
- b. Chief financial officer
- c. Audit committee members
- d. Director of internal audit
- e. Grants management personnel
- f. Legal counsel

7. *Level of assurance to be required of the auditor for each type of information contained within the report.*

The auditor will need to be made aware of circumstances that might impact the scope of the audit. Such circumstances might include the audit of the financial statements of a component unit by another audit firm, and specific legal requirements that will require a statement in the auditor's management letter regarding compliance.

8. *Auditing standards required for the engagement.*

Pursuant to Florida law and the Rules of the Auditor General, all required annual financial audits of entities in Florida are to be performed in accordance with *Government Auditing Standards* promulgated by the Comptroller General of the United States. The RFP might include a statement to this effect to avoid any misunderstanding.

9. *The auditor's specific reporting responsibilities.*

Although the auditor's reporting responsibilities are described in the auditing standards and the Rules of the Auditor General, the *GFOA Handbook* recommends listing the reporting responsibilities in the RFP. This could be most easily accomplished by reference to the Rules of the Auditor General, Chapter 10.550 (*Local Governmental Entity Audits*), Chapter 10.800 (*Audits of District School Boards*), or Chapter 10.850 (*Audits of Charter Schools and Similar Entities*), as appropriate.

The *AICPA Toolkit* includes guidance for addressing the scope of the work to be performed by the auditor, including:

- a. A general description of the services being solicited
- b. Expected deliverables, such as:
 - 1) Expression of opinion in conjunction with a full-scope audit of a comprehensive annual financial report (CAFR) (optional under Florida law and Rules of the Auditor General) or a report on basic financial statements only (minimum requirement for all local government audits)
 - 2) Federal or state single audit reports (required if certain thresholds are met)
 - 3) Management letter (required for all local government audits)

Expected deliverables should also include any requirement for separate opinions for any debt issues or to meet any other reporting requirements.

10. *The type and amount of assistance available from the government.*

Entities can sometimes reduce the cost of their audits by providing certain assistance to the auditor. To formulate the type and amount of resources to be applied to the audit, the auditor needs information as to the type and extent of assistance that will be available from the entity. The *GFOA Handbook* refers to various types of assistance including internal audit, clerical, and electronic data

processing. A statement might be included acknowledging that the government is responsible for preparing draft financial statements. Any anticipated concerns regarding the ability of the government to do so should be disclosed.

11. *Required audit timetable and deliverables.*

The *GFOA Handbook* recommends that the RFP include the latest acceptable dates for the following, assuming that information needed to meet these dates, is provided to the auditor on a timely basis:

- a. Entrance conference.
- b. Completion of interim audit work.
- c. Completion of year-end field work.
- d. Submission of audit adjustments and draft findings.
- e. Exit conference.
- f. Issuance of reports.

12. *Additional services to be required of the auditor.*

Auditors have often provided additional services beyond audit services in the past; however, the ability of auditors to provide nonaudit services to an audit client has been severely limited by *Government Auditing Standards*. Careful consideration should be given to the restrictions on such services prior to including them in the RFP. The *GFOA Blue Book* includes a discussion on the types of consulting (or nonaudit) services that may be performed by independent auditors, referring to the two overarching principles provided in *Government Auditing Standards*:

- Auditors should not perform management functions or make management decisions
- Auditors should not audit their own work or provide non-audit services in situations where the amounts or services involved are significant/material to the subject matter of the audit

The *GFOA Blue Book* provides examples of specific services that the independent auditor firm may or may not provide.

13. *Information on auditor workspace and access to telephones, copiers, FAX machines, and computers.*

As a practical matter, the *GFOA Handbook* suggests that information on the location and type of workspace that will be made available to the auditor, as well as availability of telephones, internet access, copy machines, FAX machines, and computer hardware, might be included in the RFP.

14. *Procedures to be followed to determine if additional audit work is necessary and the fee basis applicable to such work.*

Circumstances sometimes arise in which the scope of the audit may need to be expanded beyond what was anticipated in the RFP. For example, an entity might request the auditor to perform additional work in an area where certain control weaknesses have been discovered by the auditor. For any scope expansion anticipated in the RFP, the auditor should be provided with sufficient information to allow the determination of a proposed fee. The *GFOA Handbook* recommends that the RFP include a provision that the scope of the audit may only be broadened with the consent of the government and a request that proposers indicate how the fee for additional work related to a scope expansion would be determined.

15. *Information needed from proposers to evaluate their qualifications.*

A primary purpose of the RFP is to provide the government with information needed to assess the professional skill and experience of the auditors who will perform the engagement. The *GFOA Handbook* recommends that the RFP ask for the following information regarding the proposer:

- a. Overall size of the audit firm.
- b. Location and number of professional staff who will perform the engagement.
- c. Identification and qualifications of personnel to be assigned to the engagement, including:
 - i. Names and government audit experience of the partner in charge of the audit and other partners who will be assigned review or quality control functions.
 - ii. Names and government audit experience of the manager and other supervisory personnel.
 - iii. Information on certification, licensure, and CPE training of each of the above.
 - iv. Information on membership in professional societies (e.g., AICPA, FICPA, FGFOA, GFOA, AGA) of each of the above.
 - v. Background and qualifications of all other professional audit or other staff assigned to the engagement.

The *GFOA Handbook* also recommends that the RFP clearly set forth: (1) the circumstances in which the audit staff may be changed; (2) the need for new staff to meet the same level of qualifications; and (3) the government's right to reject or approve replacements.

16. *Requirement for auditors to furnish a statement that they meet the appropriate criteria for independence.*

Auditors are required to maintain independence, both in fact and appearance, with regard to audit clients. The *GFOA Handbook* suggests that the RFP require a

formal statement from the proposers that they meet all appropriate guidelines for independence

17. *Request for references from other government clients.*

The *GFOA Handbook* suggests that the RFP include a request for references asking proposers to furnish the names of similar governments for which they have recently performed similar audits, together with contact information.

18. *Request for information on the results of peer reviews.*

Government Auditing Standards require that auditors performing audits in accordance with those standards (this includes all required annual financial audits for entities in Florida) undergo external quality control, or peer, reviews of their policies and procedures every three years. The *GFOA Handbook* recommends that the RFP ask auditors to state whether their most recent peer reviews included a review of the quality of specific *government* audits. The RFP should also ask for the results of desk or field reviews of their audits by Federal or state grantor agencies.

19. *Request for information on the status of any disciplinary actions undertaken against the firm.*

The *GFOA Handbook* recommends that the RFP request information on whether any disciplinary action has been taken against the firm at the Federal or state level and, if such action has been undertaken, the current status of the action. Under Florida law (Section 455.225, Florida Statutes), complaints against certified public accountants are subject to a probable cause determination prior to a disciplinary action.

20. *Request for detailed information on the proposer's anticipated audit approach.*

The *GFOA Handbook* points out that, in addition to information regarding the qualifications of the proposer, the proposer's audit approach should be evaluated to determine that the proposer has a sound understanding of the scope of the engagement and the government's environment. Additionally, the government needs assurance that the proposer will apply the appropriate level of effort needed to perform the engagement satisfactorily. The *GFOA Handbook* recommends that the RFP ask for the following types of information:

- a. The extent to which the firm proposes to employ statistical sampling techniques.
- b. The extent to which the firm proposes to employ analytical procedures.
- c. The manner in which the firm intends to segment the engagement.
- d. The hours of staff time at each level that will be devoted to each segment.
- e. The approach proposed for gaining and documenting the auditor's understanding of the government's internal controls.
- f. The approach proposed for determining which laws and regulations should be tested for compliance.
- g. The method of drawing samples for tests of compliance.

21. *Requirements applicable to working papers and cooperation with other auditors.*

The *GFOA Handbook* recommends that the RFP establish clearly the period for retention of the auditors working papers by the auditor and the parties who are allowed access to the working papers. In establishing the retention period, the government should consider that the working paper retention period established by the Florida Department of State for all independent audits of local governments is three years. This should be considered a minimum retention period in drafting an audit services contract. As to accessibility, the *GFOA Handbook* recommends that the RFP include provisions providing accessibility to: Federal cognizant agencies; principal auditors, where component units are audited by other auditors; parties designated by the government as part of an audit quality control review; and successor auditors for matters relating to continuing accounting significance.

22. *Policy toward joint proposals or the use of subcontracting.*

The use of subcontracting or joint ventures on the part of auditors can be a means for encouraging participation by smaller firms. The *GFOA Handbook* recommends that any subcontracting after the audit contract is awarded be subject to the government's right to approve or reject subcontracting firms. Further, if joint proposals or subcontracting is allowed, the RFP should request proposers to identify the firm that will serve as the principal auditor, unless a special consortium is formed to conduct the engagement.

23. *Right to reject proposals, demand additional information, and use unsuccessful proposals.*

The *GFOA Handbook* recommends that the RFP indicate that:

- a. The government retains the right to reject any or all proposals.
- b. The government retains the right to request additional information from proposers and failure to provide the information could result in rejection of a proposal.
- c. The government reserves the right to retain proposals and use ideas from them.
- d. The government is not obligated in any manner to reimburse firms for costs incurred in connection with responding to the RFP.

24. *Any additional language to meet the requirements of applicable laws and regulations.*

The *GFOA Handbook* suggests that the government be aware of and include any specific language required by law or regulation.

The entity should exercise its judgment to determine which elements best fit its circumstances and should be included in the RFP.

Use and Elements of Audit Services Contract

Legal Requirements

Section 218.391(7), Florida Statutes, requires that every procurement of audit services be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties constitutes a written contract. The written contract shall include, at a minimum, the following:

- A provision specifying the services to be provided and fees or other compensation for such services.
- A provision requiring that invoices for fees and other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.
- A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. Section 218.391(8), Florida Statutes, provides that written contracts may be renewed without the use of auditor selection procedures and that such renewals shall be in writing.

Non-mandatory Guidance

The audit services contract is a legally binding agreement that should be prepared and reviewed with the advice of legal counsel. In its publication, *How to Avoid a Substandard Audit: Suggestions for Procuring an Audit*, the National Intergovernmental Audit Forum (NIAF) recommends that the RFP be incorporated into the contract by reference.

Engagement Letter. While Section 218.391(7), Florida Statutes, authorizes the use of an engagement letter as an audit services contract, if it is signed by both parties, the use of an engagement letter does not relieve the need to include all provisions that would constitute a good contract and protect both the government and the auditor.

Required Contract Elements. As indicated above, there are certain legally required elements that must be included in the audit services contract. Additional guidance for each of these elements follows:

- *Services to be provided and fees or other compensation (Section 218.391(7)(a), Florida Statutes).* The Practitioners Publishing Company (PPC) Guide to Audits of Local Governments advises that the contract clearly describe the nature of the services to be performed, including whether such services include Single Audits (Federal and/or State). The PPC also recommends that the contract clearly identify the financial statements to be audited and the period covered. Statement on Auditing Standards No. 74 recommends that the contract include a statement about specific audit requirements. Florida law and the Rules of the Auditor General include several such requirements in addition to the auditor's reports on the financial statements and State and Federal programs. Specifically addressing these requirements in the contract helps to preclude any subsequent misunderstandings regarding the auditor's responsibilities.

- *Invoices for fees and other compensation in sufficient detail to demonstrate compliance with the contract (Section 218.391(7)(b), Florida Statutes).* The PPC recommends that the basis for determining fees and the method of payment be included in the contract. The basis for payment may vary from a lump sum arrangement to specific rates to be paid for the services of specific employees or categories of employees of the audit firm and reimbursement for specific costs, such as travel, incurred in connection with the engagement. The level of detail on the invoice sufficient to demonstrate compliance with the terms of the contract will vary according to the basis for payment. In the case of a fixed fee contract, the basis for payment should be clearly defined within the audit services contract. If the contract identifies certain employees for which the firm will be paid at specified hourly rates, the contract should require invoices that indicate the numbers of hours worked by each employee and application of the appropriate rates. If the contract provides for reimbursement for certain actual costs, the contract should require invoices that demonstrate the amounts actually incurred by the firm in the form of receipts or similar documentation.
- *Contract period, renewals, and termination (Section 218.391(7)(c), Florida Statutes).* The contract must specify the number of years for which it will be in effect, including any options for renewal on the part of the government. The law does not prescribe a maximum term for an audit services contract or a maximum number of renewal periods. Once the contract period, including renewals, has expired, any further required annual audit services must be subjected to the auditor selection law as required by Section 218.391, Florida Statutes.

The GFOA, in its 2002 *Recommended Practice - Audit Procurement*, recommends that governmental entities enter into multiyear agreements of at least five years in duration when obtaining the services of an independent auditor. The GFOA points out that such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. The GFOA recommended practice further states that multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain “start-up” costs over several years, rather than a single year. The appropriate length for the audit services contract is left to the judgment of the government.

Additional Contract Elements. Additional elements recommended by the NIAF for inclusion in an audit services contract, include:

1. Audit scope, objective, and purpose.
2. Deadlines for work to be performed.
3. Audit cost.
4. Report format.
5. Type and timing of support to be provided to the auditor by the government.
6. Professional auditing standards to be followed in performing the audit.
7. Independent contractor status of the auditor with respect to the government.
8. Changes made by written notice by the government within the general scope of the agreement, together with equitable adjustments to the cost of the audit using rates specified in the agreement.

9. Prior notification to the entity by the auditor, within a specified time and prior to beginning the related work, regarding changes in, or additions to, the scope of the engagement.
10. Auditor ownership of working papers prepared by the auditor during the audit, a designated retention period for the working papers, and availability of the working papers to the entity and governmental auditors upon request. The *GFOA Handbook* suggests, by way of examples, that access to the working papers during the retention period might include personnel of the audited government, Federal cognizant agency, State coordinating agency, Government Accountability Office, quality control reviewers, other governments providing assistance to the audited government, and successor auditors).
11. Ownership, use and control of all reports rendered to the government by the auditor, according to applicable laws and regulations.

Additional elements that are recommended by the *GFOA Handbook* to be made a part of the audit services contract include:

1. An independence assertion by the auditor.
2. Language describing the actions to be taken in the event of a disagreement as to whether certain procedures are within the scope of the agreement.
3. Legal provisions to assure the availability of the auditor's services to aid the government in the defense of claims that may arise as the result of audit work.
4. Legal language concerning opportunities for socially and economically disadvantaged individuals. Such language may be required by law or regulation.
5. Clarification of the auditor's duty to maintain the confidentiality of certain sensitive information.
6. Provisions establishing the government's rights to terminate the contract and the procedures for doing so.
7. Stipulation as to how the value of the auditor's work is to be determined if the engagement is terminated prior to completion.
8. Language establishing the auditor's sole liability for claims arising from the auditor's performance of the engagement.
9. Language requiring both the government and the auditor to resolve disputes amicably.
10. Requirement for formal notification to the other party to the agreement (e.g., a disagreement over the scope of the audit) and language indicating what is to be considered notification in such instance (e.g., registered mail).
11. Language specifying how the terms of the contract can be waived or modified.
12. Language to clarify that the contract's separate provisions are to stand alone, so that a failure to meet one provision does not nullify the entire contract.
13. A requirement for the auditor to obtain insurance coverage.
14. A prohibition against the auditor's delegating or subcontracting audit work without the government's permission.

As can be seen, different professional organizations have placed varying emphasis on the contents of the contract for audit services. Government management must determine the most appropriate provisions for a contract in a given set of circumstances and the specific elements and language to be included will ultimately be a matter of agreement between the entity and the audit firm.

APPENDIX A

Auditor Selection Law

218.391 Auditor selection procedures.--

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee. Each noncharter county shall establish an audit committee that, at a minimum, shall consist of each of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, or a designee, and one member of the board of county commissioners or its designee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public shall not be excluded from the proceedings under this section.

(3) The audit committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under 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.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal 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.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) 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 pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the audit committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement 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:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) 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.

History.--s. 65, ch. 2001-266; s. 1, ch. 2005-32.

Appendix B

Questions and Answers

1. **Question:** Are the auditor selection requirements of Section 218.391, Florida Statutes, to be applied whenever an entity contracts with a CPA firm for any audit or other services?

Answer: No. Section 218.391, Florida Statutes, applies only to contracting for the annual financial audit required by Section 218.39, Florida Statutes. However, the use of selection procedures such as those provided for in Section 218.391, Florida Statutes, and other Federal, State, or local laws is generally advisable when contracting for any services, audit or otherwise.

2. **Question:** Is there a legal requirement or recommendation for mandatory rotation of auditors after a specified number of years or at the end of an audit services contract?

Answer: No. Unless the entity has established its own mandatory auditor rotation requirement, there is no legal requirement for the mandatory rotation of auditors. The current auditor may be included in the auditor selection process at the end of the current audit services contract.

The GFOA *Recommended Practice – Audit Procurement (1996 and 2002)* provides that auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of the audit contract, as is often the case in the private sector. The *Recommended Practice* further states:

“Unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. In such cases, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has proven satisfactory.”

The United States Government Accountability Office (GAO), in a report titled, *Public Accounting Firms – Required Study on the Potential Effects of Mandatory Audit Firm Rotation*, issued in November 2003, concluded that such rotation may not be the most efficient way to strengthen auditor independence and improve audit quality considering the additional financial costs and the loss of institutional knowledge of the previous auditor. GAO further concluded that the potential benefits of mandatory audit firm rotation are hard to predict and quantify, but there is a fair certainty that there will be additional costs.

3. **Question:** If the entity is satisfied with the existing auditor and can negotiate acceptable fees, can the contract for annual financial audit services be renewed without ever going through the auditor selection procedures required by Section 218.391, Florida Statutes?

Answer: A contract for annual financial audit services can be renewed only as provided in the contract which is required to include a provision specifying the contract period, including renewals.

4. **Question:** Is an entity with an audit services contract that was in effect on the effective date of the revised auditor selection law, July 1, 2005, required to implement the revised auditor selection requirements on its first occasion for a need for audit services, or can that contract be continued?

Answer: An audit service contract that was in effect at July 1, 2005, can remain in effect through the end of the original contract term. However, if there was no contract in effect at July 1, 2005, the entity must apply the revised auditor selection procedures prior to the next need for an annual financial audit required by Section 218.39, Florida Statutes. Section 218.391(7), Florida Statutes, requires that a contract specify the contract period, including renewals, and conditions under which the contract may be terminated or renewed. If the contract in effect at July 1, 2005, is not in compliance with the requirements of Section 218.391, Florida Statutes, the entity must comply with the auditor selection and contractual provisions of the law prior to the next need for the entity to provide for an annual financial audit required by Section 218.39, Florida Statutes, unless such compliance cannot be achieved without violating the terms of the existing contract.

5. **Question:** Is it necessary to include renewal option provisions in audit services contracts entered into after July 1, 2005?

Answer: No. The contract is not required to include a renewal provision; however, a contract cannot be renewed in the absence of such a provision.

6. **Question:** Are the revised auditor selection procedures required to be used only when an entity decides to change auditors or initiate a request for proposals process?

Answer: No. The revised auditor selection procedures are required to be followed when an audit contract period expires. The audit contract is required to include a provision specifying the contract period, including renewals.

7. **Question:** If an existing contract is not in compliance with Section 218.391, Florida Statutes, may the governing body sign a new contract that is in compliance?

Answer: Yes, but the contract cannot be extended beyond the period specified in the existing contract, including renewals, without going through the auditor selection process required by Section 218.391, Florida Statutes.

8. **Question:** If the governing body of an entity chooses to select a firm other than the audit committee's highest recommended firm and documents the reason for not selecting the highest ranked firm as required by Section 218.391(4)(b), Florida Statutes, does the next ranked firm become the highest

ranked firm, requiring documentation as to the reason for non-selection, before a firm ranked lower than that firm can be selected?

Answer: The law does not specifically address this circumstance; however, it would be reasonable to assume that justification is necessary and should be documented for the selection of any firm over a higher ranked firm.

9. **Question:** If compensation is used as one of the factors to evaluate firms and the auditor selection is made in accordance with Section 218.391(4)(b), Florida Statutes, what documentation is required to justify selection of a firm other than the highest ranked firm?

Answer: Required documentation as to the reason for not selecting the highest ranked firm under Section 218.391(4)(b), Florida Statutes, is not described in the law. Such documentation could include a statement made by the governing board, possibly in the form of a resolution and included in the minutes of the governing board, describing the factors that caused the governing board to decide that selection of the next ranked firm was in the best interest of the entity. Those factors might include inability to negotiate a satisfactory contract with the highest ranked firm or information that has come to the governing board subsequent to the ranking process. However, as specified in Section 218.391(4)(c), Florida Statutes, the decision to select a firm cannot be based on compensation as the sole or predominant factor.

10. **Question:** If an auditor selection committee uses compensation as a ranking factor, may the governing body also use the alternative method to select the audit firm or must they use the method prescribed by Section 218.391(4)(b), Florida Statutes?

Answer: The alternative methodology referred to in Section 218.391(4)(c), Florida Statutes, refers to negotiation only. An alternative methodology for selection is not authorized in the law.

11. **Question:** If compensation is 20% of the ranking criteria and all other factors are each less than 20%, is compensation then the predominant factor, or must it be predominant of all factors combined, i.e., greater than 50% of all combined?

Answer: "Predominant" is not defined in the law with respect to auditor selection. Certainly, weighting compensation at greater than 50% of all combined factors, would constitute "predominant." Black's Law Dictionary defines "predominant" as "Something greater or superior in power and influence to others with which it is connected or compared."

12. **Question:** Is there a minimum or maximum number of years that an audit contract must cover?

Answer: No. The audit services contract must specify a contract period including renewals, but the law does not specify a minimum or maximum number of years that an audit services contract must cover. This is left to the discretion of the

entity and is a matter of agreement between the entity and the audit firm. The entity should use prudent business practices in establishing the contract period.

13. **Question:** Section 218.391(4)(c), Florida Statutes, provides that a governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method. Which specific provisions of the law may be considered non-mandatory under this provision by the application of an alternative methodology?

Answer: Regardless of the negotiation method used, a governmental entity must establish an audit committee pursuant to Section 218.391(2), Florida Statutes, and the audit committee must perform its functions in accordance with the requirements of Section 218.391(3), Florida Statutes. The authorization to use alternative procedures is in reference to the auditor negotiation procedures set forth in Section 218.391(4)(a), Florida Statutes. Regardless of the negotiation method used, compensation may not be the sole or predominant factor used to select the firm (Section 218.391(4)(c), Florida Statutes) and, if compensation is one of the factors used by the audit committee to evaluate the firms, the governing body must select the highest-ranked firm or document the reason for not selecting that firm (Section 218.391(4)(b), Florida Statutes).

Appendix C

Auditor Selection Resources

AICPA Audit Committee Toolkit: Government Organizations, American Institute of Certified Public Accountants, 1995 (www.aicpa.org/audcommctr/homepage.htm)

Audit Management Handbook, Stephen J. Gauthier, Government Finance Officers Association, 1989 (Note: Publication of this *Handbook* was discontinued several years ago as a result of 1996 changes to the Federal Single Audit Act and changes on GFOA policy; however, the references in these guidelines are consistent with current GFOA policy.)

Choosing an External Auditor – Guide for Making a Sound Decision, Mid-America Intergovernmental Audit Forum, March 2000 (www.auditforum.org/mid%20america/midam_exauditor.htm)

GFOA Recommended Practice - Audit Procurement (1996 and 2002), Government Finance Officers Association, 2002 (www.gfoa.org/services/rp/caafr/caafr-audit-procurement.pdf)

GFOA Recommended Practice – Audit Committees (1997, 2002, and 2006), Government Finance Officers Association, 2002 (www.gfoa.org/services/rp/caafr/caafr-establishment-audit-committees.pdf)

Government Accounting, Auditing, and Financial Reporting, Stephen J. Gauthier, Government Finance Officers Association, 2005

Guide to Audits of Local Governments, Carmichael, Douglas R., and Holder, William W., Practitioners Publishing Company, 20th Ed., January 2005

How to Avoid a Substandard Audit: Suggestions for Procuring an Audit, National Intergovernmental Audit Forum, May 1988 (www.ignet.gov/single/studies/prochand.txt)

Public Accounting Firms – Required Study on the Potential Effects of Mandatory Audit Firm Rotation, United States Government Accountability Office (GAO), November, 2003 (<http://www.gao.gov/new.items/d04216.pdf>)

TAB 17

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

RESOLUTION

DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Minor changes to Mariner's Key site plan

RECOMMENDED MOTION/ACTION: Motion to approve

Approved by Town Manager

W. Davis

Date:

8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: The approved site plan shows 8 covered parking areas along the north and south borders of the parcel. These are premium parking areas and each structure has room for 4 cars and was originally intended to be covered with a trellis structure. The applicant would like to replace the trellis top with a covered slightly pitched roof to provide protection from bird droppings and the elements. Each structure is approximately 18'x40'. The roofing material will be standing seam metal and will match the roofing on the main building. There have also been some minor changes to the pedestrian areas in the center of the project in order to allow for increased storm water detention. These changes to walkways are being made to accommodate changes required by Seacoast. Staff recommends approval of these changes.

TAB 18

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Town Manager's Six Month Performance Evaluation for the Period of February 1, 2007 to August 1, 2007

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager

Handwritten Signature: H. Davis

Date:

Handwritten Date: 8/15/07

Name/Title	Date of Actual Submittal	
Originating Department: Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	Costs: \$ _____ Funding Source: _____ Acct. # _____ <input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	Attachments: <input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Pursuant to Section 8 of the Employment Agreement between the Town and the Town Manager, a six month performance evaluation of the Town

Manager's performance is required. On August 1, 2007 the Town Commission discussed the performance of the Town Manager, which the Commission deemed favorable. The Town Commission requested that a matrix be developed which outlines the rating of the Manager's performance by each Commissioner (attached). Section 6 of the Town Manager's employment agreement states, "the Town agrees that upon a favorable six month review as set forth in Section 8. Performance Reviews, the Town shall increase the annual base salary of the Town Manager to \$130,000".

TOWN MANAGER SIX-MONTH PERFORMANCE EVALUATION MATRIX
For the Evaluation Period of 2/1/07 to 8/1/07

<i>Mayor/Commissioner</i>	<i>Management Style/Professional Skills</i>	<i>Fiscal Management</i>	<i>Personal Skills/Communications</i>	<i>Relations with Town Commission</i>	<i>Community Relations</i>	<i>Overall Ratings</i>
Mayor Paul Castro	4.18	4.33	4.38	4.30	4.56	4.35
Vice Mayor Ed Daly	4.09	3.92	5.0	5.0	4.33	4.47
Commissioner G. Chuck Balius	4.91	4.67	4.88	5.0	4.78	4.85
Commissioner Jeff Carey	4.82	4.67	5.0	5.0	4.67	4.83
Commissioner Patricia Osterman	4.82	4.5	5.0	5.0	4.56	4.78
Total Overall Ratings*	4.56	4.42	4.85	4.86	4.58	4.66

* Difference of .002 in total across due to rounding.

Evaluation Scale

- 5 Outstanding Consistently achieves and exceeds all standards/objectives of work performance
- 4 Very Effective Regularly meets and frequently exceeds standards of work performance
- 3 Effective Regularly meets standards of work performance
- 2 Marginally Effective Often fails to meet standards of work performance

expiration of the term of the Agreement. The Town Manager shall be entitled to all compensation including salary and accrued annual leave paid in lump sum plus continuation of all benefits for the remainder of the term of this Agreement.

Section 4: Duties and Authority

Town agrees to employ Maria V. Davis as Town Manager to perform the functions and duties specified in ARTICLE VI, Section 4 of the Town Charter and Chapter 2, Article III Sections 2-82 and 2-83 of the Town Code and to perform legally permissible and proper duties and functions of the Town Manager.

Section 5: Non-Interference

Commission members shall address their questions and concerns regarding the financial condition, operations, personnel and other Town matters directly to the Town Manager and the Town Manager shall address those matters with the town staff, consultants, contractors and advisors. Individual members of the Town Commission shall not, acting alone and without authorization of the Town Commission, direct the Town Manager to enter into or terminate any contract, to grant or withhold funds to any person, nor instruct any Town personnel under the Town Manager's control to take or refrain from any action. This paragraph shall not be applied to limit Article VI, Section 4. "Town manager has full authority over administrative service" provision of the Town Charter, or Article III, Section 2-82., "Powers and duties of town manager" and Section 2-83 "Town manager's control over administrative services" provisions of the Code of Ordinances.

Section 6: Compensation

Town agrees initially to pay Town Manager an annual base salary of \$125,000, payable in installments at the same time that the other management employees of the Town are paid. Subsequently, the Town agrees that upon a favorable six month review as set forth in Section 8. Performance Reviews, the Town shall increase the annual base salary of the Town Manager to \$130,000. Further, this Agreement shall be automatically amended to reflect any salary adjustments that are provided or required by the Town's compensation policies.

The Town Manager shall receive an annual merit increase upon a satisfactory performance evaluation by a majority vote of the Town Commission. The amount of said increase shall be determined by the Town Commission.

Section 7: Residency

The Town Manager shall establish residency within the Town of Lake Park within six (6) months of the effective date of this Agreement, and shall maintain residency in the Town of Lake Park throughout the initial term of this Agreement and any renewals thereafter.

Section 8: Initial Performance Review and Subsequent Annual Reviews

The Town Commission shall conduct an initial review of the performance of the Town Manager six (6) months from the effective date of this Agreement, and shall 6 (six) months thereafter conduct an annual review to evaluate the performance of the Town Manager. The annual reviews and evaluations shall be in accordance with criteria mutually developed and adopted by the Town Commission and the Town Manager which may, among other items, consist of goals and performance objectives which the Town Commission deems necessary for the proper operation of the Town and the attainment of the Town Commission's policy objectives. The Town Commission and Town Manager shall further mutually adopt and establish a relative priority among the mutually agreed goals and performance objectives. The adopted goals and objectives shall be reasonably attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided. The initial goals and performance objectives shall be established within one hundred twenty (120) days after commencement of the Town Manager's employment. The goals and objectives shall be re-established thereafter on an annual basis, within 60 days after the annual review and performance evaluation of the Town Manager.

Section 9: Hours Per Week

The Town Manager shall devote whatever time is necessary to properly perform the duties of the position; it being generally understood, however,



Copy

Town of Lake Park

PERFORMANCE EVALUATION FORM

TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER Maria V. Davis

Meyer Paul Costa
Evaluator

EVALUATION PERIOD

7/31/07
Date

EVALUATION SCALE

- | | | |
|---|----------------------|---|
| 5 | Outstanding | Consistently achieves and exceeds all standards/objectives of work performance. |
| 4 | Very Effective | Regularly meets and frequently exceeds standards of work performance. |
| 3 | Effective | Regularly meets standards of work performance. |
| 2 | Marginally Effective | Often fails to meet standards of work performance. |
| 1 | Ineffective | Clearly and consistently fails to meet standards of work performance. |

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- 4 Maintains open and informative communications with the ^{Town} City Commission
- 4 Knowledgeable of current developments affecting the local government management field.
- 4 Effectively implements and enforces Town policies and procedures
- 4 Demonstrates a capacity for innovation and creativity

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS (Continued)

- 5 Anticipates problems and develops effective approaches for solving them.
- 4 Maintains a work atmosphere conducive to productivity and efficiency
- 5 Takes responsibility for staff actions.
- 4 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- 4 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 4 Properly controls the Town's operational and functional activities and motivates others to maximum performance
- 4 Effectively recruits professional staff

COMMENTS:

2. FISCAL MANAGEMENT

- 4 Possesses knowledge of governmental accounting/budget procedures
- 5 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- 4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
- 4 Expenditures are made within budget limitations according to established policy

COMMENTS:

3. PERSONAL SKILLS/COMMUNICATIONS

- 4 Willing to commit time necessary to complete required tasks
- 4 Demonstrates high concern for ethical behavior
- 5 Skillful in verbal communication
- 4 Skillful in written communication
- 4 Informs the Commission of current issues and administrative developments
- 5 Encourages a positive attitude regarding the Town
- 4 Receptive to constructive criticism and advice
- 5 Manages stress effectively

COMMENTS:

4. RELATIONS WITH THE TOWN COMMISSION

- 5 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
- 3.5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 4 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 4 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

5. COMMUNITY RELATIONS

- 4 Effectively addresses and accommodates citizen complaints
- 5 Shows a sensitivity to and appreciation of diversity of the Town's population
- 5 Responsive to issues of both commercial and residential populations
- 4 Takes a "hands-on" approach when necessary
- 5 Maintains an effective working relationship with other local governments
- 5 Takes a diplomatic approach to problem solving
- 5 Projects a positive image on behalf of the Town of Lake Park
- 4 Provides management support to Town Boards
- 4 Effectively informs residents of Town news through Town produced

media. i.e. Newsletter.

COMMENTS:

The only comment in this category would be that sometimes you may be so busy that some resident phone calls may take a little longer to return. But I think this is not a norm but a situational occurrence. I think your relations with the community is excellent. I believe you have come in and hit the ground running. I think you are doing an excellent job!

OVERALL RATING:

- 5 - Outstanding
- 4 - Very Effective
- 3 - Effective
- 2 - Marginally Effective
- 1 - Ineffective

4.346

Paul Cost
EVALUATOR NAME

7/31/07
DATE

Copy



Town of Lake Park

PERFORMANCE EVALUATION FORM

TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER Maria V. Davis

Ed Daly

Evaluator

EVALUATION PERIOD

7/30/07

Date

EVALUATION SCALE

- | | | |
|---|----------------------|---|
| 5 | Outstanding | Consistently achieves and exceeds all standards/objectives of work performance. |
| 4 | Very Effective | Regularly meets and frequently exceeds standards of work performance. |
| 3 | Effective | Regularly meets standards of work performance. |
| 2 | Marginally Effective | Often fails to meet standards of work performance. |
| 1 | Ineffective | Clearly and consistently fails to meet standards of work performance. |

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- 4 Maintains open and informative communications with the City Commission
- 4 Knowledgeable of current developments affecting the local government management field.
- 4 Effectively implements and enforces Town policies and procedures
- 4 Demonstrates a capacity for innovation and creativity

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS (Continued)

- 4 Anticipates problems and develops effective approaches for solving them.
- 4 Maintains a work atmosphere conducive to productivity and efficiency
- 4 Takes responsibility for staff actions.
- 5 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- 4 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 4 Properly controls the Town's operational and functional activities and motivates others to maximum performance
- 4 Effectively recruits professional staff

COMMENTS:

2. FISCAL MANAGEMENT

- 4 Possesses knowledge of governmental accounting/budget procedures
- 4 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 3.4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 4 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- 4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
- 4 Expenditures are made within budget limitations according to established policy

COMMENTS:

3. PERSONAL SKILLS/COMMUNICATIONS

- 5 Willing to commit time necessary to complete required tasks
- 5 Demonstrates high concern for ethical behavior
- 5 Skillful in verbal communication
- 5 Skillful in written communication
- 5 Informs the Commission of current issues and administrative developments
- 5 Encourages a positive attitude regarding the Town
- 5 Receptive to constructive criticism and advice
- 5 Manages stress effectively

COMMENTS:

4. RELATIONS WITH THE TOWN COMMISSION

- 5 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
- 5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 5 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 5 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

5. COMMUNITY RELATIONS

- 4 Effectively addresses and accommodates citizen complaints
- 4 Shows a sensitivity to and appreciation of diversity of the Town's population
- 4 Responsive to issues of both commercial and residential populations
- 5 Takes a "hands-on" approach when necessary
- 5 Maintains an effective working relationship with other local governments
- 4 Takes a diplomatic approach to problem solving
- 5 Projects a positive image on behalf of the Town of Lake Park
- 4 Provides management support to Town Boards
- 4 Effectively informs residents of Town news through Town produced

media. i.e. Newsletter.

COMMENTS:

ADDITIONAL SUMMARY COMMENTS:

EXCELLENT RELATIONS WITH COMMISSIONER

OVERALL RATING:

- | | |
|--------------------|--------------------------|
| 5 - Outstanding | 2 - Marginally Effective |
| 4 - Very Effective | 1 - Ineffective |
| 3 - Effective | |

ED DALY
EVALUATOR NAME

7-30-07
DATE



Copy

Town of Lake Park

PERFORMANCE EVALUATION FORM

TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER Mario Davis CHUCK BALIUS
EVALUATOR
EVALUATION PERIOD 7-28-07
Date

EVALUATION SCALE

- | | | |
|---|----------------------|---|
| 5 | Outstanding | Consistently achieves and exceeds all standards/objectives of work performance. |
| 4 | Very Effective | Regularly meets and frequently exceeds standards of work performance. |
| 3 | Effective | Regularly meets standards of work performance. |
| 2 | Marginally Effective | Often fails to meet standards of work performance. |
| 1 | Ineffective | Clearly and consistently fails to meet standards of work performance. |

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- 5 Maintains open and informative communications with the City Commission
- 5 Knowledgeable of current developments affecting the local government management field.
- 5 Effectively implements and enforces Town policies and procedures
- 5 Demonstrates a capacity for innovation and creativity

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS (Continued)

- 4 Anticipates problems and develops effective approaches for solving them.
- 5 Maintains a work atmosphere conducive to productivity and efficiency
- 5 Takes responsibility for staff actions.
- 5 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- 5 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 5 Properly controls the Town's operational and functional activities and motivates others to maximum performance
- 5 Effectively recruits professional staff

COMMENTS:

OUTSTANDING LEADERSHIP AND MANAGERIAL SKILLS, COUPLED WITH A VERY BROAD KNOWLEDGE OF THE DAY TO DAY OPERATIONS OF THE TOWN HAS INCREASED THE MORAL AND EFFICIENCY OF THE TOWN STAFF AND WORK FORCE.

2. FISCAL MANAGEMENT

- 5 Possesses knowledge of governmental accounting/budget procedures
- 5 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- 4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
- 5 Expenditures are made within budget limitations according to established policy

COMMENTS:

BECAUSE OF YOUR OUTSTANDING FISCAL MANAGEMENT SKILLS, IN-DEPTH BUDGET REVIEW AND RECOMMENDATIONS TO THE COMMISSION, THE ADDITIONAL MANDATED TAX REDUCTIONS BY THE STATE FOR THE 2007-2008 BUDGET YEAR APPEARS TO BE OF LITTLE IMPACT ON THE FUTURE OPERATIONS OF THE TOWN. ADDITIONALLY THIS CAN BE ATTESTED BY THE MINIMUM DISCUSSION BY THE COMMISSION OF YOUR WELL PRESENTED BUDGET PACKAGE AND THE UNANIMOUS APPROVAL OF THE COMMISSION.

3. PERSONAL SKILLS/COMMUNICATIONS

- 5 Willing to commit time necessary to complete required tasks
- 5 Demonstrates high concern for ethical behavior
- 5 Skillful in verbal communication
- 5 Skillful in written communication
- 5 Informs the Commission of current issues and administrative developments
- 5 Encourages a positive attitude regarding the Town
- 5 Receptive to constructive criticism and advice
- 4 Manages stress effectively

COMMENTS:

A PROFESSIONAL WITH A "CAN DO" ATTITUDE

4. RELATIONS WITH THE TOWN COMMISSION

- 5 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
- 5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 5 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 5 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

A TRUE MANAGER, HAS THE UNIQUE ABILITY
TO BE ONE STEP AHEAD AT ALL TIMES.

5. COMMUNITY RELATIONS

- 4 Effectively addresses and accommodates citizen complaints
- 5 Shows a sensitivity to and appreciation of diversity of the Town's population
- 4 Responsive to issues of both commercial and residential populations
- 5 Takes a "hands-on" approach when necessary
- 5 Maintains an effective working relationship with other local governments
- 5 Takes a diplomatic approach to problem solving
- 5 Projects a positive image on behalf of the Town of Lake Park
- 5 Provides management support to Town Boards
- 5 Effectively informs residents of Town news through Town produced media. i.e. Newsletter.

COMMENTS:

COMMUNITY RELATIONS - OUTSTANDING THIS IS
BASED ON THE REDUCTION OF CITIZEN AND BUSINESS
OWNER COMPLAINTS TO THE TOWN COMMISSION

ADDITIONAL SUMMARY COMMENTS:

IT IS MY PLEASURE TO HAVE THE OPPORTUNITY TO
WORK WITH A PROFESSIONAL WHO IS COMMITTED
TO THE BETTERMENT OF ALL ASPECTS OF THE
OPERATIONS OF THE TOWN OF LAKE PARK

OVERALL RATING:

- | | |
|----------------------|--------------------------|
| <u>5</u> Outstanding | 2 - Marginally Effective |
| 4 - Very Effective | 1 - Ineffective |
| 3 - Effective | |

Chuck Balino

EVALUATOR NAME

7-28-07

DATE



Copy

Town of Lake Park

PERFORMANCE EVALUATION FORM

TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER Maria V. Davis

J. Carey

Evaluator

EVALUATION PERIOD

7/31/07

Date

EVALUATION SCALE

- | | | |
|---|----------------------|---|
| 5 | Outstanding | Consistently achieves and exceeds all standards/objectives of work performance. |
| 4 | Very Effective | Regularly meets and frequently exceeds standards of work performance. |
| 3 | Effective | Regularly meets standards of work performance. |
| 2 | Marginally Effective | Often fails to meet standards of work performance. |
| 1 | Ineffective | Clearly and consistently fails to meet standards of work performance. |

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- 5 Maintains open and informative communications with the City Commission
- 5 Knowledgeable of current developments affecting the local government management field.
- 5 Effectively implements and enforces Town policies and procedures
- 5 Demonstrates a capacity for innovation and creativity

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS (Continued)

- 5 Anticipates problems and develops effective approaches for solving them.
- 5 Maintains a work atmosphere conducive to productivity and efficiency
- 5 Takes responsibility for staff actions.
- 5 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- 5 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 4 Properly controls the Town's operational and functional activities and motivates others to maximum performance *TBD*
- 4 Effectively recruits professional staff *yet to been Determined*

COMMENTS:

I believe that Maria is doing an excellent job through her management style. She does what has to be done in an effective yet fair manner

2. FISCAL MANAGEMENT

- 5 Possesses knowledge of governmental accounting/budget procedures
- 4 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 5 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- 4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town *TBD*
- 5 Expenditures are made within budget limitations according to established policy

COMMENTS:

Maria has done an excellent job requiring little when needed and looks out for what will be in the best interest of the town

5. COMMUNITY RELATIONS

- 4 Effectively addresses and accommodates citizen complaints *Best of my knowledge*
- 5 Shows a sensitivity to and appreciation of diversity of the Town's population
- 5 Responsive to issues of both commercial and residential populations
- 5 Takes a "hands-on" approach when necessary
- 5 Maintains an effective working relationship with other local governments *Best of my knowledge*
- 5 Takes a diplomatic approach to problem solving
- 5 Projects a positive image on behalf of the Town of Lake Park
- 5 Provides management support to Town Boards
- 3 Effectively informs residents of Town news through Town produced

media. i.e. Newsletter.

COMMENTS:

So far as I can tell the community is very receptive to Maria

ADDITIONAL SUMMARY COMMENTS:

While Maria has only been on the job for 6 months I feel she has done an excellent job picking up the pieces from the past few years and will continue to do a great job as Town manager.

OVERALL RATING:

- 5 - Outstanding
- 4 - Very Effective
- 3 - Effective
- 2 - Marginally Effective
- 1 - Ineffective

Jeff Carey
EVALUATOR NAME

7/31/07
DATE

Copy



Town of Lake Park

PERFORMANCE EVALUATION FORM

TOWN MANAGER

Each member of the Town Commission should complete this form, rating the Town Manager's performance in each of the areas noted below. The Manager's tasks are divided into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are also provided for additional comments.

TOWN MANAGER Maria V. Davis

Patricia Osterman

Evaluator

EVALUATION PERIOD

8/1/2007

Date

EVALUATION SCALE

- | | | |
|---|----------------------|---|
| 5 | Outstanding | Consistently achieves and exceeds all standards/objectives of work performance. |
| 4 | Very Effective | Regularly meets and frequently exceeds standards of work performance. |
| 3 | Effective | Regularly meets standards of work performance. |
| 2 | Marginally Effective | Often fails to meet standards of work performance. |
| 1 | Ineffective | Clearly and consistently fails to meet standards of work performance. |

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

- 5 Maintains open and informative communications with the City Commission
- 5 Knowledgeable of current developments affecting the local government management field.
- 5 Effectively implements and enforces Town policies and procedures
- 5 Demonstrates a capacity for innovation and creativity

1. MANAGEMENT STYLE/PROFESSIONAL SKILLS (Continued)

- 4 Anticipates problems and develops effective approaches for solving them.
- 5 Maintains a work atmosphere conducive to productivity and efficiency
- 5 Takes responsibility for staff actions.
- 5 Encourages department heads to make decisions within their own areas without the Town Manager's approval, yet maintains general control of operations
- 5 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 5 Properly controls the Town's operational and functional activities and motivates others to maximum performance
- 4 Effectively recruits professional staff

COMMENTS:

a strong, well-respected leader. Sometimes
needs to slow down for complete picture &
greater perspective

2. FISCAL MANAGEMENT

- 5 Possesses knowledge of governmental accounting/budget procedures
- 5 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 4 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Possesses awareness of the importance of financial planning and accounting controls through long-range fiscal forecasting
- 4 Utilizes effective negotiation with labor unions and in legal actions to minimize costs to the Town
- 4 Expenditures are made within budget limitations according to established policy

COMMENTS:

Many issues are problems from before, but
dept. heads need to be accountable on budgets
+ we need to carefully weigh wants
vs. needs and the anticipated benefits of
spending

3. PERSONAL SKILLS/COMMUNICATIONS

- 5 Willing to commit time necessary to complete required tasks
- 5 Demonstrates high concern for ethical behavior
- 5 Skillful in verbal communication
- 5 Skillful in written communication
- 5 Informs the Commission of current issues and administrative developments
- 5 Encourages a positive attitude regarding the Town
- 5 Receptive to constructive criticism and advice
- 5 Manages stress effectively

COMMENTS:

I couldn't feel more informed.

4. RELATIONS WITH THE TOWN COMMISSION

- 5 Works with the Commission to establish annual goals and objectives and provides regular reports. Provides regular reports to the Commission on the status of Commission directives.
- 5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 5 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 5 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

Fantastic about presenting wishes + options and about letting go + following directions. I don't feel like I have to look for a hidden agenda for the first time in years! Open, honest, straight-forward

5. COMMUNITY RELATIONS

- 4 Effectively addresses and accommodates citizen complaints
- 4 Shows a sensitivity to and appreciation of diversity of the Town's population
- 5 Responsive to issues of both commercial and residential populations
- 5 Takes a "hands-on" approach when necessary
- 5 Maintains an effective working relationship with other local governments
- 5 Takes a diplomatic approach to problem solving
- 5 Projects a positive image on behalf of the Town of Lake Park
- 5 Provides management support to Town Boards
- 3 Effectively informs residents of Town news through Town produced

media. i.e. Newsletter.

COMMENTS:

Other priorities have taken greater time. But we do need to move toward better communication + accessibility for public

ADDITIONAL SUMMARY COMMENTS:

In a very short time, Ms. Davis has moved the town further forward than the last five managers. She is systematically restructuring + building procedures. I look forward to seeing where we are in a year or two

OVERALL RATING:

- 5 - Outstanding
- 4 - Very Effective
- 3 - Effective

- 2 - Marginally Effective
- 1 - Ineffective

Patricia Osterman
EVALUATOR NAME

8/1/2007
DATE

TAB 19

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input checked="" type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Temporary Use of Satellite Dishes at the Marina

RECOMMENDED MOTION/ACTION: Staff requests direction

Approved by Town Manager *W. Davis* Date: 8/14/07

Name/Title	Date of Actual Submittal	
Originating Department: Town Manager	Costs: \$ 0 Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: At a recent Marina Board Meeting, the issue of providing cable TV access for Marina boat owners was discussed. It was explained to the Board that the budget does not allow for installing the infrastructure for cable TV at this particular time.

TAB 20

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 22, 2007

Agenda Item No.

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

RESOLUTION

DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Status/viability of Code Compliance Board

RECOMMENDED MOTION/ACTION: consensus on how to proceed

Approved by Town Manager

W. Davis

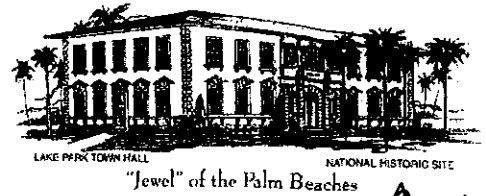
Date:

7/26/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Discuss fiscal viability of code compliance board. Recently, the small number of cases on the code compliance board agenda has not been sufficient to cover the costs of holding the meeting. The board only hears residential code violations and the trend recently has been that the violations come into compliance prior to the hearing. The end result is not enough hearings stay on the agenda to justify holding the meeting. Each meeting requires the presence of two attorney's (one for the board and one for the town). In addition, two code officers and the code secretary are required to be in attendance. Since the meeting is held in the evening, staff must be paid overtime. Additional costs also result from the need to schedule, prepare and advertise for two meetings per month. Staff's recommendation would be to discontinue the use of the code compliance board as it will save money and time.

**Town of Lake Park
Community Development Department**



Patrick Sullivan, AICP, Director

Memo Date: August 16, 2007

To: Town Commission

Re: Code Compliance Board

In response to questions by Commissioner Osterman:

1. The Code Compliance Board is not mentioned in the Town Charter. Therefore, a charter amendment to abolish the board is not required.
2. Regarding the recent cancellations of board meetings: 1) The July meeting was cancelled due to a small number of cases plus a need for a special call Planning and Zoning Board workshop to review the Village Shoppes project in North Palm Beach. There were 5 cases on the CCB agenda and they were either moved to the Special Magistrate or deferred until August. 5 items would produce approximately \$800 (if paid) in administrative costs as compared to \$1200 in costs to hold the meeting. 2) The June meeting was cancelled because the CCB staff and the attorney's were out of town. 3) The May meeting was cancelled because there was only 1 case scheduled.
3. Attached to this memo is a cost vs recovery analysis for the CCB and the Special Magistrate.

Patrick Sullivan, AICP Director
Community Development Department
881-3319 fax 881-3323
psullivan@lakeparkflorida.gov

Cost/Revenue Comparison for Code Board vs Special Magistrate

CODE COMPLIANCE BOARD

MONTH	NUMBER OF CASES	ORDERED ADMIN COSTS	IN HOUSE ADMIN COSTS
Jan-06	NO MEETING HELD		
Feb-06	NO MEETING HELD		
Mar-06	NO MEETING HELD		
Apr-06	NO MEETING HELD		
18-May-06	4	\$530	\$1,214
15-Jun-06	5	\$542	\$1,214
Jul-06	NO MEETING HELD		
17-Aug-06	11	\$1,520	\$1,214
21-Sep-06	10	\$1,346	\$1,214
19-Oct-06	5	\$559	\$1,214
16-Nov-06	6	\$810	\$1,214
Dec-06	NO MEETING HELD		
2006 TOTALS	41	\$5,305	\$7,284
18-Jan-07	NO QUORUM		
15-Feb-07	5	\$457	\$1,214
15-Mar-07	8	\$945	\$1,214
19-Apr-07	6	\$778	\$1,214
2007 TOTALS	19	\$2,180	\$3,642
GRAND TOTAL	60	\$7,485	\$10,926
			Total +/-
			-\$3,441

2 attorneys at \$195 per hour times 2.5 hours for the meeting.
 3 staff members at 2.5 hours of overtime. About \$25 per hour

Extra prep time for the meeting. \$50 in staff time.

8/14/2007

Patrick Sullivan, AICP
 Director, Community Development

SPECIAL MAGISTRATE HEARINGS

MONTH	NUMBER OF CASES	ORDERED ADMIN COSTS	IN HOUSE ADMIN COSTS
5-Jan-06	20	\$2,614	\$1,160
2-Feb-06	14	\$1,896	\$1,160
2-Mar-06	22	\$2,585	\$1,160
6-Apr-06	24	\$3,598	\$1,160
4-May-06	15	\$2,063	\$1,160
1-Jun-06	12	\$1,479	\$1,160
15-Jun-06	1	\$158	\$1,160
13-Jul-06	13	\$1,964	\$1,160
Aug-06	NO HEARING HELD		
7-Sep-06	14	\$2,484	\$1,160
Oct-06	16	\$2,178	\$1,160
Nov-06	1	\$807	\$1,160
Dec-06	14	\$2,503	\$1,160
2006 TOTALS	166	\$24,328	\$13,920
Jan-07	NO HEARING HELD		
1-Feb-07	12	\$2,784	\$1,160
1-Mar-07	10	\$1,247	\$1,160
5-Apr-07	13	\$1,549	\$1,160
2007 TOTALS	35	\$5,580	\$3,480
GRAND TOTAL	201	\$29,908	\$17,400
			Total +/-
			\$12,508

2 attorneys at \$195 per hour times 2.5 hours for the meeting.
 3 Staff members no overtime. About \$18 per hour

Extra prep time for the meeting. \$50 in staff time.

	CODE COMPLIANCE BOARD		
MONTH	NUMBER OF CASES	TOTAL ORDERED ADMIN COSTS	ADMIN COSTS 2 Attorneys 3 staff OT Misc
JANUARY 2006	NO MEETING HELD		
FEBRUARY 2006	NO MEETING HELD		
MARCH 2006	NO MEETING HELD		
APRIL 2006	NO MEETING HELD		
MAY 18, 2006	4	529.50	1214.00
JUNE 15, 2006	5	541.50	1214.00
JULY 2006	NO MEETING HELD		
AUGUST 17, 2006	11	1,519.75	1214.00
SEPTEMBER 21, 2006	10	1,345.75	1214.00
OCTOBER 19, 2006	5	558.50	1214.00
NOVEMBER 16, 2006	6	810.25	1214.00
DECEMBER 2006	NO MEETING HELD		
2006 TOTALS	41	\$5,305.25	\$7,284.00
JANUARY 18, 2007	NO QUORUM		
FEBRUARY 15, 2007	5	457.00	1214.00
MARCH 15, 2007	8	945.25	1214.00
APRIL 19, 2007	6	777.50	1214.00
2007 TOTALS	19	\$2,179.75	\$3,642.00
GRAND TOTAL	60	\$7,485.00	\$10,926.00

2 attorneys at \$195 per hour times 2.5 hours for the meeting.
3 staff members at 2.5 hours of overtime. About \$25 per hour times 3 staff members.
Extra prep time for the meeting. \$50 in staff time.

Cost/Revenue Comparison for Code Board vs Special Magistrate

CODE COMPLIANCE BOARD

MONTH	NUMBER OF CASES	ORDERED ADMIN COSTS	IN HOUSE ADMIN COSTS
Jan-06	NO MEETING HELD		
Feb-06	NO MEETING HELD		
Mar-06	NO MEETING HELD		
Apr-06	NO MEETING HELD		
18-May-06	4	\$530	\$1,214
15-Jun-06	5	\$542	\$1,214
Jul-06	NO MEETING HELD		
17-Aug-06	11	\$1,520	\$1,214
21-Sep-06	10	\$1,346	\$1,214
19-Oct-06	5	\$559	\$1,214
16-Nov-06	6	\$810	\$1,214
Dec-06	NO MEETING HELD		
2006 TOTALS	41	\$5,305	\$7,284
18-Jan-07	NO QUORUM		
15-Feb-07	5	\$457	\$1,214
15-Mar-07	8	\$945	\$1,214
19-Apr-07	6	\$778	\$1,214
2007 TOTALS	19	\$2,180	\$3,642
GRAND TOTAL	60	\$7,485	\$10,926
			Total +/-
			-\$3,441

2 attorneys at \$195 per hour times 2.5 hours for the meeting.
 3 staff members at 2.5 hours of overtime. About \$25 per hour

Extra prep time for the meeting. \$50 in staff time.

SPECIAL MAGISTRATE HEARINGS

MONTH	NUMBER OF CASES	ORDERED ADMIN COSTS	IN HOUSE ADMIN COSTS
5-Jan-06	20	\$2,614	\$1,160
2-Feb-06	14	\$1,896	\$1,160
2-Mar-06	22	\$2,585	\$1,160
6-Apr-06	24	\$3,598	\$1,160
4-May-06	15	\$2,063	\$1,160
1-Jun-06	12	\$1,479	\$1,160
15-Jun-06	1	\$158	\$1,160
13-Jul-06	13	\$1,964	\$1,160
Aug-06	NO HEARING HELD		
7-Sep-06	14	\$2,484	\$1,160
Oct-06	16	\$2,178	\$1,160
Nov-06	1	\$807	\$1,160
Dec-06	14	\$2,503	\$1,160
2006 TOTALS	166	\$24,328	\$13,920
Jan-07	NO HEARING HELD		
1-Feb-07	12	\$2,784	\$1,160
1-Mar-07	10	\$1,247	\$1,160
5-Apr-07	13	\$1,549	\$1,160
2007 TOTALS	35	\$5,580	\$3,480
GRAND TOTAL	201	\$29,908	\$17,400
			Total +/-
			\$12,508

2 attorneys at \$195 per hour times 2.5 hours for the meeting.
 3 Staff members no overtime. About \$18 per hour

Extra prep time for the meeting. \$50 in staff time.

Communities surveyed for Code Compliance Boards

	Town	Has Code Board	Special Magistrate Only	
1	Greenacres	X		
2	Jupiter		X	
3	Juno Beach		X	
4	Riviera Beach		X	
5	Palm Beach	X		
6	North Palm	X		
7	Palm Springs		X	
8	Palm Beach Gardens		X	
9	Palm Beach Shores		X	
10	Lantana		X	
11	Tequesta		X	Total
	Totals	3	8	11
		27.3%	72.7%	