

City of Quincy

City Hall

404 West Jefferson Street

Quincy, FL 32351

www.myquincy.net



Meeting Agenda

Wednesday, September 11, 2013

5:45 PM

City Hall Commission Chambers

City Commission

Keith Dowdell, Mayor (Commissioner District One)

Larry Edwards, Mayor Pro-Tem (Commissioner District Five)

Micah Brown (Commissioner District Two)

Derrick Elias (Commissioner District Three)

Andy Gay (Commissioner District Four)

**AGENDA FOR THE REGULAR MEETING OF
THE CITY COMMISSION OF
QUINCY, FLORIDA
Wednesday
September 11, 2013
5:45 PM
CITY HALL CHAMBERS**

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Agenda Approval

Approval of Minutes

1. Approval of Minutes of the August 27, 2013 Regular Meeting
(Sylvia Hicks, City Clerk)

Public Hearings, Ordinances, Resolutions and Proclamations

2. Resolution No. 1304-2013-Corry Field FRDAP Grant
3. Resolution No. 1305-2013 Tanyard Creek FRDAP Grant
4. Ordinance No. 1056-2013 FY 2013-2014 Millage Rate
5. Ordinance No. 1057-2013 First Reading of FY 2013-2014 Budget
6. Ordinance No. 1058-2013 City of Quincy Rules of Order and Procedure

Presentation(s)

Recognition of Utility Workers Michael Pennington and Josh Smith

Citizen(s) to be Heard (3 Minute Limit)

Consent Agenda

Discussion(s)

7. Acquisition of a Portion of Sheline Property Adjacent to Byrd Landfill and Annexation of Magnolia Forest Subdivision
(Jack L. McLean Jr., City Manager; Bernard Piawah, Planning Director)

8. FRDAP Grant for Corry Field (Background to Resolution No. 1304-2013)
(Jack L. McLean Jr., City Manager; Charles Hayes, CRA Director)
9. FRDAP Grant for Tanyard Creek (Background to Resolution No. 1305-2013)
(Jack L. McLean Jr., City Manager; Charles Hayes, CRA Director)
10. RFP for City Attorney
(Jack L. McLean Jr., City Manager)

Report(s)/ Information

11. Code Enforcement Report
(Jack L. McLean Jr., City Manager Bernard Piawah, Planning Director, Marvin Tribue, Code Enforcement Officer)
12. * Opinion to Advertise for Auditor
(Jack L. McLean Jr., City Manager; Jerry Miller, Interim City Attorney)

City Manager's Report(s)

City Attorney's Report(s)

Commissioners' Reports

Other

Adjournment

*Item Not in Agenda Book

CITY COMMISSION
CITY HALL
QUINCY, FLORIDA

REGULAR MEETING
AUGUST 27, 2013
6:00 P.M.

The Quincy City Commission met in regular session Tuesday, August 27, 2013, with Mayor Commissioner Dowdell presiding and the following present:

Commissioner Larry D. Edwards
Commissioner Micah Brown
Commissioner Derrick D. Elias
Commissioner Gerald A. Gay, III

Also Present:

City Manager Jack L. McLean Jr.
Interim City Attorney Jerry Miller
City Clerk Sylvia Hicks
Police Chief Walt McNeil
Finance Director Theresa Moore
Customer Service Director Ann Sherman
Utilities Director Mike Wade
Fire Chief Scott Haire
Information Technology Director John Thomas
Planning Director Bernard Piawah
Accountant III Yvette McCullough
Account Specialist Catherine Robinson
Parks and Recreation Director Greg Taylor
Public Works Director Willie Earl Banks, Sr.
Executive Assistant to City Manager Cynthia Shingles
Acting Human Resources Director Bessie Evans
OMI Representative Terry Presnal
Sergeant At Arms Assistant Chief Sapp

Also Present: County Commissioner Sherrie Taylor

Call to Order:

Mayor Commissioner Dowdell called the meeting to order, followed by the Lord's Prayer and the Pledge of Allegiance.

Approval of Agenda

Commissioner Gay made a motion to approve the agenda. Commissioner Brown seconded the motion. The ayes were unanimous.

Approval of Minutes:

Commissioner Gay made a motion to approve the minutes of the August 8, 2013 and Special Continuation Meetings with corrections if necessary. Commissioner Edwards seconded the motion. The ayes were unanimous.

Commissioner Edwards made a motion to approve the August 13, 2013 Regular Meeting Minutes. Commissioner Gay seconded the motion. The ayes were unanimous.

Public Hearings, Ordinances, Resolutions, and Proclamations:

Proclamation for Nat Adderley, Jr. was in the packet.

Cynthia Shingles, Executive Assistant to the City Manager read the inscription of the Key to the City to be presented to Nat Adderley, Jr.

Presentation(s):**Citizens to be Heard:**

Ms. Freida Bass Prieto of 329 East King Street began by noting that the Commission had approved in August, the transfer of \$126,000 from the reserves to pay the retirement deficiency.

She noted that in July, the City transferred almost \$66,000. She asked was that approved by the Board and for what. The Finance Director said that she thought the change reflected fluctuation investment; however she said she would investigate and get back with Ms. Bass. She asked where on the budget to actual spending report the \$126,000 would be located. The City Manager stated that the retirement fund is not reflected in the budget report.

Ms. Bass asked why the sewer and water connections showed such a marked difference, was this error and how does that work? Then, she asked why our FICA in road and streets and recreation never matched our earnings and how could we pay out less than 90 percent of earnings yet pay 114 percent in FICA. The Manager stated this is an allocation issue. She also noted that she had asked about this before.

Vivian Howard of 805 South Virginia Street came before the Commission and asked the requirement for a road closure. The Mayor asked Ms. Howard to get with the Manager.

Consent Agenda:

Review of Special Use Request of Talquin Electric Cooperative to Replace its Existing Microwave Tower with a New Tower

Commissioner Gay made a motion to approve the Consent Agenda. Commissioner Edwards seconded the motion. The ayes were unanimous.

Discussion(s):

RFP for City Attorney

This item will be brought back for the next meeting.

Interim City Attorney's Contract

Commissioner Edwards made a motion to approve the Interim City Attorney's Contract. Commissioner Gay seconded the motion. An amendment was offered for the contract to have an effective date of August 13, 2013. The amendment was agreed to by both Commissioners. The ayes were unanimous.

Report(s)/Information:

Reception for Nat Adderley, Jr.

Commissioner Edwards made a motion to approve the reception for Nat Adderley, Jr. Commissioner Gay seconded the motion. Commissioner Elias asked where the funds were coming from. The Manager stated from contingency. The ayes were unanimous.

Quincy Fire Department Monthly Report – No comment

Financials/P-card Statement

Denise Hannah of 702 South 9th Street came before the Commission and asked what organizations have requested the funds: The Manager stated Legal Services of North Florida, Gadsden Arts, Quincy Music Theater, Community Action, Redeemed Inc., Organization for Learning and Human Development, Quincy Fest, Gadsden Association Rehabilitation (GARC), Hispanic Festival, and Main Street.

City Manager's Reports – No report

Commissioner Elias asked what the procedure is for road closure. The Manager stated that parades generally come to the Commission for temporary road closure. The Manager can close a street and the Police Department can close a street for accidents, emergencies or neighborhood related activities.

City Attorney's Report:

Interim City Attorney Miller reported to the Commission that Senate Bill 50 will cause the City to change the Charter regarding public meetings except for quasar judicial. He stated that several sections in Article II of the Charter must be changed to be in compliance with Senate Bill 50. Commissioner Gay made a motion to authorize the Interim City Attorney to bring back a draft of the revision to amend Article II. Commissioner Brown seconded the motion. The ayes were Commissioners Brown, Edwards, Gay, and Dowdell. Nay was Commissioner Elias. The motion carried.

Commissioner's Report:

Commissioner Elias stated that school has resumed, please make sure the Police is more visible.

Commissioner Elias stated that there is a lot of trash along G F & A Drive, he also stated that there is a lot of trash all over town and asked if the boom truck was down.

Commissioner Elias asked that the police not allow parking on Wallace Drive, Betlinet Drive and Cheeseborough Avenue during the Labor Day Concert.

Commissioner Elias stated that he had requested a proposed budget for the concert for the Main Street director.

Commissioner Elias stated he had requested to see what the reserves were one year ago compared to the current reserves. The Manager stated he would send it to him tomorrow.

Commissioner Elias reported that there are pot holes on 4th Street.

Commissioner Gay- None

Commissioner Edwards reported that he had already spoken to the Manager regarding his concerns.

Commissioner Edwards stated that he commend the following Departments for their assistance over the weekend after a tree fell and caused a major power outage: Police, Fire and Utilities Departments.

Commissioner Brown asked for a copy of the proposed concert budget from Main Street.

Mayor Dowdell – None

There being no further business to discuss, Commissioner Edwards made a motion to adjourn. Commissioner Brown seconded the motion. The meeting was adjourned.

APPROVED:

Keith A Dowdell, Mayor and Presiding
Officer of the City Commission

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy
Clerk of the Commission thereof

RESOLUTION NO. 1304 - 2013

A RESOLUTION OF THE CITY OF QUINCY, FLORIDA AUTHORIZING THE CITY MANAGER TO PREPARE AND TO SUBMIT A GRANT APPLICATION TO THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM TO HELP FUND PARK DEVELOPMENT WITHIN THE CORRY FIELD RECREATION PARK IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), INCLUDING IN KIND MATCH; AUTHORIZING THE MAYOR, CITY MANAGER, AND THE CITY ATTORNEY TO ENTER INTO ANY NECESSARY AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Recreation Development Assistance Program (FRDAP) has initiated competitive grant programs, which provide grants for acquisition or development of land for public outdoor recreation use or to construct recreational trails; and

WHEREAS, based on the scores, FRDAP prepares and submits a recommended priority list to the Florida Legislature for funding consideration; and

WHEREAS, the City is eligible for up to a \$200,000 grant to assist in the development and installation of a small upgrading the football field drainage, bleachers and weight room and making the bleachers ADA requirements in furtherance of the City's grant requirements; and

WHEREAS, this Resolution seeks to authorize the submission of the grant and to enter into any accompanying grant agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Quincy, Florida:

Section 1: Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2: Approval. The City Commission of the City of Quincy hereby authorizes the submission of a grant application to Florida Recreation Development Assistance Program before the grant deadline of September 30, 2013, in the amount of Two hundred Thousand Dollars and Zero Cents (200,000.00), development within the Corry Field Park.

Section 3: Authorization. The City Commission of the City of Quincy does hereby authorize its City Manager to transmit the applicable grant application, to attend all necessary meetings and to coordinate the execution of the final grant agreements, if any, between the parties.

Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the City Commission of the City of Quincy, Florida, this 11th day of September, 2013.

Keith A Dowdell, Mayor and
Presiding Officer of the City
Commission of the City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy and
Clerk of the City Commission thereof

RESOLUTION NO. 1305 - 2013

A RESOLUTION OF THE CITY OF QUINCY, FLORIDA AUTHORIZING THE CITY MANAGER TO PREPARE AND TO SUBMIT A GRANT APPLICATION TO THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM TO HELP FUND PARK DEVELOPMENT WITHIN THE CORY FIELD RECREATION PARK IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00), WITH NO MATCH; AUTHORIZING THE MAYOR, CITY MANAGER, AND THE CITY ATTORNEY TO ENTER INTO ANY NECESSARY AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Recreation Development Assistance Program (FRDAP) has initiated competitive grant programs, which provide grants for acquisition or development of land for public outdoor recreation use or to construct recreational trails; and

WHEREAS, based on the scores, FRDAP prepares and submits a recommended priority list to the Florida Legislature for funding consideration; and

WHEREAS, the City is eligible for up to a \$50,000 grant to assist in the development and installation of a small upgrading to the Tanyard Creek Park with Picnic Pavilion, Park benches, Tables and grills. and

WHEREAS, this Resolution seeks to authorize the submission of the grant and to enter into any accompanying grant agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Quincy, Florida:

Section 1: Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2: Approval. The City Commission of the City of Quincy hereby authorizes the submission of a grant application to Florida Recreation Development Assistance Program before the grant deadline of September 30, 2013, in the amount of Fifty thousand dollars and Zero Cents (50,000.00), development within the Tanyard Creek Park.

Section 3: Authorization. The City Commission of the City of Quincy does hereby authorize its City Manager to transmit the applicable grant application, to attend all necessary meetings, and to coordinate the execution of the final grant agreements, if any, between the parties.

Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the City Commission of the City of Quincy, Florida, this 11th day of September, 2013.

Keith A Dowdell, Mayor and
Presiding Officer of the City
Commission of the City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy and
Clerk of the City Commission thereof

ORDINANCE NO. 1056-2013

AN ORDINANCE DETERMINING THE AMOUNT AND FIXING THE RATE OF TAXATION AND STATING THE ANNUAL LEVY FOR THE CITY OF QUINCY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014, AND SETTING THE PERCENTAGE BY WHICH THE MILLAGE RATE TO BE LEVIED DOES NOT EXCEED THE ROLLED BACK RATE.

WHEREAS, the City Commission of the City of Quincy, has now received from the Property Appraiser of Gadsden County, Florida, the certification of the taxable values for the year 2014, and it can now be determined what millage rate will provide the same ad valorem, tax revenue for the City of Quincy as was levied during the prior year by a calculation of what is known as the “rolled-back rate” pursuant to Section 200.065(1), Florida Statutes.

WHEREAS, the gross taxable value for operating proposed not exempt from taxation within Gadsden County has been certified by the County Property Appraiser to the City of Quincy as \$ **211,466,696**; and

WHEREAS, the City of Quincy of Gadsden County, Florida on September 11, 2013 held a public hearing on the proposed millage rate for fiscal year 2013-2014 as required by Florida Statute 200.065; and

WHEREAS, the City of Quincy of Gadsden County, Florida held a second public hearing on 24th day September 2013 to adopt a fiscal year 2013-2014 final millage rate as required by Florida Statute 200.065; and

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF QUINCY;

SECTION 1. That is hereby found and determined that the ad valorem millage rate of **4.6552** will provide slightly less ad valorem tax revenue for the City of Quincy as was levied during the prior year and which rate is known as the “rolled-back rate” pursuant to section 200.065(1) Florida Statutes.

SECTION 2. That it is necessary, however, to levy a tax of **4.6552** mills, upon all of the taxable property within the corporate limits of the City of Quincy, Florida excluding exempt property, for the purposes of raising the amount of money necessary to carry on the Government of said City during the fiscal year beginning October 1, 2013 and ending September 30, 2014, which said millage rate is the same as the rolled-back rate.

SECTION 3. That for the purpose of raising the amount of money necessary to carry on the Government of the City of Quincy, Florida during the fiscal year beginning October 1, 2013 and ending September 30, 2014 a direct tax of **4.6552** is hereby levied upon all of the taxable property within the corporate limits of the City of Quincy, excluding exempt property, as listed, described and valued on the assessment roll for the fiscal year 2014 by the proper official as provided by law and revised, equalized and corrected as provided by law.

SECTION 4. This ordinance shall take effect immediately upon its passage and approval as provided by law.

INTRODUCED in open session of the City Commission of the City of Quincy, Florida on the 11th day of September, A.D. 2013.

PASSED in open session of the City Commission of the City of Quincy, Florida, on the 24th day of September, A.D. 2013.

Keith A Dowdell, Mayor and
Presiding Officer of the City
Commission of the City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy and
Clerk of the City Commission thereof

ORDINANCE NO. 1057-2013

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENDITURES AND OBLIGATIONS OF THE CITY OF QUINCY FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; DESIGNATING THE SOURCES AND REVENUES AND SAID APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Quincy prepared and submitted to the City Commission of the City of Quincy a proposed budget for said City for the fiscal year beginning October 1, 2013 and ending September 30, 2014 and accompanying message; and

WHEREAS, the City Manager's proposed budget for definition purposes has been designated, named, labeled, and described on the caption as "2013-2014 PROPOSED BUDGET" in form as prescribed by and in full compliance with the Charter of the City of Quincy;

WHEREAS, the City Commission considered, modified, and adjusted the City Manager's proposed budget;

WHEREAS, the Commission adopted budget for definition purposes has been designated, named, labeled, and described on the caption as "2013-2014 ADOPTED BUDGET" in form as prescribed by and in full compliance with the Charter of the City of Quincy; and,

WHEREAS, the City Commission on September 11, 2013 and September 24, 2013 held public hearings, as required by Florida Statutes 200.065.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF QUINCY:

SECTION 1. That the appropriations made in Section 2 herein are based upon the revenues to the City of Quincy for the fiscal year beginning October 1, 2013 from the sources, less transfers, and in the amounts hereinafter as follows:

<u>REVENUES – ALL FUNDS</u>	<u>FY 2014</u>
General Fund Revenue	\$ 8,333,796
Enterprise Fund Revenue	22,729,803
Internal Service Fund	267,765
Community Redevelopment Agency (CRA) Fund	439,190
TOTAL APPROPRIATED REVENUES	\$ 31,770,554
LESS INTERFUND TRANSFERS	<u>(5,240,418)</u>
TOTAL REVENUE	<u>\$ 26,530,136</u>

SECTION 2. That the following sums be, and hereby are, appropriated from the sources of revenues, less transfers, enumerated in Section 1, for the expense and obligation of the City of Quincy, for the fiscal year beginning October 1, 2013 and ending September 30, 2014.

<u>EXPENDITURES – ALL FUNDS</u>	<u>FY 2014</u>
<u>General Fund</u>	
City Commission	\$ 158,700
City Attorney	135,400
City Manager	277,878
Purchasing	15,135
Non-Departmental	1,702,097
City Clerk	95,560
Finance	150,173
Human Resources	148,201
Law Enforcement	2,083,824
Fire Control	1,332,889
Building & Planning	438,215
Recreation & Parks	472,255
Public Works	<u>1,323,469</u>
Total General Fund	\$ 8,333,796
<u>Enterprise Fund</u>	
Business Activity - Customer Services	\$ 436,818
Business Activity - Finance	<u>297,878</u>
Total Business Activity	734,697
Sewer	2,017,540
Electric	14,788,214
Water	1,598,376
Gas	1,867,748
Refuse	1,240,897
Landfill	259,844
Telecommunications	<u>222,488</u>
Total Enterprise Fund	\$ 22,729,803
Internal Service Fund	\$ 267,765
Community Redevelopment Agency	\$ 439,190
TOTAL APPROPRIATED EXPENDITURES	\$ 31,770,554
LESS INTERFUND TRANSFERS	<u>(5,240,418)</u>
TOTAL EXPENDITURES	<u>\$ 26,530,136</u>

SECTION 3. This ordinance shall become effective October 1, 2013 and immediately upon passing.

INTRODUCED to the City Commission of the City of Quincy, Florida, on the 11th day of September, A.D., 2013.

PASSED by the City Commission of the City of Quincy, Florida on the 24th day of September, A.D., 2013.

Keith A Dowdell, Mayor and
Presiding Officer of the City Commission
And of the City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy and
Clerk of the City Commission thereof

DRAFT ORDINANCE NO: 1058-2013

AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA RELATING TO CITY COMMISSION RULES OF ORDER AND PROCEDURE; PROVIDING FOR AUTHORITY; REPEAL OF ARTICLE 2, CITY COMMISSION, DIVISION 2, RULES OF ORDER AND PROCEDURE OF THE CITY CODE; ADOPTION OF ARTICLE 2, CITY COMMISSION, DIVISION 2, RULES OF ORDER AND PROCEDURE OF THE CITY CODE; FOR SEVERABILITY; AND AN EFFECTIVE DATE

Be it enacted by the City Commission of the City of Quincy, Florida;

Section 1. Authority: The authority for this ordinance is the City Charter, Section 166.021 and Sec. 286.0114, Florida Statutes.

Section 2. Repeal of City Code article 2 City Commission, division 2 Rules of Order and Procedure: City Code article 2 City Commission, division 2 Rules of Order and Procedure, a copy of which is attached hereto and made a part hereof by reference is hereby repealed.

Section 3. Adoption of City Code article 2 City Commission, division 2 Rules of Order and Procedure: City Code article 2 City Commission, division 2 Rules or Order and Procedure are hereby created to read as follows:

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-46 Rules Established.

The following set of rules shall be in effect upon their adoption by the Commission and until such time as they are amended or new rules adopted. *Roberts Rules of Order Revised* is a guide to the proceedings of the Commission to the extent they are not in conflict with these rules.

Sec. 2-47 Meetings to be Public.

All meetings of the Commission shall be open to the public, except for such meetings as are exempt by general law.

Sec. 2-48 Quorum.

A majority of the full membership of the Commission, free of voting conflict, shall constitute a quorum and be necessary for the transaction of business. An affirmative vote of a majority of a quorum is necessary to enact any ordinance or adopt any resolution or take other official action of the commission, except that a vote of four members of the commission is required to enact an emergency ordinance as provided in this division. . A number less than a quorum may adjourn the commission from day to day or until a certain time. The Commission may compel the attendance of absent Commission Members.

Sec. 2-49 Duties of Presiding Officer.

The Mayor shall preside at all meetings of the Commission, and he shall have a voice and a vote in the proceedings of the Commission but no veto power. In the absence or inability of the Mayor, the powers of that office shall devolve upon the Mayor Pro Tem. In the absence of both the Mayor and the

Mayor Pro Tem, a majority of the commissioners present and representing a quorum shall select a Presiding Officer for such meeting. The Presiding Officer shall call the Commission to order. The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of Commission Members or motives, and confine Commission Members in debate to the question under discussion. The presiding officer shall state every question coming before the Commission, call for the vote thereon with him or her having the privilege to vote last, announce the decision of the Commission on all subjects, and decide all questions of order, subject, however, to an appeal to the Commission, in which event a majority vote of the Commission present shall govern and conclusively determine such questions of order. The Presiding Officer shall sign all ordinances and resolutions adopted by the Commission. The Mayor, as Presiding Officer, shall report to the Commission all proclamations previously issued or to be issued by him or her as necessary or appropriate in the performance of his or her duties as Mayor.

Sec. 2-50 Regular meetings.

The Commission shall hold two regular meetings per month. Such meetings shall be at 6:00 p.m. on the second and fourth Tuesdays of each month. The time and date of holding such regular meetings may be changed, but only by resolution of a majority of the Commission. Regular meetings of the Commission that fall on a legal holiday shall be held on the following business day, unless otherwise determined by the Commission. All regular meetings shall be held at City Hall, or elsewhere within the City as determined by the Commission. The Commission may also determine, during a regular or special meeting, that it is not necessary that a scheduled regular meeting be held.

Sec. 2-51 Special meetings.

- (a) The Mayor, three members of the Commission or the City Manager may call a special meeting of the Commission whenever in their opinion the public business may require it. The request for such special meeting shall be communicated to the City Manager or, in his absence, to an employee of the city designated by the City Manager for such purpose. Written notice of such special meeting shall thereafter be promptly served upon all members of the Commission, either in person or at their place of residence or business.
- (b) No special meeting shall be called pursuant to this section unless six hours' notice is given in advance of such meeting; provided, however, emergency special meetings may be called and held by the Commission at an earlier time if the circumstances requiring the emergency are documented in the minutes thereof.
- (c) The city manager or his designee shall as soon as possible affix a copy of the written notice calling for the special meeting upon the public bulletin board, front door, or other visible portion of the City Hall. Reasonable notice of such special meeting shall also be given to the local news media. The notice shall state the date, hour and place of the meeting and the purpose for which such meeting is being called. No business shall be transacted at the special meeting except such as is stated in the notice. Special meetings may be called without written notice if publicly announced during the course of a regular meeting of the Commission.

Sec. 2-52 Emergency Meetings.

Emergency meetings may be held on the call of the Mayor or any three (3) Commission Members whenever there is a public emergency and whenever practicable, upon no less than one (1) hours' notice to each Commission Member and the local news media.

Sec. 2-53 Workshop Meetings.

The Commission may meet informally in workshop meetings, at the call of the Mayor or of any three (3) Commission Members. No ordinances, resolutions or other actions may be adopted at such meeting provided that the Commission may direct staff to take actions that do not entail the expenditure of City funds.

Sec. 2-54 Consent Agenda.

The Consent Agenda may be used to handle routine matters on the agenda expeditiously. There is no separate discussion of these items unless the Mayor, a Commission Member, or member of the public requests an item be removed for consideration in its normal sequence on the agenda. The approval of the Consent Agenda is usually handled in one motion from the Commission table, "I move that the Consent Agenda, (item numbers may be included) be approved; or if items are to be removed, "for good cause" or "discussion", a typical motion might be, "I move that we approve the Consent Agenda items through ___ with the exception of item ___."

Sec. 2-55 Adjourned Meetings.

Any meeting of the Commission may be adjourned to a later date and time.

Sec. 2-56 Agenda.

The City Manager shall prepare an agenda for each Commission meeting. Any matter to be placed on the agenda shall be submitted to the City Manager no later than 12:00 noon of the Thursday preceding the regular commission meeting on the following Tuesday. The City Manager or any member of the commission may be allowed to add items to such agenda at the beginning of any regular commission meeting in the discretion of the Presiding Officer. Emergency items may be added to an agenda at any time, provided that the circumstances surrounding the emergency are documented in the minutes of the meeting.

Sec. 2-57 Order of business.

- (a) Promptly at the hour and date provided in this division, the business of the Commission shall be taken up for consideration and disposition in the following order:
- (1) Call to Order
 - (2) Roll call.
 - (3) Pledge of allegiance to the flag.
 - (4) Invocation (optional).
 - (5) Special Presentations by Mayor or Commission
 - (6) Approval of the minutes of the previous meetings.
 - (7) Public hearings as scheduled or agendaed.
 - (8) Public opportunity to speak on Commission propositions.

(Pursuant to Sec. 286.0114, Fla. Stat. and subject to the limitations of Sec. 286.0114(3)(a), Fla. Stat.)

(9) Resolutions.

(10) Reports, request and communications by City Manager, City Attorney, City Clerk, Boards and Committees.

(Ordinance readings not requiring public hearing will usually appear under this item.)

(11) Matters requested by Commission Members.

(12) Comments from Commission Members, City Manager, City Clerk and City Attorney.

(13) Comments from the audience.

(14) Adjournment.

(b) Management matters shall be referred to the City Manager for further investigation, appropriate action and subsequent report to the Commission as necessary.

(c) The order of business may be suspended at any meeting of the Commission by a majority of the Commission members present.

Sec. 2-58 Roll call.

Before proceeding with the business of any meeting, the City Clerk shall call the roll of the members, and the names of the commission members present or absent shall be entered on the minutes. If an absent member is excused by the Commission, the minutes of the meeting shall so state.

Sec. 2-59 Reading of the minutes.

Unless the reading of the minutes of a Commission meeting is requested by a majority of the Commission present, such minutes may be approved as distributed without reading. Corrections, if any, to such minutes shall be made at the time of and prior to such approval.

Sec. 2-60 Rules of debate.

(a) *Presiding officer's role.* The Presiding Officer of the Commission may debate from the chair and without relinquishing the chair may move and second. He shall not be deprived of any of the rights and privileges of a Commission member because of his or her acting as the Presiding Officer.

(b) *Obtaining the floor.* Every person desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

(c) *Interruptions.* A Commission member or the public, once recognized, shall not be interrupted when speaking unless it is to call him or her to order or as otherwise provided in this section.

(d) *Motion to limit debate.* A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order or a motion to table. None of such motions shall be debatable, and they shall require an affirmative vote of at least three Commission members in order to carry.

(e) *Order of recognition.* The Commission members, the Mayor and city officials shall be recognized first on any matter under discussion before any member of the public shall be allowed to address the

commission, except as otherwise agendaed. If a public hearing is scheduled or agendaed, the hearing may be introduced by a brief presentation or report on the particular matter by the City Manager or his designee or some other city official, as the Presiding Officer shall deem appropriate. Thereafter, members of the public in favor of the specific matter or proposal may be recognized and heard first, then those opposed to such matter or proposal shall be recognized and heard, then a brief rebuttal may be allowed in the discretion of the chair.

Sec 2-61 Motion to Reconsider.

An action of the Commission may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider may be made only by a Commission Member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.

Sec. 2-62 Motion to Rescind.

- (a) An action of the Commission taken at a previous meeting (the "previous action") may be rescinded at a subsequent meeting.
- (b) A Commission Member seeking rescission of a previous action shall place a Motion to Consider Rescission on the agenda of a regular Commission meeting. If a majority of the full membership of the Commission approves the Motion to Consider Rescission, the Motion to Rescind shall be placed on the agenda of the next regular Commission meeting. If less than a majority of the full membership vote in favor of the Motion to Consider Rescission, no Motion to Rescind the previous action shall be considered by the Commission.
- (c) Approval of a Motion to Rescind requires the affirmative vote of a majority of the full membership of the Commission.
- (d) If a Motion to Rescind is approved, the Commission shall, at the same meeting, either consider the previous action or set a date certain for its consideration.
- (e) Notwithstanding anything stated above, a Motion to Rescind initiated by a Commission Member who voted on the losing side in connection with the previous action shall not be in order unless the Commission determines:
 - (1) Subsequent information has become known that (i) would have been material to the Commission's decision on the previous action and (ii) would have militated for a different result; or
 - (2) A rescission of the previous action is imperative to avoid a material cost, risk, harm, or other jeopardy to the City or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Commission's previous action.
- (f) For purposes of the Motion to Rescind, a Commission Member who was absent for a vote on the motion in connection with the previous action is deemed to have been on the prevailing side of the vote.

Sec. 2-63 Tie Vote.

In the event of a tie vote on any motion, the motion shall be considered lost.

Sec. 2-64 Vote Change.

Any Commission Member may change his or her vote, before the next item is called for consideration on or before a recess or adjournment is called, whichever occurs first, but not thereafter,

without the unanimous consent of the Commission Members present and eligible to vote.

Sec. 2-65 Privilege of Closing Debate.

Any Commission Member may move to close debate and call the question on the motion being considered which shall not be debatable. The Commission Member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.

Sec. 2-66 Citizens Presentations.

1. Presentation by Public on Proposition before the Commission: The agenda shall provide times when the public is given a reasonable opportunity to be heard on a proposition before the Commission. The opportunity to be heard may not occur at the same meeting in which the Commission takes official action on the proposition, provided the opportunity has been extended within sixty (60) days before the meeting at which the Commission takes the official action. Public opportunity hereunder does not extend to:

- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Commission to act;
- (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (c) A meeting that is exempt from Sec. 286.011 Florida Statutes; or
- (d) A meeting during which the Commission is acting in a quasi-judicial capacity.

This paragraph does not affect the right of a person to be heard as otherwise provided by law.

2. Addressing the Commission – Scheduled Presentations: Any person desiring to address the Commission by oral communication on any subject not already on the Commission meeting agenda shall first secure the permission of the Presiding Officer and will be recognized under “Scheduled Presentation from the Public.” Only those persons who have completed a speaker’s form and who have notified the City Clerk by 12:00 noon of the Wednesday immediately preceding the regular meeting will have their name placed on the Agenda and be recognized under the heading “Scheduled Presentations from the Public.”

3. Addressing the Commission – Public Opportunity on Commission Propositions: Any person desiring to address the Commission by oral communication regarding agendaed Commission propositions shall complete and deliver a Speaker Request Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under Public Participation on Commission Propositions where that item occurs on the agenda.

4. Addressing the Commission – Comments from Audience: Any person desiring to address the Commission by oral communication shall complete and deliver a Speaker Request Card to the City Clerk then secure the permission of the Presiding officer and will be recognized under “Comments from the Audience” where that item occurs on the agenda.

5. Addressing the Commission – Public Opportunity on Public Hearings: Any person desiring to address the Commission regarding Agendaed Public Hearings by oral communication shall complete and delivery a Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under “Public Hearings” where that item occurs on the Agenda.

6. Manner of Addressing the Commission – Time Limit: Each person addressing the Commission shall approach the microphone, shall give his or her name and address and the organization or group they represent if any, in an audible tone of voice for the record and, unless further time is granted by the Commission, shall limit their address to three minutes. All remarks shall pertain to City business

and shall be addressed to the Commission as a body, and not to any Commission Member thereof. No person, other than Commission Members or the Mayor, and the persons having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. No questions shall be asked the Commission Members or staff, except through the Presiding Officer.

7. Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or use offensive language, while addressing the Commission, may be requested to leave the meeting. No reference by name to any individual present or absent, including Commission Members and staff, shall be used in a negative manner by any person addressing the Commission. All participants and speakers shall refrain from belittling or insulting remarks or making personal attacks.

8. Reading of Protests: Interested persons, or their authorized representatives, may address the Commission for the reading of protests, petitions, or communications relating to any matter over which the Commission has control when the item is under consideration by the Commission.

9. Written Communications: Interested parties, or their authorized representatives, may address the Commission by written communication on any matter of business. However, in order to preserve the public record as well as comply with Florida's Public Records Law, an exact copy of said written communication must be provided to the City Clerk.

10. Presentations by Representatives of Groups or Factions: At meetings, in which four (4) or more individuals of a group or faction wish to be heard, a representative of a group or faction may address the Commission rather than all members of the group or faction and in such instances shall limit their address to twenty (20) minutes

Sec. 2-67 Decorum; disturbing meeting.

While the Commission is in session, the members thereof and the public present in the commission chambers shall not, by conversation or otherwise, delay or interrupt the proceeding nor the peace of the commission. It shall be unlawful for any person to disturb or disrupt a meeting of the city commission or to refuse to obey the orders of the Presiding Officer in the conduct of the meeting. Such person may be summarily ejected from the meeting, subject to an appeal to the commission which may overrule the chair. Any person found guilty of a violation of this section shall be punished as provided in City Code Sec. 1-6.

Sec. 2-68 Sergeant at Arms.

The Chief of Police or such member of the Department of Public Safety as he shall designate shall attend all commission meetings and be the sergeant at arms for the purpose of maintaining order and decorum at such meetings. He shall act under the direction and control of the presiding officer.

Sec. 2-69 City Attorney.

The City Attorney or his or her designee is expected to attend all meetings of the Commission and provide guidance and opinions, on questions of law and shall act as the Commission's parliamentarian by advising the Presiding Officer regarding matters of procedure.

Sec. 2-70 Ordinances and resolutions.

All ordinances and resolutions shall be prepared or reviewed by the city attorney. No ordinance shall be submitted to the Commission for consideration unless ordered by a majority vote of the commission or

requested in writing by at least three commissioners. The provisions of F.S. § 166.041, as now or hereafter amended are adopted by reference.

Sec. 2-71 Suspension of rules of order and procedure.

The rules of order and procedure set forth in this division, except as required by general law, may be temporarily suspended at any time by the consent of a majority of the members of the city commission present at any meeting and eligible to vote. No action taken by the commission shall be deemed void or invalid because of the failure to adhere to the provisions of Roberts Rules of Order, these rules of order and procedure, except as may otherwise be provided by law.

Sec. 2-72 Action Savings.

No action taken by the Commission shall be deemed void or invalid because of the failure to adhere to Robert's Rules of Order or the provisions of these rules of order and procedure, except as may otherwise be provided by general law.

Sec. 2-73 Compensation and expenses.

- (a) Members of the city commission shall receive as compensation for their services the sum of \$1166.67 each per month, and the mayor shall receive an additional \$100.00 per month.
- (b) In addition, the city commission shall approve the payment of actual and necessary expenses incurred by city commissioners in the performance of their duties in office. Such approval may be authorized in advance or made by reimbursement. Unless and until otherwise directed by the commission, the form currently used by the city to advance or reimburse employees for job-related expenses incurred by them, as such form may be amended from time to time, shall be adopted and used by the city commission to advance or reimburse commissioners for their expenses incurred in office.

Section 4. Severability: If any section, subsection, sentence, clause, phrase of this ordinance or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses or phrases application shall not be affected thereby.

Section 5. Effective Date: This ordinance shall be effective upon its adoption.

SO DONE THIS THE _____ DAY OF SEPTEMBER, 2013.

APPROVED:

Keith A Dowdell Mayor and Presiding
Officer of the City Commission and of
City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy and
Clerk of the City Commission thereof

Quincy, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE II. - CITY COMMISSION >> DIVISION 2. RULES OF ORDER AND PROCEDURE >>

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-46. Suspension of rules of order and procedure.

Sec. 2-47. Regular meetings.

Sec. 2-48. Special meetings.

Sec. 2-49. Agenda.

Sec. 2-50. Duties of presiding officer.

Sec. 2-51. Roll call.

Sec. 2-52. Quorum.

Sec. 2-53. Voting; conflicts of interest.

Sec. 2-54. Order of business.

Sec. 2-55. Reading of the minutes.

Sec. 2-56. Rules of debate.

Sec. 2-57. Decorum; disturbing meeting.

Sec. 2-58. Sergeant at arms.

Sec. 2-59. Ordinances and resolutions.

Sec. 2-60. Rules of order.

Sec. 2-61. Compensation and expenses.

Secs. 2-62—2-80. Reserved.

Sec. 2-46. Suspension of rules of order and procedure.

The rules of order and procedure set forth in this division, except as they pertain to the procedures for the enactment of ordinances, may be temporarily suspended at any time by the consent of a majority of the members of the city commission present at any meeting. No action taken by the commission shall be deemed void or invalid because of the failure to adhere to the provisions of these rules of order and procedure, except as provided in this division or as may otherwise be provided by law.

(Code 1958, § 2-66)

Sec. 2-47. Regular meetings.

The city commission shall hold two regular meetings per month. Such meetings shall be at 6:30 p.m. on the second and fourth Tuesdays of each month. The time and date of holding such regular meetings may be changed, but only by resolution of a majority of the commission. Regular meetings of the commission that fall on a legal holiday shall be held on the following business day, unless otherwise determined by the commission. All regular meetings shall be held at city hall, unless otherwise determined by the commission. The commission may also determine that it is not necessary that a scheduled regular meeting be held.

(Code 1958, § 2-51)

Sec. 2-48. Special meetings.

- (a) The mayor, three members of the commission or the city manager may call a special meeting of the commission whenever in their opinion the public business may require it. The request for such special meeting shall be communicated to the city manager or, in his absence, to an employee of the city designated by the city manager for such purpose. Written notice of such special meeting shall thereafter be promptly served upon all members of the city commission, either in person or at their place of residence or business.
- (b) No special meeting shall be called pursuant to this section unless six hours' notice is given in advance of such meeting; provided, however, emergency special meetings may be called and held by the commission at an earlier time if the circumstances requiring the emergency are documented in the minutes thereof.
- (c) The city manager or his designee shall as soon as possible affix a copy of the written notice calling for the special meeting upon the public bulletin board, front door, or other visible portion of the city hall. Reasonable notice of such special meeting shall also be given to the local news media. The notice shall state the date, hour and place of the meeting and the purpose for which such meeting is being called. No business shall be transacted at the special meeting except such as is stated in the notice. Special meetings may be called without written notice if publicly announced during the course of a regular meeting of the city commission.

(Code 1958, § 2-52)

Sec. 2-49. Agenda.

The city manager shall prepare an agenda for each city commission meeting. Any matter to be placed on the agenda shall be submitted to the city manager no later than 12:00 noon of the Thursday preceding the regular commission meeting on the following Tuesday. The city manager or any member of the city commission may be allowed to add items to such agenda at the beginning of any regular commission meeting in the discretion of the presiding officer. Emergency items may be added to an agenda at any time, provided that the circumstances surrounding the emergency are documented in the minutes of the meeting.

(Code 1958, § 2-53)

Sec. 2-50. Duties of presiding officer.

The mayor shall preside at all meetings of the city commission, and he shall have a voice and a vote in the proceedings of the commission but no veto power. In the absence or inability of the mayor, the powers of that office shall devolve upon the mayor pro tem. In the absence of both

the mayor and the mayor pro tem, a majority of the commissioners present and representing a quorum shall select a presiding officer for such meeting. The presiding officer shall state every question coming before the commission, call for the vote thereon, announce the decision of the commission on all subjects, and decide all questions of order, subject, however, to an appeal to the commission, in which event a majority vote of the commission present shall govern and conclusively determine such questions of order. The presiding officer shall vote on all questions called for a vote, his name being called last, and he shall sign all ordinances and resolutions adopted by the commission. The mayor, as presiding officer, shall report to the commission all proclamations previously issued or to be issued by him as necessary or appropriate in the performance of his duties as mayor.

(Code 1958, § 2-54)

Sec. 2-51. Roll call.

Before proceeding with the business of any meeting, the city clerk shall call the roll of the members, and the names of the members of the commission present or absent shall be entered on the minutes. If an absent member is excused by the commission, the minutes of the meeting shall so state.

(Code 1958, § 2-55)

Sec. 2-52. Quorum.

A majority of the members of the commission shall constitute a quorum. An affirmative vote of a majority of a quorum is necessary to enact any ordinance or adopt any resolution or take other official action of the commission, except that a vote of four members of the commission is required to enact an emergency ordinance as provided in this division. A number less than a quorum may adjourn the commission from day to day or until a certain time.

(Code 1958, § 2-56)

Sec. 2-53. Voting; conflicts of interest.

The vote of each member of the commission shall be taken by yeas and nays and shall be entered on the official record of the meeting; provided, however, no commission member shall vote in his official capacity upon any measure which inures to his special private gain or shall knowingly vote in his official capacity upon any measure which inures to the special gain of any principal by whom he is employed. Such commission member shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting. Within 15 days after the vote occurs, the commission member shall disclose the nature of his interest as a public record in a memorandum filed with the city clerk who shall incorporate the memorandum in the minutes of the meeting.

(Code 1958, § 2-57)

Sec. 2-54. Order of business.

- (a) Promptly at the hour and date provided in this division, the business of the city commission shall be taken up for consideration and disposition in the following order:
- (1) Roll call.
 - (2) Pledge of allegiance to the flag.
 - (3) Invocation (optional).
 - (4) Approval of the minutes of the previous meetings.
 - (5) Public hearings as scheduled or agendaed.
 - (6) Consideration of ordinances, resolutions and proclamations.
 - (7) Reports by boards and committees.
 - (8) Reports, requests and communications by the city manager.
 - (9) Other items requested to be agendaed by commission members, the city manager and other city officials.
- (b) Matters of an administrative nature, rather than of a legislative or policy nature, shall be referred to the city manager for further investigation, appropriate action and subsequent report to the commission as necessary.
- (c) The order of business may be suspended at any meeting of the commission by oral motion carried by an affirmative vote of a majority of the commission members present.

(Code 1958, § 2-58)

Sec. 2-55. Reading of the minutes.

Unless the reading of the minutes of a city commission meeting is requested by a majority of the commission present, such minutes may be approved as distributed without reading. Corrections, if any, to such minutes shall be made at the time of and prior to such approval.

(Code 1958, § 2-59)

Sec. 2-56. Rules of debate.

- (a) *Presiding officer's role.* The presiding officer of the city commission may debate from the chair and without relinquishing the chair may move and second. He shall not be deprived of any of the rights and privileges of a commissioner because of his acting as the presiding officer.
- (b) *Obtaining the floor.* Every person desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (c) *Interruptions.* A member of the commission or of the public, once recognized, shall not be interrupted when speaking unless it is to call him to order or as otherwise provided in this section.
- (d)

Motion to limit debate. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order or a motion to table. None of such motions shall be debatable, and they shall require an affirmative vote of at least three members of the commission in order to carry.

- (e) *Order of recognition.* The members of the commission, the mayor and city officials shall be recognized first on any matter under discussion before any member of the public shall be allowed to address the commission, unless a public hearing has been scheduled or agendaed on a specific matter. If a public hearing is scheduled or agendaed, the hearing may be introduced by a brief presentation or report on the particular matter by the city manager or his designee or some other city official, as the presiding officer shall deem appropriate. Thereafter, members of the public in favor of the specific matter or proposal shall be recognized and heard first, then those opposed to such matter or proposal shall be recognized and heard, then a brief rebuttal may be allowed in the discretion of the chair.

(Code 1958, § 2-60)

Sec. 2-57. Decorum; disturbing meeting.

While the city commission is in session, the members thereof and the public present in the commission chambers shall not, by conversation or otherwise, delay or interrupt the proceeding nor the peace of the commission. It shall be unlawful for any person to disturb or disrupt a meeting of the city commission or to refuse to obey the orders of the presiding officer in the conduct of the meeting. Such person may be summarily ejected from the meeting, subject to an appeal to the commission which may overrule the chair. Any person found guilty of a violation of this section shall be punished as provided in section 1-6.

(Code 1958, § 2-61)

Sec. 2-58. Sergeant at arms.

The chief of police or such member of the department of public safety as he shall designate shall attend all commission meetings and be the sergeant at arms for the purpose of maintaining order and decorum at such meetings. He shall act under the direction and control of the presiding officer.

(Code 1958, § 2-62)

Sec. 2-59. Ordinances and resolutions.

All ordinances and resolutions shall be prepared or reviewed by the city attorney. No ordinance shall be submitted to the city commission for consideration unless ordered by a majority vote of the commission or requested in writing by at least three commissioners. The provisions of F.S. § 166.041, as now or hereafter amended are adopted by reference.

(Code 1958, § 2-63)

Sec. 2-60. Rules of order.

Robert's Rules of Order, Newly Revised, shall govern the deliberations of the city commission, except when in conflict with the terms and provisions of this division and applicable state law.

(Code 1958, § 2-64)

Sec. 2-61. Compensation and expenses.

- (a) Members of the city commission shall receive as compensation for their services the sum of \$1166.67 each per month, and the mayor shall receive an additional \$100.00 per month.
- (b) In addition, the city commission shall approve the payment of actual and necessary expenses incurred by city commissioners in the performance of their duties in office. Such approval may be authorized in advance or made by reimbursement. Unless and until otherwise directed by the commission, the form currently used by the city to advance or reimburse employees for job-related expenses incurred by them, as such form may be amended from time to time, shall be adopted and used by the city commission to advance or reimburse commissioners for their expenses incurred in office.

(Code 1958, § 2-65; Ord. No. 858, § 1, 9-24-98; Ord. No. 893, § 1, 10-27-98)

State law reference— Travel expenses, F.S. § 112.061.

Secs. 2-62—2-80. Reserved.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 50

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Negron

SUBJECT: Public Meetings

DATE: February 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	McVaney	GO	Fav/CS
2.			AP	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
 B. AMENDMENTS..... Technical amendments were recommended
 Amendments were recommended
 Significant amendments were recommended

I. Summary:

CS/SB 50 requires members of the public to be given a reasonable opportunity to be heard on a proposition before a state or local government board or commission. Such opportunity does not have to occur at the same meeting at which the board or commission takes official action if certain requirements are met. The bill excludes specified meetings and acts from the "right to speak" requirement.

The bill specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. It authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the section upon the filing of an application for such injunction by any citizen of Florida. If an action is filed against a board or commission to enforce the provisions of the section and the court determines that the board or commission violated the section, the bill requires the court to assess reasonable attorney fees against the appropriate state agency or authority. The bill also authorizes the court

to assess reasonable attorney fees against the individual filing the action if the court finds that the action was filed in bad faith or was frivolous. The bill excludes specified public officers from its attorney fee provisions. The bill requires a court to assess reasonable attorney fees if a board or commission appeals a court order finding that such board or commission violated the section and the order is affirmed.

The bill provides that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation.

This bill creates section 286.0114 of the Florida Statutes.

II. Present Situation:

Florida Constitution: Public Meetings

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.¹

Government in the Sunshine Law

Access to government meetings is also governed by the Florida Statutes. Section 286.011, F.S., also known as the "Government in the Sunshine Law" or "Sunshine Law," requires all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken to be open to the public at all times. The board or commission must provide reasonable notice of all public meetings. Public meetings may not be held in certain locations that discriminate on the basis of sex, age, race, creed, color, origin, or economic status or which operates in a manner that unreasonably restricts the public's access to the facility.² Minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and be open to public inspection.³

Right to Speak at Public Meetings

The Florida Constitution and the Florida Statutes are silent concerning whether citizens have a right to be heard at a public meeting. To date, Florida courts have heard two cases concerning whether a member of the public has a right to be heard at a meeting when he or she is not a party to the proceedings.

In *Keesler v. Community Maritime Park Associates, Inc.*,⁴ the plaintiffs alleged that the Community Maritime Park Associates, Inc. (CMPA)⁵ violated the Sunshine Law by not

¹ Article I, s. 24(b) of the Florida Constitution.

² Section 286.011(6), F.S.

³ Section 286.011(2), F.S.

⁴ 32 So.3d 659 (Fla. 1st DCA 2010).

⁵ The CMPA is a not-for-profit corporation charged by the City of Pensacola with overseeing the development of a parcel of public waterfront property. The CMPA did not dispute that it was subject to the requirements of the Sunshine Law. *Id.* at 660.

providing them the opportunity to speak at a public meeting concerning the development of certain waterfront property. The plaintiffs argued that the Sunshine Law phrase “open to the public” grants citizens the right to speak at public meetings. The First District Court of Appeal held that no such right exists:

Relying on the language in *Marston*⁶, the trial court determined that, although the Sunshine Law requires that meetings be open to the public, the law does not give the public the right to speak at the meetings. Appellants have failed to point to any case construing the phrase “open to the public” to grant the public the right to speak, and in light of the clear and unambiguous language in *Marston* (albeit dicta), we are not inclined to broadly construe the phrase as granting such a right here.⁷

In the second case, *Kennedy v. St. Johns Water Management District*, the plaintiffs alleged, in part, that the St. Johns Water Management District (the district) violated the Sunshine Law by preventing certain people from speaking at a public meeting concerning the proposed approval of a water use permit.⁸ The trial court held that, “Because, as clearly articulated in *Keesler*, the Sunshine Law does not require the public be allowed to speak, plaintiffs’ claim ... fails as a matter of law.”⁹ The Fifth District Court of Appeal affirmed the trial court’s ruling.¹⁰

III. Effect of Proposed Changes:

The bill creates s. 286.0114, F.S., providing that members of the public must be given a reasonable opportunity to be heard on a proposition before a board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action on the proposition if such opportunity:

- Occurs at a meeting that meets the same notice requirements as the meeting at which the board or commission takes official action on the item;
- Occurs at a meeting that is during the decision-making process; and
- Is within reasonable proximity in time before the meeting at which the board or commission takes the official action.

A private entity is generally subject to public records and open meetings laws when 1) there has been a delegation of the public agency’s governmental functions; or 2) the private entity plays an integral part in the decision-making process of the public agency or has a significant level of involvement with the public agency’s performance of its duties. See Ops. Att’y Gen. Fla. 92-53 (1992) (direct support organization created for purpose of assisting public museum subject to s. 286.011, F.S.); 83-95 (1983) (where county accepted services of nongovernmental committee to recodify and amend county’s zoning laws, committee subject to Sunshine Law).

⁶ In *Wood v. Marston*, the Florida Supreme Court held that the University of Florida improperly closed meetings of a committee charged with soliciting and screening applicants for the deanship of the university’s college of law. However, the *Marston* court noted “nothing in this decision gives the public the right to be more than spectators. The public has no authority to participate in or to interfere with the decision-making process.” *Wood v. Marston*, 442 So.2d 934, 941 (Fla. 1983).

⁷ *Keesler*, *supra* note 3, at 660-61.

⁸ The trial court was the Circuit Court of the Seventh Judicial Circuit, in and for Putnam County, Florida. See the trial court’s “Order Granting Motion for Summary Judgment,” September 28, 2010, at 1-3 (on file with the Governmental Oversight and Accountability Committee).

⁹ *Id.* at 6.

¹⁰ 2011 WL 5124949 (Fla. 5th DCA 2011).

The opportunity to be heard is not required for meetings that are exempt from open meetings requirements or for meetings in which the board or commission is acting in a quasi-judicial capacity. The bill specifies that such exclusion does not affect the right of a person to be heard as otherwise provided by law.

In addition, the opportunity to be heard is not required when a board or commission is considering:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, when compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act; or
- An official act involving no more than a ministerial act.

The bill specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.

The bill authorizes a board or commission to adopt reasonable rules or polices governing the opportunity to be heard.¹¹ Such rules or policies must be limited to those that:

- Provide guidelines regarding the time an individual has to address the board or commission;
- Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
- Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard, to indicate his or her support, opposition, or neutrality on a proposition, and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
- Designate a specified period of time for public comment.

The bill provides that the board or commission is deemed to be acting in compliance with the section if the board or commission adopts rules or policies in compliance with the section and follows such rules or policies when providing an opportunity to be heard.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing this section upon the filing of an application for such injunction by any citizen of Florida.

Whenever an action is filed against a board or commission to enforce the provisions of this section, the bill requires the court to assess reasonable attorney fees against the appropriate state agency or authority if the court determines that the defendant to such action acted in violation of the section. The bill also authorizes the court to assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. These attorney fee provisions do not apply to a state attorney, to his or her duly authorized assistants, or to an officer charged with enforcing the provisions of the act. The bill

¹¹ Executive branch agencies that are subject to the Florida Administrative Procedure Act (ch. 120, F.S.) *must* adopt through the rulemaking process (s. 120.54, F.S.) any agency statement defined as a rule by s. 120.52, F.S. Section 120.52(16), F.S., defines "rule" to mean each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule.

also requires a court to assess reasonable appellate attorney fees if a board or commission appeals any court order which has found such board or commission to have violated the section and the order is affirmed.

The bill specifies that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation.

The bill's effective date is October 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of s. 18, Art. VII of the Florida Constitution may apply because this bill could cause counties and municipalities to incur additional expenses associated with longer meetings or increased meetings due to the new requirement that the public be provided with the opportunity to speak at such meetings.¹² An exemption may apply, however, if the bill has an insignificant fiscal impact. If an exemption does not apply, an exception may still apply if the bill articulates a finding of serving an important state interest and applies to all persons similarly situated. The bill contains a legislative finding of important state interest and applies to boards and commissions of all state agencies and authorities and all agencies and authorities of counties, municipal corporations, and political subdivisions; therefore, it appears to apply to all persons similarly situated.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality may be bound by any general law that mandates it to spend funds or take an action requiring the expenditure of funds unless the Legislature determines that such law fulfills an important state interest *and* one of specified other requirements are met. The other specified requirements are:

- Funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- The Legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of each such county or municipality;
- The law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; *or*
- The law is required to either comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance. *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Governmental entities may incur additional meeting related expenses because longer meetings may be required when considering items of great public interest. The amount of those potential expenses is indeterminate and will vary depending on the magnitude of each issue and the specific associated meeting requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:**Rulemaking**

The constitutional separation of powers doctrine¹³ prevents the Legislature from delegating its constitutional duties.¹⁴ Because legislative power involves the exercise of policy-related discretion over the content of law,¹⁵ any discretion given an executive branch agency to implement a law must be “pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”¹⁶ Although the bill authorizes, but does not require, boards and commissions to adopt certain rules or policies, executive branch agencies are required to adopt as a rule a statement of general applicability that implements law or policy and that imposes a requirement not specifically required by statutes or existing rule.¹⁷ The bill prescribes the items that such rules or policies may address.

Boards and commissions subject to the state Administrative Procedure Act¹⁸ must comply with the rulemaking procedures set forth in that chapter. Generally, rulemaking pursuant to those procedures takes a minimum of 90 days.¹⁹

Other Comments

¹³ Article II, s. 3 of the Florida Constitution.

¹⁴ See *Florida State Bd. of Architecture v. Wasserman*, 377 So.2d 653 (Fla. 1979).

¹⁵ See *State ex rel. Taylor v. City of Tallahassee*, 177 So. 719 (Fla. 1937).

¹⁶ See *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978).

¹⁷ See note 11.

¹⁸ Chapter 120, F.S. The chapter applies to any “agency” as defined in s. 120.52(1), F.S.

¹⁹ See s. 120.54, F.S.

The bill does not define the terms “proposition,” “reasonable proximity,” “ministerial act,” “factions,” and “groups.”

The bill does not specify what is considered an “unreasonable delay” when deciding if the public’s opportunity to be heard should be usurped.

It is unclear whether a state board’s or commission’s denial of someone’s right to speak may constitute an agency action challengeable under the Administrative Procedure Act. In cases in which an administrative remedy is available, a plaintiff may be required to exhaust all administrative remedies before pursuing a civil remedy.²⁰

As currently drafted, each state or local board or commission is authorized to create its own rules or policies governing the right to speak. Allowing each state board or commission to create its own rules allows it to tailor its rules to its needs, but may not provide as much ease of use by the public as would uniform rules created by an entity such as the Administration Commission.

The bill specifies that a circuit court may issue injunctions to enforce the provisions of the act. It is unclear whether this could be interpreted to exclude civil remedies other than injunctions and the attorney fees also explicitly authorized by the bill.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on February 6, 2013:

The CS differs from the original bill in that it:

- Creates a definition for “board or commission” for drafting clarity. The substance of the definition is pulled from the original bill.
- Clarifies that an opportunity to speak must occur at a meeting that is within reasonable proximity *in time* to the meeting at which the board or commission takes official action on the proposition.
- Specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.
- Changes the term “item” to “proposition” throughout the bill for conformity.
- Deletes the phrase “with respect to the rights or interests of a person” from (3)(d) to prevent confusion over whom or what constitutes a “person.”
- Clarifies that the restrictions on rules and policies apply only to those governing the opportunity to be heard.
- Rephrases (4)(a), relating to specifying *a limit* on the time an individual has to address a board or commission, to provide more flexibility by instead specifying that a board or commission may provide *guidelines* relating to the time an individual may speak.
- Rephrases (4)(b), relating to *requiring* a selection of a representative of a group or faction, to provide more flexibility by instead specifying that a board or commission

²⁰ See, for example, *Orange County, Fla. v. Game and Fresh Water Fish Commission*, 397 So.2d 411 (Fla. 5th DCA 1981).

may *prescribe procedures* for allowing representatives of a group or faction to address the board or commission.

- Replaces the phrase “it is presumed that” in (5) with “is deemed to be” to prevent confusion about whether the subsection is creating a rebuttable legal presumption.
- Relocates the authorization of a circuit court to issue injunctions before the attorney fee provisions for drafting clarity.
- Replaces the authorization of *the* circuit courts to issue injunctions with *a* circuit court for drafting clarity.
- Authorizes attorney fees at the appellate level in addition to at the circuit court level if a board or commission is found to have violated the section.
- Replaces references within the bill to “the act” with “the section” for clarity.
- Adds a finding of important state interest.
- Changes the bill’s effective date to from July 1, 2013 to October 1, 2013 to allow boards and commissions subject to ch. 120, F.S., to promulgate rules.

B. Amendments:

None.

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

Date of Meeting: September 11, 2013

Date Submitted: September 3, 2013

To: Honorable Mayor and Members of the City Commission

From: Jack L. McLean Jr., City Manager
Bernard O. Piawah, Director, Building and Planning

Subject: Acquisition of a Portion of Sheline Property Adjacent to Byrd Landfill and Annexation of Magnolia Forest Subdivision

Statement of Issue

This agenda item is intended to present to the City Commission two issues of interest to the City at the moment: 1) the proposed acquisition of a portion of the land adjacent to Quincy Byrd Landfill owned by Sheline Partnership; and 2) the negotiation for annexation of the land bridge to Magnolia Forest Community, a residential subdivision that was created by the Sheline Partnership. The City's staff is seeking the Commission's authorization to enter into negotiations with Sheline Partnership, LLLP regarding the purchase of a portion of their property adjacent to the landfill provided that the Sheline Partnership agrees to the annexation of the land bridge on Selman Road and their remaining unsold lots within Magnolia Forest Community. Please see Attachment A for the letter from Sheline Partnership, LLLP offering to sell a portion of their property adjacent to the landfill.

Background

Regarding the Quincy Byrd Landfill, Sheline Partnership, LLLP, owns the land east of the landfill. For the past several years, the State Department of Environmental Protection (DEP) had required the City to conduct groundwater monitoring and evaluation on the property east of the landfill for potential groundwater contamination. The latest report was submitted to the DEP on August 7, 2013. According to that report,

a vinyl chloride level that exceeds EPA's allowed standard was observed in a couple of the monitoring wells located east of the landfill boundary. The report recommends additional rounds of groundwater monitoring to confirm results.

Subsequently, on August 22, 2013, the City received a letter from Sheline Partnership, LLLP, asking the City to purchase approximately 25 acres of its property east of the landfill that is currently under the cloud of potential contamination. The City's staff would like to enter into negotiations with the Sheline Partnership, LLLP for the purchase of this land because the acquisition of this area would remove any possible litigation issues with Sheline Partnership, LLLP. Also, according to Trinity, Inc., when all necessary studies have been completed, DEP could require the City to take a variety of actions, one of which is remediation. The DEP could also ask for institutional controls on the impacted land such as deed restriction on the use of the impacted land; such deed restriction is easier to institute if the City owns the impacted area. The set up for remediation could cost the City about \$300,000.00 plus ongoing maintenance cost. On the other hand, based on the information on the Property Appraiser's website, the estimated cost of the Sheline property ranges from \$50,000.00 to 107,000.00. So, it may be more economically feasible for the City to purchase the Sheline property compared to remediation.

With respect to the proposed annexation of Magnolia Forest Community, this subdivision has been the focus of the City's annexation plan for the past several years. The City invested in the development of this community with the understanding that it will one day be annexed into the City. Such investments include underground utility lines and street lights. However, the annexation was stalled due to a lack of the necessary land bridge that will connect the City to the proposed annexation area as required by state law. The land on Selman Road that will provide the land bridge is owned by Sheline Partnership, LLLP. Sheline still owns about 44 unsold lots inside Magnolia Forest Community. The City would like to tie the offer by Sheline to sell a portion of their land east of the landfill with an agreement with the Sheline Partnership for the annexation of their property on Selman Road including the unsold lots within Magnolia Forest Subdivision.

The City's staff is requesting that the Commission authorize staff to initiate discussions with Sheline Partnership, LLLP for the purchase of a portion of their property east of the landfill and at the same time negotiate an agreement with them that will facilitate the annexation of the Magnolia Forest Community.

OPTIONS:

- Option 1 Vote to authorize staff to enter into negotiations with Sheline Partnership LLLP for the purchase of a portion of their property east of the landfill and to make the purchase of the land contingent on their agreement to allow the City annex their property on Selman Road as well as the unsold lots within Magnolia Forest Subdivision.

Option 2 Do not vote to authorize staff to enter into negotiations with Sheline Partnership LLLP for the purchase of a portion of their property east of the landfill and to make the purchase of the land contingent on their agreement to allow the City annex their property on Selman Road as well as the unsold lots within Magnolia Forest Subdivision.

STAFF RECOMMENDATION:

Option 1

Attachment:

- 1) Letter from Sheline Partnership, LLLP for the purchase of their property

Background to Resolution No: 1304-2013

CITY OF QUINCY CITY COMMISSION AGENDA REQUEST

Date of Meeting: August 13, 2013

Date Submitted: August 7, 2013

To: Honorable Mayor and Members of the City Commission

From: Jack L. McLean Jr., City Manager
Charles J. Hayes, CRA Director

Subject: Apply for FRDAP Grant for Corry Field Bleachers

Statement of Issue:

Florida Recreation Development Assistance Program (FRDAP) is a state competitive grant program that provides financial assistance to local governments to develop and/or acquire land for public outdoor recreational purposes. The maximum grant request is \$200,000.

Background:

The Grants Section of the Office of Financial Management administers grants to local governments through the FRDAP and the Land and Water Conservation Fund (LWCF). These are competitive, reimbursement grant programs which provide financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities in Florida and other legally constituted local governmental entities, with the responsibility for providing outdoor recreational sites and facilities for the general public.

The Governor has signed the 2013-2014 budget that gives \$642,000.00 for the FRDAP approved last September 2012 for \$50,000 grants. Proviso language determined that the money was to fund all of the Small Development category applications that are \$50,000.00 or less.

Staff contacted a company that builds and repair stadium bleachers to ascertain the feasibility of repairing the existing bleachers at Corry Field. The companies inspected both visitors and the home bleachers and determined that neither side conforms to the current codes for stadium seating, in addition to this, it was stated that they both were safety hazards.

Staff received an estimate to replace both sides of the stadium. The following is the estimated cost to replace the visitor side, \$110,250 and \$237,120 for the home side. To upgrade the press box is an additional \$115,000.00 (optional). The total is \$347,370. Not to include the press box.

The total of the FRDAP Grant is \$200,000. FRDAP has a matching element included in the grant application. However, this amount can be substituted for In kind services. Staff is seeking permission to apply for these funds to replace the bleachers at Corry Field.

If the Commission approves, Staff is requesting a Public Hearing be held at our next regular Commission Meeting. This is a requirement of the Grant.

Options:

1. Give staff permission to apply for funds for Corry Field improvements
2. Authorize staff to advertise for a Public Hearing at our next regular Commission Meeting
3. Do not give staff permission to apply for funding

Staff Recommendation:

Options 1 & 2

Attachment:

Letter from Outdoor Aluminum, Inc.



Outdoor Aluminum

P.O. BOX 118; GENEVA, AL 36340

1-800-225-4249 PHONE

1-334-684-2231 FAX

Date: 8/6/2013

City of Quincy, FL
Football Stadium Renovation

Attn: Charles Hayes

Mr. Hayes,

Thank you for the opportunity to help you with the football stadium in you city. After meeting with you on June the 25th of 2013 I am sorry to report that it would be a problem to try and bring the existing bleachers up to current code. Just a few observations from my part, the current guardrail is out of date and does not meet code, there are no vertical aisles with handrail or contrasting nosing as per code, there are no riser/kick boards, no ADA accessibility, missing parts that hold the plank in place making the seats/footboards un-safe when people are walking on are missing. This is some of the main things that I saw, there were also some possible problems with the frame work being old and having missing parts as well. This is the case for both home and visitors side.

If I can be of further service let me know.

Thanks.

Eddie Spears/Sales Manager-Estimator



Outdoor Aluminum, Inc.

1989 East State Hwy. 52

Geneva, AL 36340

Fax: 334-684-2231

Toll Free: 800-225-4249

E-mail: espears@outdooraluminum.com

Background to Resolution No. 1305-2013

CITY OF QUINCY CITY COMMISSION AGENDA REQUEST

Date of Meeting: August 13, 2013
Date Submitted: August 7, 2013
To: Honorable Mayor and Members of the City Commission
From: Jack L. McLean Jr., City Manager
Charles J. Hayes, CRA Director
Subject: Apply for FRDAP Grant for Tanyard Creek

Statement of Issue:

Florida Recreation Development Assistance Program (FRDAP) is a state competitive grant program that provides financial assistance to local governments to develop and/or acquire land for public outdoor recreational purposes. The maximum grant request is \$200,000.00.

Background:

The Grants Section of the Office of Financial Management administers grants to local governments through the FRDAP and the Land and Water Conservation Fund (LWCF). These are competitive, reimbursement grant programs which provide financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities in Florida and other legally constituted local governmental entities, with the responsibility for providing outdoor recreational sites and facilities for the general public.

The Governor has signed the 2013-2014 budget that give \$642,000.00 for the FRDAP Grants for \$50,000 grants approved in September 2012. Proviso language determined that the money was to fund all of the Small Development category applications that are \$50,000.00 or less.

In the initial phase of Tanyard Creek Park, the Pavilion at the North parking lot was eliminated in order to save money and to include other items that were determined to be necessary for the operation of the Park.

The quote for the additional Pavilion is estimated to cost \$40,000.00. We will be including picnic tables and additional Park benches.

This Grant will be applied in the Small Development category. The maximum of funds for this category is \$50,000.00. We can apply and qualify to receive both grants.

If the Board approves, I am requesting that a Public Hearing be held at our next regular Commission Meeting. This is a requirement of the Grant.

Options:

1. Give staff permission to apply for funds for additional Pavilion at Tanyard Creek
2. Authorize staff to advertise for a Public Hearing at our next regular Commission Meeting
3. Do not give staff permission to apply for funding

Staff Recommendation:

Options 1 & 2

Background to Resolution Nos. 1304-2013 + 1305-2013

CITY COMMISSION
CITY HALL
QUINCY, FLORIDA

REGULAR MEETING
AUGUST 13, 2013
6:00 P.M.

The Quincy City Commission met in regular session Tuesday, August 13, 2013, with Mayor Commissioner Dowdell presiding and the following present:

Commissioner Larry D. Edwards
Commissioner Micah Brown
Commissioner Derrick D. Elias
Commissioner Gerald A. Gay, III

Also Present:

City Manager Jack L. McLean Jr.
City Clerk Sylvia Hicks
Finance Director Theresa Moore
Customer Service Director Ann Sherman
Utilities Director Mike Wade
Fire Chief Scott Haire
Information Technology Director John Thomas
Planning Director Bernard Piawah
Accountant III Yvette McCullough
Account Specialist Catherine Robinson
Parks and Recreation Director Greg Taylor
CRA Manager Charles Hayes
Executive Assistant to City Manager Cynthia Shingles
Acting Human Resources Director Bessie Evans
Code Enforcement Officer Marvin Tribue
Recreation Coordinator Markey Rivers
Sergeant At Arms Chief Walt McNeil

Call to Order:

Mayor Commissioner Dowdell called the meeting to order, followed by the Lord's Prayer and the Pledge of Allegiance.

Approval of Agenda

Commissioner Gay made a motion to approve the agenda. Commissioner Brown seconded the motion. The ayes were unanimous.

Approval of Minutes:

Commissioner Gay made a motion to approve the minutes of the July 23, 2013 regular meeting with corrections if necessary. Commissioner Brown seconded the motion. The ayes were unanimous.

Commissioner Gay made a motion to approve the minutes of the July 24, 2013 special meeting with corrections if necessary. Commissioner Brown seconded the motion. The ayes were unanimous.

Public Hearings, Ordinances, Resolutions, and Proclamations:

Resolution No. 1302-2013 Support of Gadsden County Agriculture Office Grant Request

Commissioner Gay made a motion to approve Resolution No. 1302-2013 in support of the Gadsden County Agriculture Extension Office. Commissioner Edwards seconded the motion. The ayes were unanimous.

Resolution No. 1303-2013 Joint Economic Development Resolution

Commissioner Edwards made a motion to approve Resolution No. 1303-2013 a Joint Resolution Supporting Economic Development. Commissioner Gay seconded the motion. The ayes were unanimous.

Presentations:

Summer Workers' Experiences

The following students were present and addressed the Commission indicating that they enjoyed working with the City and it is a good program:

- Renardo Williams - Utility Department
- Knute Bruner - Code Enforcement/Recreation
- Kenneth Smith, Jr. - Human Resources

Citizens to Be Heard:

Denise P. Hannah of 714 South 9th Street came before the Commission and asked the status of her records request. The Clerk advised Ms. Hannah that she should have her request by Monday.

Minister Alphonso Figgers of 215 N. Chalk Street came before the Commission to thank them for a successful National Night Out in Shaw's Park and thanked Sgt. Monroe.

Minister Figgers presented Certificates of Appreciation to the following for a donation in support of their Banquet: Commissioners Larry Edwards and Andy Gay, City Manager Jack McLean, City Clerk Sylvia Hicks and Finance Director Theresa Moore.

Minister Figgers requested security lights be added on the East and West sides of the Park and add an electric outlet.

Mayor Dowdell stated that he is proud of what Mr. Figgers and the Shaw's Quarter Community are doing in the neighborhood.

Steven Slade, Representative of the Florida Big Bend Police Benevolent Association (PBA) came before the Commission requesting that the City begin negotiations, they have been ready since the contract was ratified. He reminded the Commission that the organization had filed an Unfair Labor Practice against the City earlier and they withdrew ULP complaint because the City agreed that this would not happen again.

Ms. Regina Davis of 224 South Adams Street came before the Commission with the following concern: Ms. Davis stated she had approached the Manager and requested funds to host a reception for Nat Adderely, Jr. at the Quincy Garden Center. She stated that she was upset when the City could bring Fantasia to the City and can't do a reception for someone that was born in Quincy. The Commission advised Ms. Davis to get with the Manager.

David Wright of 219 South Calhoun Street came before the Commission to request that the City repair his window. He stated that while the City crew was mowing, an object flew from under the mower and broke his window on his house. He reported the incident to Human Resources and was advised to file an insurance claim which was denied. Mr. Wright stated this occurred July 23rd and they have been back and forth with the City and nothing has happened. Bessie Evans, Acting Human Resources Director, stated that the claim was denied and we were not liable. The Manager stated that he had just been informed of the issue and had advised staff to repair the window.

Consent Agenda:

Discussion(s):

Resolution in Support of Gadsden County Agriculture Extension Office Grant Application Request – Discussed along with Resolution No. 1302

Joint Economic Development Resolution – Discussed along with Resolution No. 1303.

Request to Demolish and Acquire Abandoned Dilapidated and Dangerous Structures

Commissioner Elias made a motion to table the request to demolish and acquire abandoned, dilapidated and dangerous structures until Budget completion. Commissioner Brown seconded the motion. The ayes were unanimous.

Apply for FRDAP Grant for Corry Field Bleachers

Commissioner Gay made a motion to allow staff to apply for a FRDAP Grant and authorize staff to advertise for a public hearing at the next regular City Commission meeting for Corry Field Bleachers. Commissioner Brown seconded the motion. The ayes were unanimous.

Apply for FRDAP Grant for Tanyard Creek for a Pavilion

Ms. Regina Davis of 224 South Adams Street came before the Commission with the following concern: She stated that the tennis court is not complete and when was the City going to meet with the District to see what is needed in the Park. Ms Davis asked the Commission to poll the District before anymore concerts are held to see if this is what they want. Commissioner Elias asked why is the CRA Director spearheading this request, this should be coming from the Recreation Department. Commissioner Brown requested to table this request until a meeting is held with the community. The Manager stated this is a time sensitive matter.

Report(s)/Information:

City Manager's Reports:

City Manager McLean read a thank you card from Don and Cathy Anderson for the role the Mayor played in getting the fallen tree cleared on Elm Street.

City Manager McLean reported that the proposed budget will be distributed on Thursday.

Commissioner Brown asked the status of the Audit. Finance Director Theresa Moore stated that there is still one outstanding matter with the Auditor and she will prepare a response for the financials to update the notes, MDNA, the transmittal letter and the statistics. She stated we are working hard to get it out tonight. Ms. Moore stated that this is probably a two week turnaround time left and we should have a draft by the August 27, 2013 meeting.

City Attorney's Report(s): None

Commissioner's Reports:

Commissioner Elias requested the presence of the Auditor for the next Commission Meeting.

Commissioner Elias asked if we have resolved all the invoices from the City Attorney. The Manager stated he thinks that we have.

Commissioner Elias asked if we had caught up on the delinquent American Funds for the employees. The Finance Director stated she is working on it. Commissioner Elias

asked for a total amount by the end of the week that is owed to catch up the delinquent account. Commissioner Elias stated that he had to leave the Special Meeting and asked if we voted to pay the \$126,000 to the 175-185 for the Police and Fire Pension. Mayor Dowdell stated we voted to take the money from the unrestricted reserves. Commissioner Elias asked why we didn't pay the \$126,000 from the line of credit. Commissioner Edwards stated the stipulation is to replenish the reserves when the money comes in.

Commissioner Elias asked what amount that is left in the line of credit. The Finance Director stated approximately \$300,000. Commissioner Elias asked the Finance Director how much do we have in unrestricted funds. She stated approximately \$1.9 million dollars.

Commissioner Elias stated we need to expedite the process on records requests.

Commissioner Elias advised the Manager that he need to respond to emails more expeditious.

Commissioner Elias stated that it was our responsibility to repair the window even though it was denied by the insurance company.

Commissioner Elias stated we need to place a moratorium on spending to see exactly where we are since we have a cash flow problem.

Commissioner Elias stated that when it comes to concerts and mainly City sponsored events, they need to come before this Board. He would like to know who DH Entertainment is and if we signed a contract. We are the City leaders and we will be subjecting our citizens to approximately 4,000 people, we will be using our personnel for security and traffic control. He stated that this is becoming a scheme as a way to circumvent the policies and procedures. We have missed out on \$20,000 but we are partnering with a non-profit organization and we will only receive \$800 from each event. The Manager stated that he read the Rules and Regulations and have applied them as written and this is not required to come before the Commission. The Manager stated the City's involvement is to provide overnight stay at the hotels and give business to restaurants, but if he had to quantify in a dollar amount, it is from \$12,000 to \$15,000. The Manager also stated that this meets the goals and objectives of the comprehensive plan. The Keith Sweat concert did not come before the Commission and the Education Foundation will benefit from this event. Commissioner Edwards stated he want us to get out of the promotion business, it causes too much controversy.

Commissioner Elias asked what is the City doing for Nat Adderly, Jr. Commissioner Edwards stated we need to do something for him, he is one of our own. Commissioner Edwards made a motion to approve for the City to expend up to \$500.00 for a reception and have the Mayor present him with a Key and a Proclamation. Commissioner Elias seconded the motion. The ayes were unanimous.

Commissioner Gay stated that the City Manager and Mr. Hayes need to get out of the promotion and the selling of ticket business.

Commissioner Gay stated he has been concerned with the noise associated with those concerts and need to revisit the time frame in which the events occur.

Commissioner Gay stated that giving the Key and a Proclamation should be customary.

Commissioner Edwards stated there has been an increase in break ends in his district. Chief McNeil stated that he has noticed an increase in residential burglaries and has stepped up visibility in the neighborhoods.

Commissioner Brown stated that West G F & A Drive tree limbs are in the utility lines.

Commissioner Brown stated that the concert issue needs to be readdressed.

Mayor Dowdell stated that he is a Randy Bush supporter. He stated he invited the promoter of the concert to come and clear up some rumors. David Hall came before the Commission and told them that he has been in the music industry for over 20 years and what was done on this deal should not have happened. He holds the contract for Fantasia and when he heard that she was coming to Quincy, he wanted to know how. He stated that no one should announce that an artist is going to perform before a contract is signed. He stated that he spoke with Mr. Bush and Mr. Akbar and asked them if they wanted to pay him what he had spent so far on this concert for Fantasia. They indicated that he should go on with the concert. He stated that the City is not involved in the actual concert; he is paying for all of the expenses.

Joanie Bradwell of 644 George Street came before the Commission to publicly apologize for her expressions she had previously said about criminal wrongdoing directed at city officials. She stated that she was only expressing her opinion and was not intentionally trying to hurt anyone.

Mayor Dowdell stated that he had told us earlier that we were going to put all this money in the Park and is not going to be able to use it.

Mayor Dowdell stated that the CRA will meet on tomorrow.

There being no further business to discuss, Commissioner Edwards made a motion to adjourn. Commissioner Brown seconded the motion. The meeting was adjourned.

APPROVED:

Keith A Dowdell, Mayor and Presiding
Officer of the City Commission

ATTEST:

Sylvia Hicks
Clerk of the City of Quincy
Clerk of the Commission thereof

REQUEST FOR QUALIFICATIONS



PROFESSIONAL LEGAL SERVICES

The City of Quincy Commissioners:

Mayor Keith Dowdell

Larry Edwards, Mayor Pro-Tem

Commissioner Micah Brown

Commissioner Derrick Elias

Commissioner Andy Gay

Keith Dowdell, Mayor
The City of Quincy
404 W. Jefferson St.
Quincy Florida 32351

DATE ISSUED: _____

CLOSING DATE: _____

SECTION 1 – REQUEST FOR QUALIFICATIONS NOTICE - ATTORNEY SERVICES

The City of Quincy is requesting the submittal of Letters of Interest/Applications from qualified firms or individuals to provide legal services to the City of Quincy to serve as the City Attorney. The City of Quincy is a municipality located in Gadsden County, Florida. The City operates under a Mayor-Commissioner-Manager form of government.

(5) Sealed letters of Interest/Applications, one (1) copy on CD, **must** be received by the Purchasing Officer at 404 W. Jefferson St., Quincy, Florida no later than **4:00 P.M. on _____**, at which time the Applications will be will be opened in privacy of staff at 4:01 P.M. on _____, for:

ATTORNEY SERVICES

Late Applications shall not be considered and shall be returned unopened. The City of Quincy reserves the right to accept or reject any or all Applications and to waive any deficiency or irregularity in the Applications.

The Request for Qualifications documents will be available on _____ and may be obtained during regular business hours at Quincy City Hall, City Manager's Office, 404 W. Jefferson St. Quincy, Florida (850-627-1019, ext. 6671) or downloaded from the City of Quincy website at www.myquincy.net.

SECTION 2 – BACKGROUND INFORMATION

2.0 Scope of Services/Nature of Application

A. The City of Quincy requests qualified law firms or individuals (“Applicant”) to submit a Letter of Interest and statements of qualifications and experience to provide legal services to the City of Quincy as the City Attorney on a contractual basis.

B. The legal services (“Services”) to be provided as the City Attorney are for general counsel, including but not limited to, local government issues, land use, code enforcement, bidding and purchasing, finance, municipal litigation, insurance, sunshine law, voting conflicts and public records.

2.1 Minimum Qualifications.

An Applicant must meet all of the following requirements in order to be considered qualified:

- A. Attorney(s) must be licensed to practice law in the State of Florida and in good standing with the Florida Bar.
- B. Primary attorney must have at a minimum at least 5 years experience in municipal law.
- C. Applicant, firm or individual must have experience in representing municipal governments in all facets of daily government operations.
- D. For any individual providing litigation services, must be licensed to practice in the State of Florida, and applicable federal courts.

2.2 Information to be Provided.

An Applicant shall submit a response in the form of a Letter of Interest (“Application”) which shall include as attachments all of the following information:

- A. A listing and individual or firm profile of all attorneys with the firm or if an individual, a profile of the individual, who have experience as municipal counsel. The response to this section should also include information as to the length of time that each firm, attorney or individual has provided such services in the public sector.
- B. The resumes of partners and associates who will or could be assigned to the City account, which information should include an indication of the experience that each attorney possesses relative to municipal government representation, specialties, and, if applicable, any courts that they are admitted to practice in.

- C. The individual partner(s) that will have primary responsibility for the City account and be present at City Commissioner's meetings and whether that attorney(s) represent other municipalities.
- D. A description of the general capabilities of the firm, including total size, staffing and research capability.
- E. A list of 5 references and contact information for any municipal, county and/or state governments in Florida for which your firm or the individual currently provides, or has previously provided, municipal services within the last 5 years.
- F. A statement that all of the firm's attorneys to be assigned to the City are members in good standing and members of the Florida Bar.
- G. A statement whether an office will be maintained in Gadsden or Leon County.
- H. Unless confidential, a statement disclosing any complaints filed against the individual or firm or any current member of the firm and the disciplinary procedures taken by the Florida Bar.

2.3 Supplementary Information.

A. A firm or individual may provide a description of any other relevant legal work which the firm or individual has done which further qualifies it to provide legal services as the City Attorney.

2.4 Conflicts of Interest.

A. In regard to the potential for conflicts of interest under the Florida Bar Rules, Article 2, Conflict of Interest and Code of Ethics provide the following:

1. A list of all known conflicts of interest the individual or firm may currently have in the event it was selected to serve as the City Attorney.
2. Provide confirmation that the individual or firm is prepared to take whatever steps the City Commissioners determines are necessary for your firm to take in order to resolve any actual conflicts of interest.

2.5 Criteria for Selection and Evaluation.

Applications will be evaluated using the criteria listed below.

A. City Staff Evaluation of Applicants.

1. All Applications will be reviewed by the Staff to determine that the firm or individual meets the minimum qualifications of paragraph 2.1.
2. Staff will evaluate the qualified Applicants based upon the information submitted with the Application.
3. As part of the evaluation process the Staff may choose to meet with one or more qualified Applicants.
4. As part of the evaluation process staff may check references of qualified Applicants.
5. Staff may consider the following criteria in evaluating the Qualified Applicants:
 - a. Experience in the field in handling municipal related types of matters;
 - b. Depth and specialties of legal talent;
 - c. Availability of resources;
 - d. The existence of any potential conflicts of interest;
 - e. Ability to meet the City's demands in a timely and efficient manner.

B. Nomination and City Commissioners confirmation of nomination.

1. The City Manager, shall nominate, an individual attorney or law firm to act as the City Attorney.
2. The nomination of the firm or individual attorney shall be subject to approval by a majority of the City Commissioners.

C. Negotiation of Agreement.

1. The Manager shall negotiate with the selected firm or individual attorney approved by the City Commissioners, an agreement based upon the terms, conditions and compensation for the City Attorney, as may be established by the City Commissioners, one of which will be the degree that a retainer is used to compensate for City Attorney responsibility.

SECTION 3 – GENERAL CONDITIONS

3.1 RFQ Documents

These RFQ documents constitute the complete RFQ package. All forms and documents must be executed, and submitted as provided in Section 4 of this RFQ.

3.2 Interpretations and Inquiries

All Applicants shall carefully examine the RFQ documents. Any ambiguities or inconsistencies shall be brought to the attention of the Purchasing Agent in writing prior to the submittal deadline.

Any questions concerning the intent, meaning and interpretation of the RFQ documents shall be requested in writing, and received by the Purchasing Agent no later than 5:00 PM, local time, on _____ . Written inquiries shall be addressed to:

City of Quincy
404 West Jefferson St.
Quincy, Florida 32351
Fax: (866) 702-2731

No person is authorized to give oral interpretations of, or make oral changes to, the RFQ documents. Therefore, oral statements shall not be binding and should not be relied upon. Any interpretation of, or changes to, the RFQ documents shall be made in the form of a written addendum to the RFQ document and shall be furnished by the City of Quincy to all Applicants who pick up a set of RFQ documents from the City. Only those interpretations of, or changes to, the RFQ documents that are made in writing and furnished to the Applicant by the City may be relied upon.

3.3 Verbal Agreements

No verbal agreement or conversation with any officer, agent, or employee of the City, either before or after submittal, shall affect or modify any of the terms or obligations contained in the Request for Qualifications. Any such verbal agreement or conversation shall be considered as unofficial information and in no way binding upon the City or the Applicant.

3.4 No Contingent Fees

Applicant by submitting an Application warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Applicant, to solicit or secure the services as the City Attorney, and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Applicant, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of these services.

3.5 Independence

On the form provided in Section 5 of this RFQ, the Applicant shall list, and describe any relationships – professional, financial or otherwise – that it may have with the City, its elected or appointed officials, its employees or agents or any of its agencies or component units for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the services sought in this RFQ.

3.6 Disqualification

More than one submittal from an individual, firm, partnership, corporation or association under the same or different names will not be considered. Reasonable grounds for believing that an Applicant is involved in more than one submittal for the services in this RFQ will be cause for disqualification of all Applications in which such Applicants are believed to be involved.

3.7 Assignment; Non-transferability of Applications

Applications shall not be assigned or transferred. An Applicant who is, or may be, purchased by or merged with any other corporate entity during any stage of the process, through to and including awarding of and execution of an agreement, is subject to having its submittal disqualified as a result of such transaction. Staff shall determine whether an Applicant is to be disqualified in such instances.

3.8 Legal Requirements

Applicants are required to comply with all provisions of federal, state, county and local laws, ordinances, rules and regulations that are applicable to the Services being offered in this RFQ. Lack of knowledge of the Applicant shall in no way be a cause for relief from responsibility, or constitute a cognizable defense against the legal effects thereof.

3.9 Familiarity with Laws and Ordinances

The submission of an Application requested herein shall be considered as a representation that the Applicant is familiar with all federal, state and local laws, ordinances, rules and regulations which affect those engaged or employed in the provision of such Services.

3.10 Execute Agreement

The successful Applicant shall execute an agreement with the City which shall set forth the terms, conditions and compensation of the firm or individual's services to the City.

3.11 Facilities

The Staff reserves the right to inspect each Applicant's facilities at any reasonable time, during normal working hours, without prior notice to determine that the Applicant has a bona fide place of business.

3.12 Withdrawal of Submittal Prior to and After Opening

An Applicant may withdraw an Application after it has been deposited with the City prior to the opening date. An Applicant may not modify an Application after the opening date.

3.13 Reservation of Rights

Staff reserves the right to:

1. Waive any deficiency or irregularity in the selection process;
2. Accept or reject any or all Applicants in part or in whole;
3. Request additional information as appropriate; or
4. Reject any or all Applications if found by Staff not to be in the best interest of the City.

3.14 Addenda

Staff reserves the right to issue addenda. Each Applicant shall acknowledge receipt of such addenda on the form provided herein. In the event any Applicant fails to acknowledge receipt of such addenda, his/her Application shall nevertheless be construed as though the addenda had been received and acknowledged and the submission of his/her Application shall constitute acknowledgment of receipt of all addenda, whether or not received by him/her. It is the responsibility of each prospective Applicant to verify that he/she has received all addenda issued before depositing the Application with the City.

3.15 Review of the RFQ Documents

By the submission of an Application, the Applicant certifies that a careful review of the RFQ documents has taken place and that the Applicant is fully informed and understands the requirements of the RFQ documents and the quality and quantity of Services to be performed.

3.16 Adjustment/Changes/Deviations

No adjustments, changes or deviations to the RFQ will be accepted unless the conditions or specifications of the RFQ expressly so provide.

3.17 Public Records

Any materials submitted in an Application in response to this RFQ will become a “public record” and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes (Public Record Law). Applicants must claim the applicable exemptions to disclosure provided by law in their response to the RFQ by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The City reserves the right to make all final determination(s) of the applicability of the Florida Public Records Law.

3.18 Public Entities Crime

A person or affiliate as defined in Section 287.133, Florida Statutes, who or which has been placed on the convicted vendor list maintained by the Florida Department of Management Services following a conviction for a public entity crime, may not submit an Application to provide any services to the City and may not transact business with the City in an amount set forth in Section 287.017, Florida Statutes, for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

By submitting a response to this RFQ, Applicant certifies that it is qualified under Section 287.133, Florida Statutes, to provide the services set forth in this RFQ.

3.19 Non-Collusion Affidavit

The Applicant shall include the Non-Collusion Affidavit as set forth in the form provided in Section 5 of this RFQ and as described in Section 4 of the RFQ. Applicant’s failure to include the affidavit shall result in disqualification.

3.20 Insurance Requirements

The successful Applicant agrees that it shall maintain at its sole cost and expense at all times, in addition to any other insurance the City may reasonably require, professional liability insurance, employer's liability insurance, comprehensive general liability insurance and automotive liability insurance with minimum policy limits for each coverage in the amount of One Million Dollars (\$1,000,000.00) per occurrence, single limit for property damage and bodily injury, including death. Each policy shall also state that it is not subject to cancellation, modification, or reduction in coverage without thirty (30) days written notice to the City prior to the effective date of cancellation, modification, or reduction in coverage. City Attorney shall obtain all insurance coverage as specified herein.

- A. The liability insurance shall protect the City Attorney and City, from claims set forth below that may arise out of or result from the City Attorney’s Services and for which the City Attorney may be legally liable, whether such operations be by the City Attorney or by anybody performing work for the City Attorney under the

Agreement or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

1. Claims under workers' compensation, disability benefit and other similar employee benefit acts that are applicable to the services to be performed;
2. Claims for damages because of bodily injury, occupational sickness or disease, or death of the City Attorney's employees;
3. Claims for damages because of bodily injury, sickness or disease, or death of any person other than the City Attorney's employees;
4. Claims for damages insured by usual personal injury liability coverage that are sustained (1) by a person as a result of an offense directly or indirectly related to employment of such person by the City Attorney, or (2) by another person;
5. Claims for damages because of bodily injury, death of a person or property damage arising out of ownership, maintenance or use of a motor vehicle; and
6. Claims involving contractual liability insurance applicable to the City Attorney's obligation.

B. The insurance required for the City Attorney's Services shall be written for not less than limits of liability specified in this RFQ or required by law, whichever coverage is greater. Coverage's, whether written on an occurrence or claims-made basis, shall be maintained without interruption from date of commencement of the Services until date of final payment and termination of any coverage required to be maintained after final payment.

C. Certificates of Insurance acceptable to the City shall be filed with the City prior to commencement of the Services. City shall be named as an additional insured on all required insurance coverage.

D. Coverage's Required Minimum Limits

1. Worker's Compensation Statutory Limits – State of Florida
2. Employers' Liability \$500,000 accident
3. General Liability, \$1,000,000 general
Contractual Liability, aggregate, \$500,000 each
Personal Injury Liability occurrence
4. Automobile liability \$1,000,000 BI & PD, each
accident
5. Owned, hired, no owned \$1,000,000 BI & PD, each
Accident.

6. Professional Liability \$1,000,000

SECTION 4 – APPLICATION PROCESS

4.1 Preparation of Applications

4.1.1 Number of Applications

Five (5) sealed Letters of Interest/Applications, one (1) paper original and one (1) copy on CD, **must** be received by the City Manager's Office at 404 West Jefferson St., Quincy, Florida no later than **4:00 P.M. on** _____. Each copy should contain all mandatory and optional information submitted by the Applicant. Additional copies may be requested by the City at its discretion.

4.1.2 Application Packaging

Each Application shall be submitted in a separate plain sealed parcel, box or other secure packaging. The outside of the sealed package shall clearly indicate "Application for City Attorney Services," Applicant's name, address and the name and telephone number of the Applicant's specific contact person.

4.1.3 Signatures

All required signatures should be manual, in **blue ink** of an authorized representative who has the legal authority to bind the Applicant in contractual obligations. The Application shall be typed or legibly printed in ink. Use of erasable ink is not permitted. All blank spaces shall be filled in and noted, in ink or typed. All corrections made by Applicant's to any part of the Application document shall be initialed in ink. Failure to manually sign the appropriate Application forms will disqualify the Applicant and the Application will not be considered.

Applications by corporations shall be executed in the corporate name by the President or Vice-President (or other corporate officer if accompanied by evidence of authority to sign) and the corporate seal shall be affixed and attested by the Corporate Secretary or an Assistant Secretary. The corporate address and state of incorporation shall be shown below the signature.

Applications by partnerships shall be executed in the partnership name and signed by a partner. His/her title shall appear under his/her signature and the official address of the partnership shall be shown below the signature.

4.1.4 Format

The Application shall be typewritten on 8-½x 11 inch white paper. Staple, cerlox binding or similar closures shall secure pages.

All pages are to be consecutively numbered. If a form is provided and there is insufficient space for a response on a form, the response may be continued on a blank page immediately following the form. The additional pages are to be numbered the same as the form with the addition of the letter “a” “b” “c” or 1, 2, 3 etc. If a form is provided and additional forms are needed, the form may be copied. The copied pages are to be numbered the same as the form with the addition of the letter “a” “b” “c” or 1, 2, 3 etc.

Responses shall be complete and unequivocal. In instances where a response is not required, or is not applicable or material to the Application, a response such as “no response is required” or “not applicable” is acceptable.

4.2 Submittal and Receipt of Applications

All Applications shall be submitted on or before **4:00 PM**, local time, on _____, to:
City of Quincy
404 West Jefferson St.
Quincy, Fla 32351

All Applicants are reminded that it is the sole responsibility of the Applicant to ensure that their Application is time stamped in the Office of the Manager prior to **4:00 PM**, local time, on _____. Failure of an Applicant to submit their Application and ensure that their Application is time stamped prior to the time stated above shall render an Applicant to be deemed non-responsive and the Application shall not be considered.

Applications submitted and time stamped on or before **4:00 PM, local time**, on _____ shall be opened publicly in accordance with Section 4.4.

4.3 Evaluation and Selection

The evaluation process is specified in Section 2.5.

4.4 Opening of Applications

The Applications will be opened by staff in privacy at 404 West Jefferson St, Quincy, Florida 32351, at **4:01 PM, local time**, _____. Applicants shall provide the following information in the Application:

4.4.1 Letter of Intent

A Letter of Intent, which will include all of the information requested in Section 2 of the RFQ. The Letter of Intent is to be signed by an officer of the company authorized to bind the Applicant to its provisions. The Letter of Intent is to contain a statement indicating the period during which the Application will remain valid. A period of not less than 90 calendar days is required.

4.4.2 Applicant's Statement of Organization

Applicants shall complete Form 1. Applicants are permitted to supply additional information that will assist the City in understanding the Applicant's organization.

4.4.3 Personnel

Applicants shall provide, preferably in the format requested, all of the information requested in Form 2, which shall include the information requested in Section 2 of the RFQ.

4.4.4 Firm Qualifications and Experience\References

Applicant shall meet the minimum requirements of Section 2 of this RFQ. Applicants shall provide references using Form 3 provided in Section 5.

4.4.5 Transition Plan

Ensuring a smooth, seamless transition is of critical importance to the City. An Applicant shall provide a detailed description of how services will be transitioned from the City's existing counsel to the potentially new Applicant.

4.4.6 Insurance Requirement

Applicant shall provide proof in the form of a certificate of insurance complying with the requirements specified in this RFQ or evidence of insurability in the form of a letter from its insurance carrier indicating that Applicant is able to obtain the required insurance.

4.4.7 Applicant's Non-Collusion Certification

Any Applicant submitting an Application to this RFQ shall complete and execute the Non-Collusion Affidavit of Applicant (Form 4) included in Section 5 of these RFQ documents.

4.4.8 Drug-Free Workplace

Applicant shall certify that it has implemented a drug-free workplace program in accordance with Section 287.087, Florida Statutes. In order to receive consideration, a signed certification of compliance (Form 5), shall be submitted with the RFQ response.

4.4.9 Addenda

The Applicant shall complete and sign the Acknowledgment of Addenda Form 6 in Section 5 and include it in the Application in order to have the Application considered. In the event any Applicant fails to acknowledge receipt of such addenda, his/her Application shall nevertheless be construed as though the addenda had been received and acknowledged and the submission of his/her Application shall constitute acknowledgment of receipt of all addenda, whether or not received by him/her.

4.4.10 Independence Affidavit

Applicants shall list and describe their relationships with the City in accordance with Section 3.5 of the RFQ (Form 7).

4.4.11 Certification to Accuracy of Application

Applicant shall certify and attest, by executing Form 8 of Section 5 of these RFQ documents, that all Forms, Affidavits and documents related thereto that it has enclosed in the Application in support of its Application are true and accurate. Failure by the Applicant to attest to the truth and accuracy of such Forms, Affidavits and documents shall result in the Application being deemed non-responsive and such Application will not be considered.

4.4.12 Background Checks

The Applicant agrees that if selected, the Applicant shall be responsible for maintaining current background checks on all employees assigned to provide Services to the City in accordance with the City's Background Check Policy. Background checks for each individual must be performed prior to providing any Services to the City. Written verification of any background checks must be provided to the City if requested by the City Manager.

4.4.13 Compliance with Code of Ethics

The Applicant agrees that if selected, the Applicant and its employees will abide by the Code of Ethics for Public Officers and Employees, Chapter 112, Florida Statutes.

4.4.14 Audits

The Applicant agrees that if selected, the Applicant shall allow the City Manager or his designee, during the term of any Agreement and for a period of three (3) years from the date of termination or expiration of any Agreement, access to and the right to examine and audit any Records of the Applicant involving transactions related to the Services.

4.5 Cone of Silence

CONE OF SILENCE

I. Notwithstanding any other provision in the specifications. The “Cone of Silence” prohibits the following activities:

A. Any communication regarding this RFQ, RFP or Bid between a potential vendor, service provider, bidder, lobbyist or Applicant and the City’s professional staff, including, but not limited to, the City Manager and his or her staff;

B. Any communication regarding this RFQ, RFP or Bid between the City Commissioners and any member of the City’s professional staff, including but not limited to, the City Manager and his or her staff;

C. Any communication regarding this RFQ, RFP or Bid between potential vendor, service provider, bidder, lobbyist or Applicant and any member of a selection committee;

D. Any communication regarding this RFQ, RFP or Bid between the City Commissioners and any member of a selection committee therefore;

E. Any communication regarding a particular RFQ, RFP or bid between any member of the City’s professional staff and any member of a selection committee; and

F. Any communication regarding a particular RFQ, RFP or bid between a potential vendor, service provider, bidder, lobbyist or Applicant and the Mayor or City Commissioners.

II. These prohibitions do not apply to communications with the City Attorney and his or her staff.

III. The “Cone of Silence” is imposed upon this RFQ, RFP or Bid after advertisement of said RFQ, RFQ or Bid. The “Cone of Silence” shall terminate at the time that staff makes his or her recommendation to the City Commissioners, unless the Commissioners refers the Mayor’s recommendation back to the Mayor for further review.

IV. The “Cone of Silence” shall NOT apply to:

A. Oral communications at pre-bid conferences;

B. Oral presentations before publicly noticed selection committee meetings;

Contract negotiations during any duly noticed public meeting;

Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Mayor makes his or her written recommendation;

Emergency procurement of goods or services;

Communications regarding a particular RFQ, RFP or bid between any person and the City's procurement agent or contracting officer responsible for administering the procurement process for such RFQ, RFP or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document; or

Communications regarding a particular RFQ, RFP or bid between the City's procurement agent or contracting officer responsible for administering the procurement process for such RFQ, RFP or bid and a member of the selection committee provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.

Communications in writing at any time with any City employee, official or member of the City Council unless specifically prohibited by the RFQ, RFP or Bid.

V. Any questions, explanations or other requests desired by an Applicant regarding this RFQ must be requested in writing to the City Clerk, 404 W. Jefferson Street, Quincy, Florida 32351 or via facsimile at 850-875-7313. Applicants must file copies of all written communications with the City Clerk's Office.

VI. Please contact the City Attorney with any questions concerning the "Cone of Silence" compliance.

VII. Upon imposition of the Cone of Silence for a particular RFQ, RFQ or Bid, the Manager shall:

A. Issue a written notice to affected City departments;

B. File a copy of the Notice required by subsection (1) with the City Clerk with a copy to the Mayor and City Commissioners; and

C. Include in the public solicitation for goods and services a statement disclosing the requirements of the Cone of Silence as follows:

4.6 Estimated Schedule

The Staff anticipates that RFQ activities will take place in the order listed below.

Request for Applications Legal Advertisement

RFQ Release

Last Date for Submittal of Written Questions Prior to

Application Due Date

Applications Due

Review and Evaluation

Recommendation to City Commission

City Commissioner Award

Negotiation of Agreement

Commence Services

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SECTION 5 – QUALIFICATION FORMS

The forms located in this section of the RFQ shall be included in the Sealed Application. Forms not completed in full may result in disqualification.

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FORM 1
APPLICANT'S STATEMENT OF ORGANIZATION

1. Full Name of Business Concern (APPLICANT):

Principal Business Address:

2. Principal Contact Person(s):

3. Form of Business Concern (Corporation, Partnership, Joint Venture, Other):

4. Provide names of partners or officers as appropriate and indicate if the individual has the authority to sign in name of Applicant. Provide proof of the ability of the individuals so named to legally bind the Applicant.

Name Address Title

If a corporation, in what state incorporated:

Date Incorporated:

Month Day Year

If a Joint Venture or Partnership, date of Agreement:

5. List all firms participating in this project (including subcontractors, etc.):

Name Address Title

1. _____

2. _____

3. _____

4. _____

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**FORM 1
APPLICANT'S STATEMENT OF ORGANIZATION
(CONTINUED)**

6. Outline specific areas of responsibility for each firm listed in Question 5.

- 1. _____
- 2. _____
- 3. _____
- 4. _____

7. Licenses:

a. County or Municipal Occupational License No.

(Attach Copy)

b. Occupational License Classification:

c. Occupational License Expiration Date:

d. Social Security or Federal I.D. No:

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**FORM 2
PERSONNEL**

For each person providing services sought in the RFQ, provide a detailed resume indicating that individual's areas of expertise and experience. It is preferred that resumes be provided in the following format, but not required. Additional information may be provided at the option of the APPLICANT.

A. Name & Title

B. Years Experience with:

This Firm:

With Other Similar Firms:

C. Education:

Degree(s)

Year/Specialization

D. Other Relevant Experience and Qualifications

E. Attach documentation showing Applicant is an active member of the Florida Bar eligible to practice law in the State of Florida.

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**FORM 3
REFERENCES**

The Applicant shall provide a minimum of five references of public agencies presently, or previously being served by the Applicant with similar services to those being proposed in this Application.

1. Name of Public Agency:

Address:

Phone Number:

Principal Contact Person(s):

Year Contract Initiated: _____

2. Name of Public Agency:

Address:

Phone Number:

Principal Contact Person(s):

Year Contract Initiated: _____

3. Name of Public Agency:

Address:

Phone Number:

Principal Contact Person(s):

Year Contract Initiated: _____

4. Name of Public Agency:

Address:

Phone Number:

Principal Contact Person(s):

Year Contract Initiated: _____

**FORM 3
REFERENCES
(CONTINUED)**

5. Name of Public Agency:
Address:

Phone Number:

Principal Contact Person(s):

Year Contract Initiated: _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

FORM 4
NON-COLLUSION AFFIDAVIT

The undersigned individual, being duly sworn, deposes and says that:

1. He/She is _____ of _____, the Applicant that has submitted the attached Application;

2. He/She is fully informed respecting the preparation and contents of the attached Application and of all pertinent circumstances respecting such Application;

3. Such Application is genuine and is not a collusive or sham Application;

4. Neither said Applicant nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Applicant, firm or person to submit a collusive or sham Application in connection with the Agreement for which the attached Application has been submitted or to refrain from proposing in connection with such Agreement, or has in any manner, directly or indirectly, sought by agreement of collusion or communication of conference with any other Applicant, firm, or person to fix the price or prices in the attached RFQ, or of any other Applicant, or to fix any overhead, profit or cost element of the Application or the response of any other Applicant, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Quincy, Florida, or any person interested in the proposed Agreement; and

[THIS SPACE INTENTIONALLY LEFT BLANK]

**FORM 4
NON-COLLUSION AFFIDAVIT
(CONTINUED)**

5. The response to the attached RFQ is fair and proper and is not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Applicant or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature (Blue ink only)

Print Name

Title

Date

Witness my hand and official notary seal/stamp at _____ the day
and year written above

STATE OF FLORIDA)

) SS:

COUNTY OF _____)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments,
personally appeared _____ as

_____, of _____, an
organization authorized to do business in the State of Florida, and acknowledged executing the
foregoing Affidavit as the proper official of _____ for the use and
purposes mentioned in the Affidavit and affixed the official seal of the corporation, and that the
instrument is the act and deed of that corporation. He/She is personally known to me or has
produced _____ as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and
County aforesaid on this _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:

FORM 5
DRUG-FREE WORKPLACE

The undersigned Applicant in accordance with Chapter 287.087, Florida Statutes, hereby certifies that _____ does:

(Name of Company)

1. Publish a statement notifying employees that the unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

2. Inform employees about the dangers of drug abuse in the work place, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

3. Give each employee engaged in providing the contractual services that are under consideration a copy of the statement specified in subsection (1).

4. In the statement specified in subsection (1), notify the employee that, as a condition of working on the contractual services that are under consideration, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.

5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**FORM 5
DRUG-FREE WORKPLACE
(CONTINUED)**

6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Signature (Blue ink only)

Print Name

Title

Date

Witness my hand and official notary seal/stamp at _____ the day and year written above

STATE OF FLORIDA)

) SS:

COUNTY OF _____)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared _____ as

_____, of _____, an organization authorized to do business in the State of Florida, and acknowledged executing the foregoing Form as the proper official of _____ for the use and purposes mentioned in the Form and affixed the official seal of the corporation, and that the instrument is the act and deed of that corporation. He/She is personally known to me or has produced _____ as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:

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FORM 6

ACKNOWLEDGMENT OF ADDENDA

The Applicant hereby acknowledges the receipt of the following addenda issued by the City and incorporated into and made part of this RFQ. In the event the Applicant fails to include any such addenda in the table below, submission of this form shall constitute acknowledgment of receipt of all addenda, whether or not received by him/her.

ADDENDUM NUMBER	DATE RECEIVED	PRINT NAME	TITLE	SIGNATURE (BLUE IN ONLY)
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**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

Date of Meeting: September 11, 2013
Date Submitted: September 5, 2013
To: Honorable Mayor and Members of the City Commission
From: Jack L. McLean Jr., City Manager
Bernard O. Piawah, Director, Building and Planning
Marvin Tribue, Code Enforcement Officer
Subject: Code Enforcement Status Report for June – August 2013

Statement of Issue:

This is the Code Enforcement Report for the period June 1 – August 12, 2013. During the period from June 1 - August 12, 2013, the City carried out a variety of code enforcement actions regarding dangerous and abandoned buildings, trash/debris, overgrown property and non-operating vehicles. Please see the attached report.

CODE ENFORCEMENT STATUS REPORT
June 2013 – August 2013

- 1) Issued 110 courtesy notices for: (Trash/Debris, Overgrown Property and Non-operating vehicles)
- 2) Received 75 voluntary compliances from the courtesy notices that were sent out for: (trash/debris, overgrown property and non-operating vehicles); approximately 70% compliance rate.
- 3) During this period, three Code Magistrate Hearings were held on June 10th, July 8th and August 12th. The following items were brought before the Magistrate:

A. Dangerous Buildings

1. Loy F. Engle, 1111 W. King Street (being renovated)
2. Hattie Diggs, 1726 M.L. King Blvd (on demolish list)
3. Mazie Jackson, 318 Stanley Street (on demolish list)
4. Lenwood Herron, 221 Circle Drive (on demolish list)
5. Nicholas Chason, 1748 M.L. King Blvd (on demolish list)
6. David Bradley, 1710 Lucky Street (on demolish list)

B. Overgrown Lots

1. William Jackson, Clark Street (case pending)
2. Samuel Meagher, 229 Lowe Street (complied)
3. Barkley Eagerton, 906 Yon Street (complied)
4. Johnnie Burns, 122 Davis Street (complied)
5. Edward Brereton, 103 E. Sharon Street (complied)
6. James Peacock, 423 N. Corry Street (working on compliance)

7. Wayne Hendley, 2nd Street (complied)
8. Ulysses Green, 204 S. Lowe Street (case pending)
9. Creola Williams, 415 Lincoln Street (working on compliance)
10. Brinnie Williams, 208 S. Key Street (case pending)
11. Elizabeth Andrews, 648 S. Stewart Street (complied)
12. Brenda Carswell, 542 N. Adams Street (case pending)
13. Lillia Markevitch, 800 Bellamy Drive (complied)
14. Quinton Williams, 1704 M.L. King Blvd (complied)
15. Estelle Forehand, Flagler Street (complied)
16. Samuel Dixie, Flagler Street (complied)
17. Clarence Davis, 1802 Hamilton Street (complied)
18. Capital City Bank, 916 W. Jefferson Street (pending compliance)
19. Sylvester Moten, 535 Key Street (complied)
20. Sampson Samuel, 915 7th Street (complied)
21. Jean Spears, 618 W. Washington Street (complied)
22. RFT Asset Management, 1703 Florida Ave (complied)
23. Rhudeen Lane, 236 Marshall Street (case pending)
24. Asa Mack, 7th Street (case pending)
25. Francis Flores, 1126 Pine Ave (complied)

C. Non-operating Vehicles

1. Hazel Mitchell, 909 Clark Street (complied)
2. Willie Colson, 930 Sikes Street (requested extension)

3. John & Dorothy Dennis, 217 Shadow Street (requested extension)
4. Brenda Fitzgerald, 831 Sikēs Street (case pending)
5. Ardania Holloman, 888 Arlington Circle (case pending)
6. Trendera Baker, 248 Ivey Drive (requested extension)
7. Perry Jackson, 67 N. Virginia Street (complied)
8. Bonnie Watson, 218 S. Lowe Street (complied)
9. Flossie Jones, 258 Marshall Street (case pending)
10. Solomon Williams, 443 N. Adams Street (complied)