FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA

August 28, 2014

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

7:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Pastor J. Rush, Deeper Life Church
Pledge of Allegiance - Police Chief Terry Isaacs

2. ROLL CALL

3. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up may be discussed by the City of Fruitland Park Commission at this meeting as they have not been posted for consideration. Issues may either be referred to the proper staff for consideration or brought up at a future meeting. Comments are limited to three (3) minutes unless otherwise permitted pursuant to City Resolution 2013-023. (Resolution 2013-023 and 286.0114, F.S.)

4. CONSENT AGENDA

Items placed on the Consent Agenda are considered routine business and shall all be considered and acted on as one item. Any Commissioner may request that any item in the consent agenda be removed and placed on the regular agenda for discussion and possible action as a separate item.

Approval of Minutes (city clerk)

- July 31, 2014 Special Meeting,
- August 4, 2014 Budget Workshop, and
- August 5, 2014 Budget Workshop

5. REGULAR AGENDA

(a) Board Appointments/Reappointments (city clerk)

- **Planning and Zoning Board**

  Request to recommend the reappointment of Mr. Philip D. Purlee to serve on the Planning and Zoning Board for a three-year term which expires on September 30, 2014.

  Request to recommend the reappointment of Ms. Connie Bame to serve on the Planning and Zoning Board for a three-year term which expires on September 30, 2014.

(b) **Special Magistrate** (city attorney)

i. **Contract**

Approve an independent contract between the City of Fruitland Park and Ashley S. Hunt, Hunt Law Firm, P.A., to serve as magistrate and provide magistrate services for the city's Code Enforcement Board.

ii. **Sunset Code Enforcement Board**

Approve sunsetting the Code Enforcement Board.

(c) **Budget Report** (city treasurer)

Fiscal Year 2013/14 Year-to-Date Budget

(d) **Purchase Orders** (city manager/public works director)

i. **Sewer Supplies**

Approve a purchase order requisition reflecting sewer supplies for the public works department totaling $12,552.

ii. **Water Supplies**

Approve a purchase order requisition showing water supplies for the public works department totaling $7,984.18.

(e) **First Reading – Ordinance 2014-016 Natural Gas Franchise Agreement** (city manager/city attorney)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, APPROVING AND ADOPTING A NATURAL GAS FRANCHISE AGREEMENT BETWEEN THE CITY OF LEESBURG, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA; SPECIFICALLY PROVIDING FOR THE FURNISHING OF NATURAL GAS ENERGY WITHIN THE CITY LIMITS OF FRUITLAND PARK BY THE CITY OF LEESBURG, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Second reading and public hearing will be held on September 11, 2014.)

(f) **First Reading – Ordinance 2014-019 Water Conservation Landscaping** (city manager)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 101 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED "WATER CONSERVATION"; SPECIFICALLY AMENDING SECTION 101.10 ENTITLED 'WATERWISE AND FLORIDA FRIENDLY LANDSCAPING;' AMENDING SECTION 101.10(C)(3) REGARDING THE WATERWISE LANDSCAPES PUBLICATION; AMENDING SECTION 101.10(C)(4) REGARDING IRRIGATION STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING

ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second reading and public hearing will be held on September 11, 2014.)

(g) First Reading – Ordinance 2014-018 Personnel and Policy Procedure Manual Ordinance 2014-018 (city manager)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; ADOPTING A REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Second reading and public hearing will be held on September 11, 2014.)

8. NEW BUSINESS

9. OFFICERS' REPORTS

(a) City Manager

(b) City Attorney

10. COMMISSIONERS' COMMENTS

(a) Vice Mayor Goldberg

(b) Commissioner Cheshire

(c) Commissioner Gunter, Jr.

(d) Commissioner Kelly

11. MAYOR'S COMMENTS

12. ADJOURNMENT

DATES TO REMEMBER

September 1, 2014, Labor Day, City Offices Closed

September 8, 2014, Lake EMS Inc. (Employee Issues Committee) Lake County Board of County Commissioners Chambers, Administration Building, 315 West Main Street, Tavares, Florida 32778, 9:30 a.m.

September 8, 2014, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778 at 3:30 p.m.

September 11, 2014, Regular Commission Meeting First Budget Public Hearing at 7:00 p.m.

September 12, 2014, Lake County League of Cities Board of Directors' Meeting, "Congressman Daniel Webster", Eustis Elks Lodge, 2540 Dora Avenue, Tavares, FL 32778 at 12:00 p.m.

September 12, 2014, 2014-2015 Florida League of Cities' Legislative Policy Committee, Hyatt Regency Hotel (formerly the Peabody), 9801 International Drive, Orlando at 10:00 a.m.
September 23, 2014 – 2:30 pm, Lake EMS Inc., Lake County Board of County Commissioners Chambers, Administration Building, 315 West Main Street, Tavares, Florida 32778
September 24, 2014, MPO Governing Board, 1616 South 14 Street, Leesburg, FL 34748 at 2:00 p.m.
September 25, 2014 Regular Commission Meeting Second Budget Public Hearing at 7:00 p.m.)

October 8, 2014, The Lake County League of Cities Sponsor's Night, Lake Receptions, 4425 N Highway 19-A, Mount Dora, FL 32757
October 9, 2014, Regular Commission Meeting at 7:00 p.m.
October 10, 2014, Lake County League of Cities Board of Directors' Meeting, "Penny Sales Tax Renewal", Eustis Elks Lodge, 2540 Dora Avenue, Tavares, FL 32778 at 12:00 p.m.
October 10, 2014, 2014-2015 Florida League of Cities' Legislative Policy Committee, Hilton Orlando Hotel, 6001 Destination Parkway, Orlando at 10:00 a.m.
October 22, 2014, MPO Governing Board, 1616 South 14 Street, Leesburg, FL 34748 at 2:00 p.m.
October 23, 2014, Regular Commission Meeting at 7:00 p.m.

November 3, 2014, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778 at 3:30 p.m.
November 11, 2014, Veterans Day, City Offices Closed
November 13, 2014, Regular Commission Meeting at 7:00 p.m.
November 13, 2014, 2014-2015 Florida League of Cities' Legislative Policy Committee, Hyatt Regency Orlando International Airport Hotel, 9300 Jeff Fuqua Boulevard, Orlando at time TBD
November 14, 2014, Lake County League of Cities Board of Directors' Meeting, "Roundtable Discussion", Eustis Elks Lodge, 2540 Dora Avenue, Tavares, FL 32778 at 12:00 p.m.
November 27, 2014, Regular Commission Meeting - Cancelled
November 27 and 28, 2014, Thanksgiving Holiday – City Offices Closed

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least three (3) days prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

AGENDA ITEM NUMBER
4

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	**City Commission Draft Minutes**				
For the Meeting of:	August 28, 2014				
Submitted by:	Esther Coulson, City Clerk				
Date Submitted:	August 20, 2014				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				

Description of Item: Discussion and approval of the following draft meeting minutes:

- July 31, 2014 special city commission;
- August 4, 2014 budget workshop and
- August 5, 2014 budget workshop

Action to be Taken: Approve as submitted.

Staff's Recommendation: Approval, if there are no amendments or corrections by the city commission.

Additional Comments: None.

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

FRUITLAND PARK CITY COMMISSION SPECIAL MEETING
MINUTES
July 31, 2014

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 10, 2014 at 5:30 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, and Sharon Kelly.

(Commissioner John L. Gunter, Jr. entered the meeting room during the minutes of this meeting.)

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, Police Chief Terry Isaacs, City Treasurer Tannette Gayle, Community Development Director Charlie Rector, Parks and Recreation Director Michelle Yoder, Public Works Director Dale Bogle, Deputy Clerk/Human Resources Marie Azzolino, Finance Clerk Susan Parker, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 5:36 p.m.; Senior Pastor Mike Fordham, Community United Methodist Church, gave the invocation, and Chief Isaacs led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Mayor Bell requested that Ms. Coulson call the roll and a quorum was declared present.

3. PUBLIC COMMENTS

No one appeared before the city commission at this time.

4. CONSENT AGENDA
APPROVAL OF MINUTES

On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the July 10, 2014 regular city commission meeting minutes as submitted.

By unanimous consent, Mayor Bell took the following items out of order on this evening's agenda.

5. REGULAR AGENDA

(b) FDOT Traffic Signal Maintenance and Compensation Agreement

After discussion and **on motion of Commissioner Kelly, seconded by Commissioner Cheshire, the city commission approved the traffic signal maintenance and compensation agreement between the State of Florida**

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Department of Transportation and the City of Fruitland Park for new traffic signals and additional warning beacons and other devices for the period July 1, 2014 through June 30, 2015 and authorized the mayor and clerk to execute same.

(c) Soccer Contract

After discussion and **on motion of Commissioner Cheshire, seconded by Commissioner Kelly and unanimously carried, the city commission authorized the execution of a contract between the City of Fruitland Park and Kick it LLC for a soccer program for the period July 19, 2014 to December 30, 2014.** (The contract has been reviewed and approved by the city attorney's office.)

PUBLIC HEARING

By unanimous consent, Mayor Bell opened the public hearings.

(d) Second Reading – Ordinance 2014-017 Referendum to Amend the Charter

It now being the time advertised to consider the enactment of proposed Ordinance 2014-017 the substance of which is as follows, Mr. Gerken read the title into the record:

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR AMENDMENT OF THE CITY CHARTER; AMENDING SECTIONS 3.01 AND 3.02 OF THE CITY CHARTER RELATING TO THE CITY COMMISSION COMPOSITION AND QUALIFICATIONS; AMENDING THE CHARTER TO ADD SECTION 3.17 RELATING TO CITY COMMISSION DISTRICTS AND REDISTRICTING; AMENDING SECTION 3.03 RELATING TO THE OFFICE OF MAYOR; AMENDING SECTION 8.01 RELATING TO CITY ELECTIONS; AMENDING SECTION 9.08 RELATING TO INITIATIVE AND REFERENDUM; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 10, 2014 special meeting.)

There being no one from the public and **by unanimous consent, Mayor Bell closed the public hearing.**

On motion of Vice Mayor Goldberg, seconded by Commissioner Kelly and unanimously carried, the city commission enacted Ordinance 2014-017 as previously cited to become effective immediately as provided by law.

Upon Mayor Bell's suggestion and by unanimous consent, the city commission recessed its meeting at 5:47 p.m. and reconvened at 5:52 p.m.

Commissioner Gunter was present in the meeting room at this time.

5. REGULAR AGENDA

2014/15 Fiscal Year Budget Tax Rate

The city commission considered its action to set the 2014/15 Fiscal Year proposed millage tax rate for first submission.

After Mr. La Venia noted the current rate of 4.7371 for FY 2013/14 and the roll back rate of 4.5090, Ms. Gayle explained that the city would receive the same revenue as last year with the millage of 4.7371 and identified the increased costs to the city which did not stay the same.

Subsequent to some discussion, Mr. Gerken described the budget process after establishing the proposed millage rate at this evening's meeting.

Following further discussion, **a motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve the city manager's proposal to set the millage rate for Fiscal Year 2014/14 budget with the TRIM at 5.0371.**

Whereupon, Mayor Bell called for a roll call vote on the motion and declared the motion carried unanimously.

6. NEW BUSINESS

There was no new business to come before the city commission at this time.

7. OFFICERS' REPORTS

(a) City Manager

- **Public Relations Brochure**

  Mr. La Venia pointed out the final copy of the public relations brochure for commission review.

- **Town of Lady Lake Wastewater Treatment Plant**

  Mr. La Venia reported on his recent preliminary meeting with the Town of Lady Lake staff to discuss the concept of running and treating the city's wastewater at the town's wastewater facility which was met favorably by the town commission and highlighted the benefits to the town and the city.

- **Building and Zoning Hardware**
  Mr. La Venia noted the recent meeting Mr. Rector had with The Villages representatives regarding the introduction of a new hardware program for the city's Community Development, Building and Zoning permitting and noted that training for staff would be required.

(b) City Attorney

- **Library Expansion**
  Mr. Gerken reported that on Friday, July 25, 2014, the city closed on the 207 West Berckman Street property (adjacent to the Fruitland Park Library) whereby the city will be ready to proceed with the library expansion; Monday, August 1, 2014, the city is scheduled to close on the 603 West Fountain Street property (adjacent to the Casino Building), and closing is anticipated at a later date for the property located at 600 Laurel Street as Mr. Eric A. Hughes, Property Owner, has already signed the contract.

- **Police and Fire Service Fees Class Refund**
  Mr. Gerken announced that this day was the last day for refund applications for police and fire service fees and anticipated that the city commission will receive a report on the figures by the forthcoming budget workshop. He explained that staff will be working on what qualified users will receive for the next 60 days; gave a statistical account on the number of existing accounts, applications received, and the request for refunds, and described the second process (class action lawsuit) on the second application.

8. COMMISSIONERS' COMMENTS

(a) Vice Mayor Goldberg
Vice Mayor Goldberg stated that he has nothing to report at this time.

(b) Commissioner Cheshire
Commissioner Cheshire stated that he has nothing to report at this time.

(c) Commissioner Gunter, Jr.
Commissioner Gunter referred to the public relations brochure and noted the location of City of Fruitland Park.

(d) Commissioner Kelly
Commissioner Kelly stated that she has nothing to report at this time.

9. MAYOR'S COMMENTS

Mayor Bell referred to the Dates to Remember and noted the following:

- August 4 and 5, 2014 Budget Workshops at 6:30 p.m.;
- August 8, 2014, Lake County League of Cities, and
- August 14-16, 2014 Florida League of Cities Annual Conference in Hollywood, Florida

10. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 6:14 p.m.

The minutes were approved at the August 28, 2014 special city commission meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor

FRUITLAND PARK CITY COMMISSION BUDGET WORKSHOP MEETING MINUTES
August 4, 2014

A budget workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Monday, August 4, 2014 at 6:30 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, and Sharon Kelly.

Also Present: City Manager Gary La Venia, City Treasurer Tannette Gayle, Police Chief Terry Isaacs, Community Development Director Charlie Rector, City Library Director Jo-Ann Glendinning, Public Works Director Dale Bogle, Interim Fire Chief Steve Whitaker, Deputy Clerk/Human Resources Marie Azzolino, Finance Clerk Susan Parker, and City Clerk Esther Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 6:34 p.m.; Interim Fire Chief Steve Whitaker gave the invocation, and Chief Isaacs led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Mayor Bell requested that Ms. Coulson call the roll and declared a quorum present.

3. 2014/15 FISCAL YEAR BUDGET

After Mr. Le Venia indicated that the Fiscal Year 2014/15 projected budget reflects an ad valorem rate of 4.7371 representing $38,000 more in revenues than FY 2013/14, Ms. Gayle reviewed the budget, a copy of the book is filed with the supplemental papers to the minutes of this meeting.

- **Finance**

The city commission discussed breaking down the current budget to reflect expenses for the prior three years.

Office Supplies

After discussion and in response to Mr. Rector's reference to the four color toners for building and zoning with the unit cost of $400, the city commission agreed to include the additional $1,200 in the total requested amount of $1,600.

Fruitland Park Scholarship

The city commission discussed the $1,000 Fruitland Park scholarship request; recognized, in previous years, the city's annual scholarship awarded to the Fire Department's fire explorers to help with school costs, and noted the eligibility requirements from Lake-Sumter Community College's (LSCC's) Scholarship in partnership with and administered by Phi Theta Kappa.

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In response to Mr. La Venia's suggestion of selecting a male and female student with the highest grade-point-average to attend the college, the city commission requested that staff report back with more information.

Law Enforcement
With reference to the $22,000 and **by unanimous consent and at the police chief's request, the city commission agreed to allocate an additional $16,000 for reserve police officer positions** ($10 per hour without health benefits).

Capital Outlay
After discussion, Mr. La Venia addressed the need to review the computer terminal, server equipment, operating systems, staffs' workstations, and accessibility to data to which Mayor Bell mayor suggested that more information be provided to the city commission prior to the conclusion of the budget process.

- **Fire Control**
  In response to interim Fire Chief Whitaker's presentation, the city commission suggested staggering, in future, the equipment purchases and that staff transfer same from capital outlay into the operating expense account.

By unanimous consent, the city commission recessed its meeting at 7:45 p.m. and reconvened at 7:50 p.m.

- **Building and Zoning**
  Messrs. Rector and La Venia agreed with Commissioner Kelly's suggestion to consider a maintenance agreement with The Villages.

  Equipment and Software
  Mr. Rector referred to a recent meeting staff had with The Villages representatives regarding equipment and software and the ability to interface inspection programs and noted the annual licensing fees after construction of The Villages development. He mentioned the requirement for staff training when permits are issued for residential and commercial properties and addressed his intent to retain an individual for October 1, 2014 which is not included in the FY 2013/14 budget.

  Mr. Rector explained that Mr. Jeffry Gerling, Building Official, will be providing information on related programs used by the Cities of Groveland, Mascot and The Village of Lake Lakes.

- **Fruitland Park Library**
  After the city commission discussed the increase in the wages request of $76,960 and the overtime line item, Ms. Glendinning noted the utilization of overtime hours by individuals to cover periods when library staff is away on sick or annual leave; identified the two positions that are currently frozen, and referred to her previous request for same to be filled.

In response to the question posed by Mayor Bell, Ms. Glendinning requested a part-time aide position for 20-30 hours for $11 an hour ($13,000) and replacements for the two frozen positions.

After Ms. Gayle clarified the increase in wages, Ms. Glendinning requested that the full-time children's librarian position be placed back in the future.

Library Expansion
Following further discussion, Mayor Bell explained that the library expansion construction (architect design-built) will be reviewed and a determination made to provide what is needed. The city commission agreed for staff to monitor the allocation of the $50,000 or $60,000 for architect services and enter into negotiations for request for proposals, and work with the city attorney on the specifications.

Kiwanis of Lady Lake
With respect to the Kiwanis of Lady Lake Club, Ms. Glendinning explained the following:

- she will be designated as the first member and Ms. Michelle Yoder, Parks and Recreation Director, would be the second;
- the cost of membership would be $140;
- the plan to start recruiting for the City of Fruitland Park's Kiwanis Club;
- the intent to request, at the club's budget meeting to be held on Tuesday, August 12, 2014, the amount of $250 to assist with the children's library program and $200 for the Easter Egg Hunt, and
- the members' requirement to assist in volunteering with the club; namely, Bingo at The Villages and reading at the elementary school.

Vice Mayor Goldberg noted the club's monetary contribution to the city's fire and police departments for the holidays.

- **Solid Waste**

After extensive discussion, in recognizing the ongoing increases, Mayor Bell suggested that a future budget amendment may be necessary to cover the expenses.

Mr. Bogle submitted for the record a list describing vehicles utilized by public works and noted the current use of the F-700 (Chipper truck). A copy of the list is filed with the supplemental papers to the minutes of this meeting.

After reference was made to the "Welcome to Fruitland Park" highway sign on CR 466A, Mr. Bogle suggested utilizing grant funds for same and that he would meet with the church representative for the "Welcome to Fruitland Park" signs on CR 436A.

With respect to the insurance budgeted at $9,000 and $600 in 2014, Mr. La Venia explained that he will conduct a review on what currently exists on the market.

Facility Repairs Maintenance
Regarding the Casino Building and the city commission's previous position in semi-remodelling the building, Mr. Bogle requested $30,000 and recalled the $3,000 already allocated towards same.

Veterans Park
After Mr. Bogle gave a report on complaints received and identified the structural problems with Veterans Park, Mayor Bell recalled previous discussions on the relocation of the tennis courts which will be addressed at the August 5, 2014 budget workshop.

4. OTHER BUSINESS

The August 5, 2014 Budget Workshop will be held at 6:30 p.m.

5. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 9:00 p.m.

The minutes were approved at the August 28, 2014 special city commission meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor

FRUITLAND PARK CITY COMMISSION BUDGET WORKSHOP MEETING MINUTES
August 5, 2014

A budget workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Tuesday, August 5, 2014 at 6:30 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, and Sharon Kelly.

Also Present: City Manager Gary La Venia, City Treasurer Tannette Gayle, Police Chief Terry Isaacs, Community Development Director Charlie Rector, City Library Director Jo-Ann Glendinning, Parks and Recreation Director Michelle Yoder, Public Works Director Dale Bogle, Deputy Clerk/Human Resources Marie Azzolino, Finance Clerk Susan Parker, and City Clerk Esther Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 6:30 p.m.; Commissioner Gunter gave the invocation, and Chief Isaacs led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Mayor Bell requested that Ms. Coulson call the roll and declared a quorum present.

3. 2014/15 FISCAL YEAR BUDGET

Mayor Bell recognized the presence of Mr. W. Chet Ross, CPA, Shumacker, Johnston & Ross PA, at this evening's meeting.

Ms. Gayle reviewed the FY 2014/15, a copy of the book is filed with the supplemental papers to the minutes of this meeting.

- Parks and Recreation

<u>Gardenia Park Swimming Pool</u>

Ms. Yoder referred to the costs involved for repairs and equipment at Gardenia Park's swimming pool.

After the city commission agreed with the installation of the acquatic access lift to meet compliance under the Americans with Disabilities Act (ADA) as identified in the budget and the inclusion of same in the city's ADA compliance program with the ability to phase in over a period in the general fund, Ms. Yoder, in concurrence, addressed her intent to report back with more information.

Ms. Yoder addressed the need for an additional lane line replacement, installation of starting diving blocks, striping the swimming pool, and acquiring a timer clock and flags for future swim meet competition events.

Kiwanis of Lady Lake
Reference was made to Vice Mayor Goldberg's comments raised at the August 4, 2014 budget workshop regarding the Kiwanis of Lady Lake's membership cost.

After discussion and **by unanimous consent, the city commission agreed for the Fruitland Park Library and Parks and Recreation Directors to serve as members on the Kiwanis Club representing the City of Fruitland Park.**

Communications
Following considerable discussion regarding the ability for city staff to be connected to the same communication network system within the city, Mr. La Venia explained that he will report back to the city commission with a mechanism to implement same.

Operating Expenses
Discussion ensued on the success of the summer program and it was suggested that the water bills include same after the contract with Camp Geneva is executed.

Redevelopment, Projected Revenues
After reference was made to the balance in the Redevelopment Trust Fund – 20000 as reflected in the Florida State Board of Administration Investments, Mr. Ross, in response, indicated that the city would need to spend whatever it collected three years ago. A copy of the sheet was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

Community Redevelopment Trust Fund
With reference to the Community Redevelopment Agency (CRA) expenditures and due to the majority of redevelopment areas, Mr. Ross identified what is permitted and the flexibility by which Community Redevelopment Trust funds could be expended on design projects, beneficial to the city.

In response, Mayor Bell suggested the need to identify and outline a "Casino Park Master Plan" project; design a police/fire station and public works facility, and include a streetscape project within the city's redevelopment area by utilizing CRA funds to offset debt service.

In response, Mr. La Venia suggested building a sewer line connecting the city with the Town of Lady Lake, whereby said funds could be utilized to pay off the debt with the loan extending over the years.

After extensive discussion and upon Mayor Bell's suggestion, **the city commission by unanimous consent, directed staff to proceed with the concept submitted by LPG Urban and Regional Planners Inc. on the City of Fruitland Park streetscape conceptual plan and similar to the city hall**

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development, retain an architect to review cost proposals for a conceptual master plan and architectural design on a fire and police stations before reviewing projected costs to modify the casino for future use.

Streetscape Design and Build
Mr. Rector discussed with the city commission the anticipated Berckman Street roadway improvements by Rainey Construction Company around the end of 2014 or early 2015 with the determination made to utilize CRA or Capital Improvement Project (CIP) funds for the streetscape conceptual plan.

In response to Commissioner Kelly's inquiry regarding the city's main thoroughfare, Mr. Rector identified the current drainage issues; the erection of sidewalks in certain areas, and the landscape architect that LPG Urban and Regional Planners worked with on the city's concept. He addressed his intent to provide more detailed plans and projected costs.

After discussion, Mr. La Venia referred to Paveway Systems' various patterns; recognizing the traffic flow on paving, noted the advantages of having the street paved and landscaped immediately and stated that other products can be reviewed.

WWTP
Mr. La Venia addressed his intent to present before the city commission, as a priority item, CRA or CIP funds to proceed with designing a water line and a route to the Town of Lady Lake Wastewater Treatment Plant who currently has a long term agreement with The Villages for up to 140,000 gallons per day with a reserve of up to 1.3 million gpd that they are not using to make their plants more efficient and accommodate anticipated residential and commercial growth.

Mr. La Venia noted previous discussions held and a formulation of an agreement with the Town of Lady Lake on a ten-year contract, with a two-year opt out provision and with options to renew, for $750,000 to $1 million to upgrade the lift station located off CR US Highway 441 and build a 500,000 gpd to 750,000 gpd water treatment plant facility at $9 million to $11 million if upgrade is required.

In concurring with Commissioner Gunter's comments, Mr. La Venia believes that the town should be paying the city to sell reclaimed water.

Mr. Rector outlined the current status of their retention area and lift station upgrade whereby after completion, 88 energy recovery units would be prepaid and noted the favorable response received from the town's elected officials.

In response, Mr. La Venia addressed the desire to communicate with the city's grant administrator Mr. Fred Fox, Fred Fox Enterprises, to determine the availability of Community Development Block Grant funds.

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Records Management - Laserfiche
Mr. La Venia explained that Laserfiche records management will come from general funds.

Later in the meeting and following extensive discussions, **the city commission, upon Mayor Bell's suggestion agreed for staff locate funding to be allocated towards the records management system and dedicate half the cost for FY 2014/15 and the other half for FY 2015/16.**

Streets and Roads
Mr. La Venia noted that CIP funds for the public works equipment chipper has a useful shelf life of more than five years.

Mr. La Venia identified six roads under the CRA for FY 2013/14; addressed the plan to continue the road program from Shiloh Street, between CR Highway 466A eastbound and westbound Mirror Lake Drive.

Mr. La Venia explained that dedicated funds will be utilized for the Shiloh Cemetery improvements and explained that Mr. Bogle will provide quotations on the fence.

Public Works Building
The city commission agreed with Mr. La Venia's request to utilize CIP or CRA funds to renovate the public works building.

By unanimous consent, the city commission took a recess at 8:31 p.m. and reconvened the workshop at 8:41 p.m.

- **Capital Projects Fund Revenue**

After discussion and with reference made to building two new tennis courts (adjacent to the old soccer field) and the relocation of team and individual sports to Gardenia Park, Ms. Yoder explained that she will provide a report on prices for the tennis courts at a later date.

After Mayor Bell suggested that the CIP funds should have a slight increase in funding, Mr. Ross discussed the contributions to the general fund and that funds ought to be available in the utility fund to cover the CIP.

Summary of Revenues
Following considerable discussion on utility fund expenditures, a summary was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

DRAFT

After extensive discussion with Mr. Ross, Mayor Bell believed that the utility fund ought to be funded with $1 million in the CIP for over the 10 year period.

City Employees

Mr. La Venia discussed the increase in wages for employees which can be adjusted in the budget; compared the previous and proposed salary rates, and submitted a list showing the pay grade, hourly rate, and annual pay; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Further deliberations ensued regarding the imminent revenue increases whereby the ad valorem will not be reflected in the next budget cycle, Mr. La Venia agreed with the city commission's suggestion to locate the funds in the budget, work with a range of percentage increases calculated annually, and report back to the city commission.

Mr. La Venia referred to the current annual safety award program whereby employees who had no loss time accident or filed workers' compensation during the year, would receive half a day off to be used within 60 days.

The city commission voiced no objections to Mr. La Venia's suggestion that the existing program be changed to allow employees a full day off to be used within the same fiscal year.

The city commission recognized that the FY 2014/15 budget will be placed on the August 28, 2014 special agenda for review.

OTHER BUSINESS

Mayor Bell noted the following dates:

- August 6, 2014 budget workshop will not be necessary;
- August 8, 2014, Lake County League of Cities Luncheon, and
- August 13-16, 2014, Florida League of Cities 88th Annual Conference

ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 9:38 p.m.

The minutes were approved at the August 28, 2014 special city commission meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor

DRAFT

AGENDA ITEM NUMBER
5a

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	**Planning and Zoning Board Appointments**				
For the Meeting of:	August 28, 2014				
Submitted by:	Esther Coulson, City Clerk				
Date Submitted:	August 20, 2014				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	None.				

Description of Item: The following Planning and Zoning Board members' three-year terms will be expiring on September 30, 2014:

Mr. Philip D. Purlee who served since June 14, 2012 and
Ms. Connie Bame who served since November 11, 2004.

Action to be Taken: Reappoint the existing board members whose terms will expire.

Staff's Recommendation: Approval as members expressed interest to serve for another three-year term.

Additional Comments: None.

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

AGENDA ITEM NUMBER
5b

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	**Special Magistrate**				
For the Meeting of:	August 28, 2014				
Submitted by:	Scott Gerken, City Attorney				
Date Submitted:	August 19, 2014				
Are Funds Required:		X	Yes		No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				

Description of Item:
An independent contract between the City of Fruitland Park and Ashley S. Hunt, Hunt Law Firm, P.A., to serve as magistrate and provide magistrate services for the city's Code Enforcement Board.

Ordinance 2014-006, Section 35.02 Special Magistrate shall have all the powers and duties of a Code Enforcement Board created by Chapter 35, Ordinances 89-012.

Action to be Taken: Approve the agreement and sunset the City of Fruitland Park Code Enforcement Board.

Staff's Recommendation: Approval.

Additional Comments: None.

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

AGREEMENT

This Agreement, made effective the ____ day of _____, 2014, between **THE CITY OF FRUITLAND PARK, FLORIDA**, ("City"), and **ASHLEY S. HUNT**, of Hunt Law Firm, P.A., 601 S. 9th Street, Leesburg, Florida 34748 ("Hunt").

RECITALS

A. City is a Florida municipal corporation, incorporated under the laws of the State of Florida.

B. Hunt is an attorney and a duly licensed member of the Bar in the State of Florida and is authorized to practice law in the state and federal courts of the State of Florida.

C. Hunt desires to provide Magistrate services for City's Code Enforcement Board, as an independent contractor.

D. City, by and through its City Commission, desires to have Hunt serve as a Magistrate for Code Enforcement Board.

In consideration of the above premises, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties mutually agree as follows:

NATURE OF EMPLOYMENT

City hereby retains and employs Ashley S. Hunt, of Hunt Law Firm, P.A., 601 S. 9th Street, Leesburg, Florida 34748 to act, under the title of "Magistrate", as Magistrate for the City's Code Enforcement Board. Magistrate shall attend Code Enforcement Board meeting as requested by the City.

ACCEPTANCE OF EMPLOYMENT

Hunt hereby accepts the employment and agrees to render to the best of his ability the services described herein during the continuance of this Agreement. This Agreement creates an independent contractor relationship and not one as employer/employee.

CONFLICTS OF INTEREST

The parties acknowledge that Hunt is a private practitioner practicing with the Hunt Law Firm, P.A., in the City of Leesburg, Florida, and that there exists the possibility that private clients of his firm may conflict from time to time with the representation of the City. Hunt agrees that he will not accept any employment that would create a conflict of interest with his representation of the City as set forth in the Florida Codes of Professional Responsibility.

COMPENSATION

For any and all legal services provided to City by Hunt, City shall pay to Hunt the sum of $165.00 per hour, or fraction thereof, billed in quarter hour increments, and $65.00 per hour, or fraction thereof, billed in quarter hour increments, spent by any paralegal or legal assistant on said services.

Hunt shall submit a detailed statement to City on a monthly basis for all services provided, which amount shall be paid by City to Hunt promptly upon receipt.

TERMINATION

This Agreement shall be effective as of the date listed above although executed subsequent thereto. This Agreement may be terminated at any time upon thirty (30) days written notice from either party to the other party that employment hereunder is to be so terminated.

In witness whereof, the parties have executed this Agreement on this ____ day of _____, 2014.

_____
Ashley S. Hunt
Hunt Law Firm, P.A.

_____
Christopher J. Bell, Mayor
City of Fruitland Park, Florida

AGENDA ITEM NUMBER
5c

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Year-To-Date Budget Report			
For the Meeting of:	August 28, 2014			
Submitted by:	Tannette Gayle			
Date Submitted:	August 19, 2014			
Are Funds Required:			Yes	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Memorandum			

Description of Item: Year to date Budget Report
Action to be Taken: None
Staff's Recommendation: None
Additional Comments: None

Reviewed by: _____
City Manager

Authorized to be placed on the ☐Regular ☐Consent agenda: _____
Mayor

Agenda Item #

CITY OF FRUITLAND PARK

MEMORANDUM

To: Honorable Mayor, Commission Members, City Manager, and City Clerk
From: Tannette Gayle, City Treasurer
Date: August 19, 2014
Subject: Final Year-To-Date Budget Report
For the period ending July 31, 2014

Attached is the Final ***July 31, 2014 Year to Date Budget Report,*** reflecting revenues and expenses through July 31, 2014. At the end of July 83.3% of the fiscal year has lapsed. During the month of July, 392 invoices were processed totaling $354,569.86

Revenue & Expense Summaries of the City's various funds are as follows:

	Revenue	% Collected	Expenditures	% Expensed
General Fund	$ 2,950,166.69	82.50%	$ 2,799,426.63	78%
Redevelopment Fund	$ 201,473.64	96.97%	$ 198,393.93	95%
Capital Projects Fund	$ 293,857.92	39.26%	$ 123,754.09	17%
Utility Fund	$ 609,974.73	65%	$ 544,423.05	55%
Recreation Fund	$ 39,832.41	81%	$ 36,442.32	74%
Grand Total	$ 4,095,305.39	74%	$ 3,702,440.02	66%

Please see the attached Expense Report Summary for Expenses by Department and the Final July Report for the details.

We have $1.664 million in SBOA investments. The SBA investment summary shows all restricted fund balances at the end of July 2014. Please see the Investments attachment for details.

We have $3.653 million in various accounts (USB Bank, SBOA Investments and Certificate of Deposits. Please see the Summary of Cash Accounts by Funds attachment for details.

Please see me if you have any questions or comments regarding this report.

Cc: Dept Heads

Attachments:
Budget Summary – GF & Utility
SBOA Investments Summary
Cash Summary

SUMMARY OF
CASH ACCOUNTS
BY FUNDS

AS OF: **31-Jul-2014**

	SBOA Investments	USB	Citizens	CDs		Edward Jones	Total	Total Fund	
General Fund	$ (38,407)	$ 716,062	$ 989	$ 104,598	Center		$ 783,242	**$ 1,116,976**	**GF**
Police/Fire Fee		$ 271,377					$ 271,377		
Payroll		$ 62,358					$ 62,358		
Redevelopment	$ 281,379			$ 100,000	Citizens		$ 381,379	**$ 381,379**	**Redevp**
Capital Projects	$ 666,815			$ 100,000	Citizens		$ 766,815	**$ 766,815**	**CIP**
Utility Fund	$ 614,266			$ 100,000	Citizens		$ 714,266	**$ 930,281**	**Utility**
				$ 100,000	Citizens		$ 100,000		
Utility Deposit		$ 116,015					$ 116,015		
Muncipal FF	$ 121,297			$ 175,000	Center	$ 143,442	$ 439,739	**$ 439,739**	**FF Pension**
Recreation	$ 18,652						$ 18,652	**$ 18,652**	**Rec**
Total Funds	$ 1,664,002	$ 1,165,811	$ 989	$ 679,598		$ 143,442	$ 3,653,842	**$ 3,653,842**	

Florida State Board of Administration Investments **AS OF:** **31-Jul-14**

31-Jul-14		Previous Balance	Deposits	Withdrawal	SBA Interest	Due T/F	Ending Balance	
General Fund-01000								
15100	**Unrestricted**	-685,501.78			-29.83	120,910.99	-564,620.62	
	Restricted							Restricted
15140	Cemetary	134,322.00					134,322.00	526,213.49
15117	Police Impact	58,805.25					58,805.25	
15118	Fire Impact	148,075.58					148,075.58	
15110	Police Education (2nd $)	30,203.22					30,203.22	
15111	Police Drug Forfeiture	6,050.05					6,050.05	
15113	Police Automation	1,434.57					1,434.57	Total GF
15125	Stormwater	147,322.82					147,322.82	-38,407.13
Redevelopment Trust Fund-20000								
15100	Redevelopment	412,688.70			63.96	-131,373.49	281,379.17	
	Unrestricted	0.00					0.00	
General CIP/Infrastructure- 30000								
15112	Infrastructure	682,609.48			91.97	-15,886.21	666,815.24	
	Unrestricted	0.00					0.00	
Utility Fund - 40000								
15100	**Unrestricted**	43,518.24			79.97	20,656.27	64,254.48	
	Restricted							Restricted
15107	SRF Debt Service	68,834.23					68,834.23	511,822.96
15115	Sewer Impact	291,738.22					291,738.22	
15116	Water Impact	151,250.51					151,250.51	Total Utility
15106	Fund "B"	38,188.79					38,188.79	614,266.23
Fire Pension - 60000								
15103	Restricted	121,049.13			16.31	231.39	121,296.83	
Recreation Fund - 62000								
15104	**Unrestricted**	13,188.73			1.78	5,461.05	18,651.56	
	Total Funds	**1,663,777.74**	0.00	0.00	224.16	0.00	**1,664,001.90**	

						LGIP	
Statement	Account 151321	1,650,684.31			224.16	1,585.44	1,652,493.91
	Account 151321B	8,621.76				-1,585.44	7,036.32
	Unrealized Gain	4,471.66					4,471.66
	Total Statements	**1,663,777.73**	**0.00**	**0.00**	**224.16**	**0.00**	**1,664,001.89**

-0.01 -0.01

AGENDA ITEM NUMBER
5d

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	**Purchase Orders**				
For the Meeting of:	August 28, 2014				
Submitted by:	Gary La Venia, City Manager/Dale Bogle, Public Works				
Date Submitted:	August 20, 2014				
Are Funds Required:		X	Yes		No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				

Description of Item: Approve purchase order requisitions:
- sewer supplies totaling $12,552 and
- water supplies totaling $7,984.18.

Action to be Taken: Approve the purchase order requisitions.

Staff's Recommendation: Approval.

Additional Comments: Authorization from the city commission is required as the purchase price of tangible personal property exceeds four thousand dollars ($4,000) as established by Public Bids Purchases Ordinance 2011-002.

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

FAX NUMBER:

CITY OF FRUITLAND PARK PURCHASE ORDER REQUISITION

VENDOR: Southeastern Pump

DATE: 8/18/14

DATE REQUIRED: ASAP

ADDRESS #1: 3502-a Riga Blvd

REQUISITIONING DEPARTMENT: Public Works

ADDRESS #2:

METHOD OF SHIPMENT:

CITY, ST & ZIP: Tampa Fl. 33619

EXPLANATION: Sewer Supplies

PHONE: 813-514-0391

VENDOR TERMS:

REQUISITION TOTAL: $12,552.00
(INCLUDE SHIPPING COSTS)

ORG # & OBJECT #	ITEM	QTY ORD	UNIT PRICE	EXTENDED PRICE	VENDORS #1	VENDORS #2	FUNDS
40535-60640	Grinder Pumps	8	1,414.00				$11,312.00
	Start Capacitor Oval	10	25.00				$250.00
	Start Capacitor Round	10	25.00				$250.00
	Float Hangar's	10	50.00				$500.00
	Float Weights	20	12.00				$240.00
				0.00	0.00	0.00	$12,552.00

PROVIDE QUOTES FROM TWO OTHER VENDORS IF INDIVIDUAL ITEM EXCEEDS $250.00

VENDOR #1:

VENDOR #2:

DEPARTMENT HEAD

CITY MANAGER

CITY TREASURER

FAX NUMBER:

CITY OF FRUITLAND PARK PURCHASE ORDER REQUISITION

VENDOR: H-D Supply Waterworks

DATE: 8/18/14

DATE REQUIRED: ASAP

ADDRESS #1: P.O Box 100467

REQUISITIONING DEPARTMENT: Public Works

ADDRESS #2:

METHOD OF SHIPMENT:

CITY, ST & ZIP: Atlanta Ga 30384-0467

EXPLANATION: Water Supplies

PHONE:

VENDOR TERMS:

REQUISITION TOTAL: $7,984.18
(INCLUDE SHIPPING COSTS)

ORG # & OBJECT #	ITEM	QTY ORD	UNIT PRICE	EXTENDED PRICE	VENDORS #1	VENDORS #2	FUNDS
40533-30520	3/4 Water Meters	50	115.00				5,750.00
	Curb Stops	16	63.73				$1,019.68
	Dual Check Valves	16	59.47				951.52
	4x1 Couplings	16	14.61				262.98
				0.00	0.00	0.00	7,984.18

PROVIDE QUOTES FROM TWO OTHER VENDORS IF INDIVIDUAL ITEM EXCEEDS $250.00

VENDOR #1:

VENDOR #2:

DEPARTMENT HEAD

CITY MANAGER

CITY TREASURER

ın Date 8/18/14 HD SUPPLY WATERWORKS, LTD. Entered by: LGF

FRUITLAND PARK, CITY OF
STOCK-WILDWOOD
506 W BERCKMAN ST
FRUITLAND PARK FL 34731
Telephone: 352-360-6727
Fax: 352-360-6686

WILDWOOD FL
9577 N US Hwy 301
Wildwood FL 34785
Telephone: 352-748-7473
Fax: 352-748-2843

ttention: DALE BOGLE

8/18/14 Bid ID: 3928825 METERS/SUPPLIES Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
10	50	EA	IPERL 3/4S METER 1USG 7.5"LL	115.00	5,750.00
20	16	EA	B43-342WNL 1X3/4 BMV PJ(CTS)X MN CTS W/LW (NO LEAD)	63.73	1,019.68
30	16	EA	HHS31-323-NL 3/4 STRT DUAL CHK CASC W/MTR NUTXFIPT NO LEAD	59.47	951.52
40	18	EA	C84-34NL 3/4X1 CPLG MIPXPJCTS (NO LEAD)	14.61	262.98

Subtotal: **7,984.18**

Tax: **.00**

Bid Total: **7,984.18**

AGENDA ITEM NUMBER
5e

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Natural Gas Franchise				
For the Meeting of:	August 28, 2014				
Submitted by:	City Attorney Scott Gerken				
Date Submitted:	August 20, 2014				
Are Funds Required:			Yes		No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				
Description of Item: First reading on proposed Ordinance 2014-016. Second reading, if passed, will be held on September 11, 2014.					
Action to be Taken: Approval.					
Staff's Recommendation: Approval.					
Additional Comments:					

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-016

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, APPROVING AND ADOPTING A NATURAL GAS FRANCHISE AGREEMENT BETWEEN THE CITY OF LEESBURG, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA; SPECIFICALLY PROVIDING FOR THE FURNISHING OF NATURAL GAS ENERGY WITHIN THE CITY LIMITS OF FRUITLAND PARK BY THE CITY OF LEESBURG, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park and the City of Leesburg previously entered into a franchise agreement dated October 10, 1983, (the "Franchise Agreement") whereby the City of Leesburg had the sole and exclusive privilege and right of selling natural gas energy within the corporate limits of Fruitland Park; and

WHEREAS, the Franchise Agreement was for a period of twenty-five (25) years and was extended on a year to year basis thereafter; and

WHEREAS, the City of Fruitland Park and the City of Leesburg desire to enter into a new Natural Gas Franchise Agreement to provide a franchise to the City of Leesburg by the City of Fruitland Park for an initial term of twenty-five years and to establish new terms and conditions regarding the provision of natural gas energy in Fruitland Park by the City of Leesburg; and

WHEREAS, the City Commission of the City of Fruitland Park accordingly desires to pass this Ordinance 2014-___ to adopt such agreement.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK AS FOLLOWS:

Section 1. The Natural Gas Franchise Agreement attached hereto and incorporated herein by reference as Exhibit "A" is hereby approved by the City Commission of the City of Fruitland Park. The City Manager is hereby authorized to execute and deliver such agreement to the City of Leesburg.

Section 2. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held, or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this ordinance; and it shall be construed to have been the City Commission's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

Section 3. All ordinances or part of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4. This ordinance shall become effective upon adoption.

PASSED AND ORDAINED this _____ day of _____, 2014, in the regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, upon the second and final reading.

_____
Christopher J. Bell, City Mayor

ATTEST:

_____
Esther Coulson, City Clerk

Vice Mayor Goldberg _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Cheshire _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Gunther _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Kelly _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Mayor Bell _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)

Passed First Reading _____
Passed Second Reading _____

Approved as to Form:

_____
Scott A. Gerken, City Attorney

NATURAL GAS
FRANCHISE AGREEMENT

THIS AGREEMENT is made as of the __day of _____, 2014, between **THE CITY OF LEESBURG,** a Florida Municipal Corporation, whose address is 501 West Meadow Street, Post Office Box 490630, Leesburg, Florida 34749-0630 (hereinafter referred to as the "Grantee"), and **THE CITY OF FRUITLAND PARK,** a Florida Municipal Corporation, whose address is 506 W. Berckman Street, Fruitland Park, Florida 34731 (hereinafter referred to as the "Grantor").

WITNESSETH:

THAT, the Grantor and Grantee previously entered into a franchise agreement wherein and whereby the Grantee had the sole and exclusive privilege and right of selling natural gas energy within the corporate limits of the Grantor, as well as furnishing natural gas energy to the Grantor for municipal purposes. Now, the Grantor and the Grantee wish to enter into this Agreement to provide a franchise to the Grantee by the Grantor, for the purpose of establishing new terms and conditions to govern the agreement between the parties regarding the provision of natural gas energy in Fruitland Park by the Grantee.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties to this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties agrees as follows:

SECTION 1. The Grantor does hereby give and grant unto the Grantee, and to its legal representatives, successors and assigns, the right and privilege of a franchise for constructing, maintaining and operating for a period of twenty-five (25) years (the "Original Term"), in the City of Fruitland Park, a distribution system for the purpose of distributing and/or furnishing natural gas energy to and within the corporate limits of the City of Fruitland Park and the dwellings, houses and places of business of its inhabitants, and for distributing and/or transmitting natural gas energy for the purpose of light, power and heat, or any other purpose for which natural gas may be used. The franchise granted hereunder shall automatically renew for an additional five (5) year period upon the expiration of the Original Term (the "Extended Term"), unless either party gives notice at least 180 days prior to the expiration of the Original Term of its intent not to renew. At the expiration of the Extended Term, the franchise shall continue to automatically renew for additional one (1) year periods, unless either party gives notice at least 180 days prior to the expiration of the then current term.

SECTION 2. For the duration of this Agreement, the Grantee shall have the privilege, franchise, power, right and authority to lay, erect and maintain in, under and upon the squares, streets, avenues, alleys, bridges and/or other public thoroughfares and parks of the Grantor, as they now exist or may hereafter be constructed, opened, laid out or extended within the present limits of the Grantor, or within such territory as may hereafter be added to it, without payment of any additional fee or other exaction for this use of Grantor's rights-of-way, thoroughfares, or parks, all necessary underground mains, pipes, or other supports, conductors or appliances for the mains, pipes or other means of conveyance to be used in transporting natural gas for the purpose of lighting, heat or power, or for such other purposes as natural gas may be used, and for these purposes the authority and right is

hereby granted to make all necessary excavations in said squares, streets, avenues, alleys or other thoroughfares and parks of the Grantor, provided that in the event that any streets, alleys, parks or other public properties are excavated, altered or changed, the same shall be replaced and/or restored by the Grantee at its expense to the same condition existing before such alteration, excavation or other work was done. Grantee shall also have the right, power and authority to fasten or connect to and to lay along the routes of said underground mains, pipes or other means of conveyance, all the pipes or other media necessary for transporting and conveying the natural gas to be used in said business, together with all the rights and privileges necessary or convenient for the full use or enjoyment thereof; and Grantee shall have the right, privilege and authority to construct and maintain within the limits of the Grantor distribution systems or other systems and devices that may be required for distribution of natural gas and for carrying on the business aforesaid; provided that in accomplishing the purpose aforesaid the streets of said Grantor shall not be unreasonably obstructed. All such work shall be done and carried on in conformity with such reasonable rules and regulations with reference thereto as may be adopted by the City Commission of the Grantor for the protection of the public. Any buildings or other structures erected by the Grantee under this franchise within the territorial limits of the Grantor shall be constructed in accordance with present or future zoning laws, rules and regulations applicable thereto as may be adopted by the Grantor; provided however, that any application by the Grantee for rezoning or variance shall not be unreasonably withheld by the Grantor; and provided further, that the Grantee shall assume all liability for damage or personal injury caused by its negligence in doing such work, up to but not in excess of the limits imposed by Section 768.28, Florida Statutes.

SECTION 3. The Grantee shall, at its sole cost and expense, furnish and maintain an adequate, modern natural gas distribution system in the City of Fruitland Park, sufficient to meet the requirements of users of natural gas therein, and maintain reasonably uninterrupted service sufficient to meet such requirements; provided however, the Grantee shall not be liable or responsible for interruption of service or pressure fluctuation as the result of fire, strike, riot, vandalism, explosion, failure of defective equipment or materials, flood, wind storm, lightning, accidents, acts of God, or the public enemy, or any act by the supplier of bulk energy to the Grantee or other acts beyond the control of the Grantee, but the Grantee shall be prompt and diligent in removing and overcoming the cause or causes of said interruption. Nothing herein contained shall be construed as permitting the Grantee to refuse to deliver gas energy after the cause of the interruption has been removed. Grantee does not guarantee that the supply of gas energy furnished hereunder shall be free from interruption occasioned by any of the causes heretofore mentioned, is agreed that such interruption shall not constitute a breach of this Agreement on the part of the Grantee. With respect to restoration of the distribution of natural gas energy, the Grantee shall not discriminate among its customers, including the Grantor, and the services rendered hereunder shall be on an equal basis. The Grantee agrees that the materials to be used in the construction and maintenance of the gas distribution system described herein shall be as determined and specified by the Grantee, in its sole discretion, and that such materials shall conform to industry standards. The Grantee further agrees that under this franchise it will give to the Grantor and its inhabitants the same favorable consideration extended to the inhabitants of the Grantee under like conditions. However, notwithstanding anything elsewhere in this agreement to the contrary, Grantee reserves the right to decline to serve any customer within the franchise area if Grantee is not able to supply the quantity of natural gas requested or required by such customer, if construction of gas lines or other infrastructure required to serve such customer is deemed by Grantee to be prohibitively expensive compared to the revenue such customer may reasonably be anticipated to produce, or for other commercially reasonable economic or operational reasons.

SECTION 4. As a further consideration for the franchise granted under this Agreement, the Grantor agrees not to engage in the business of distributing and selling natural gas energy and to the extent allowed by law, not to grant to any third party a franchise to distribute and sell natural gas energy, during the life of this Agreement or any extension thereof, in competition with the Grantee, its legal representatives, successors and assigns.

SECTION 5. Grantee shall have the right and privilege to enlarge such distribution system, increase the number of underground mains, pipes, conveyances or appliances needed to extend its system within and outside of the present and future limits of the City of Fruitland Park, and to generally develop or change its service methods to meet the growth and progress of said City of Fruitland Park and to conform to the scientific and mechanical advancement and discovery of the age. All such work shall be done and carried on in conformity with such reasonable rules and regulations with reference thereto, as may be adopted by the City Commission of the Grantor that are within and conform to state and federal regulations relating to the transmission and sale of natural gas energy.

SECTION 6. The Grantee shall have the right to make reasonable rules and regulations for the use of natural gas energy sold and distributed by it to private parties and for municipal purposes, and the Grantee agrees that the rates charged for such natural gas energy shall at no time be more than the rates charged for natural gas energy to consumers within the Grantee for similar services. It is further understood that the Grantee shall have the right and authority to discontinue service to any customer for non-payment of utility charges, utility taxes or franchise fees, or such other charges as may be applicable, in accordance with such reasonable rules and regulations as may be established by the Grantee.

SECTION 7. As a further consideration for the granting of the franchise under this Agreement, the Grantee shall, during the term of this franchise, pay to the Grantor, as one of the expressed conditions and considerations for the franchise, rights and privileges granted and conferred by this Agreement, a franchise fee of eight percent (8**%)** which shall be computed on the gross revenues derived from the sale of natural gas energy consumed within the corporate limits of the City of Fruitland Park during the term of this franchise, excepting therefrom the gross revenues derived from the sale of natural gas energy delivered to and consumed by the Grantor for municipal purposes. Beginning with the effective date of this Agreement, the eight percent (8%) franchise fee shall be passed along to consumers within the corporate limits of the City of Fruitland Park in accordance with the "direct" method for applications of such fee established by the Florida Public Service Commission. The franchise fee shall be computed and paid in arrears monthly, becoming due on the last day of the month succeeding the month's billings to which the fee is applied. Grantee reserves the right to adjust the amount of gross revenues at any time by the amount of bad debts for uncollectible accounts served within Grantor's corporate limits. The records kept by the Grantee of the accounts for natural gas service within the corporate limits of the Grantor shall be open for inspection by the proper officials of the Grantor at reasonable intervals during normal business hours.

SECTION 8. As a further consideration for the execution of such Agreement and franchise on the part of the Grantee, the Grantor shall assess no ad valorem taxes against any real or personal property owned by the Grantee within Grantor's corporate limits during the term of said franchise; and any license tax imposed by the Grantor upon the Grantee for doing business within the said Grantor for business within the said Grantor shall not exceed the sum of five dollars ($5.00) per annum during the term of such franchise.

SECTION 9, Each and every month, the Grantee will bill, collect and pay to the Grantor in the same manner as the franchise fee discussed in Section 7, any utility tax that might be levied by the Grantor pursuant to Chapters 166.231 or 166.232, Florida Statutes, which tax shall be billed to each consumer within the corporate limits of the City of Fruitland Park, excepting therefrom those consumers which are, by law, tax exempt. It is understood and agreed that the Grantor shall by written notice immediately notify the Grantee of any change in the utility tax. For this tax collection service, the Grantor shall pay the Grantee each month a fee at the rate of one percent (1%) of the first one thousand dollars ($1,000.00) and one percent (1%) of the remainder of the utility tax so collected for that month which is the same rate as that presently allowed by the State of Florida for businesses which collect the State sales tax.

SECTION 10. Should any section or provision of this Agreement or any portion thereof, the deletion of which would not adversely affect (in the general sense) the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid. In the event of any such partial invalidity, Grantor and Grantee shall meet and negotiate in good faith to agree on a replacement provision that is in compliance with the judicial authority's decision.

SECTION 11. Except in exigent circumstances, all notices by either Grantor or Grantee to the other shall be made by either depositing such notice in the United States Mail, Certified Mail return receipt requested, by facsimile, or hand delivery. Any notice served by certified mail return receipt shall be deemed delivered five (5) days after the date of such deposit in the United States mail unless otherwise provided. Any notice given is deemed received by next Business Day. "Business Day" for purposes of this section shall mean Monday through Friday, with Saturday, Sunday and Grantor and Grantee observed holidays excepted. All notices shall be addressed as follows:

To Grantee:	To Grantor:
City of Leesburg	City of Fruitland Park
Attn: City Manager	Attn: City Manager
501 W. Meadow Street	506 W Berckman St
Leesburg, FL 34749	Fruitland Park, FL 34731
Facsimile No.: (352) 728-9734	Facsimile No.: (352)_____

Notice shall be given as required by this Agreement and for all other emergencies. Notice shall be provided to the above-named addressees unless directed otherwise in writing by Grantor or Grantee.

SECTION 12. This Agreement supersedes, as of the effective date hereof, all previous agreements, contracts or representations, whether written or verbal, heretofore in effect by and between the Grantee and the Grantor with respect to matters herein contained, and constitutes the sole Agreement by and between the parties hereto concerning such matters. This Agreement may not be amended verbally, by implication, by course of conduct, or in any other manner whatsoever other than by written amendment duly approved by the City Commissions of both Grantor and Grantee. The failure of either party to insist in any one or more instances upon the strict performance of any

one or more of the terms or provisions of this Agreement shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by either party unless said waiver or relinquishment is in writing and signed by the parties. Each party represents, for the benefit and reliance of the other, that it has not entered into this Agreement on the basis of, or in reliance on, any promise, statement or representation not specifically set forth herein.

IN WITNESS the Grantee and the Grantor have caused this Agreement to be executed by their duly authorized and acting officials as of the date provided below.

THE CITY OF FRUITLAND PARK, FLORIDA

By:_____
Mayor / Commissioner

Date:_____

Attest:_____
City Clerk

APPROVED AS TO FORM:

_____
CITY ATTORNEY

THE CITY OF LEESBURG, FLORIDA

BY: _____
JOHN CHRISTIAN, Mayor

Attest: _____
BETTY RICHARDSON, City Clerk

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY

AGENDA ITEM NUMBER
5f

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Water Conservation				
For the Meeting of:	August 28, 2014				
Submitted by:	City Manager Gary La Venia				
Date Submitted:	August 20, 2014				
Are Funds Required:			Yes		No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				
Description of Item: First reading on proposed Ordinance 2014-019. Second reading, if passed, will be held on September 11, 2014.					
Action to be Taken: Approval.					
Staff's Recommendation: Approval.					
Additional Comments:					

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 101 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED "WATER CONSERVATION"; SPECIFICALLY AMENDING SECTION 101.10 ENTITLED 'WATERWISE AND FLORIDA FRIENDLY LANDSCAPING;' AMENDING SECTION 101.10(C)(3) REGARDING THE WATERWISE LANDSCAPES PUBLICATION; AMENDING SECTION 101.10(C)(4) REGARDING IRRIGATION STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park City Commission recognizes the importance of water conservation efforts; and

WHEREAS, the City of Fruitland Park City Commission adopted Ordinance 2012-019 to incorporate Waterwise and Florida Friendly Landscaping requirements into the City Land Development Regulations; and

WHEREAS, the City of Fruitland Park City Commission finds and determines that certain updates to Ordinance 2012-019 are necessary; and

WHEREAS, the City of Fruitland Park City Commission accordingly desires to pass this Ordinance 2014- to incorporate such amendments.

NOW, THERFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1. Chapter 101.10(C)(2) of the City of Fruitland Park Land Development Regulations is hereby amended as follows:

101.10. Waterwise and Florida Friendly Landscaping.

2. Limit lawn areas. The use, type, and location of lawn area in the landscape shall be selected in a planned manner and not used as a fill-in material. Since most lawn varieties used in the landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately. The installation of turf grass shall be subject to the following:

a. Only sixty percent (60%) of the pervious (landscape) area of any lot or parcel may have irrigated turf grass. ~~Grasses having less than excellent drought tolerance as referenced in the Plant List may be installed on a maximum of sixty (60) percent of the pervious (landscape) area of any lot or parcel as follows:~~

~~**Turf Grass Table**~~

~~**Site Size**~~	~~**Turf Area**~~
~~Less than 5 acres~~	~~60% of the pervious landscape area~~

~~5-10 acres~~	~~60% of the pervious landscape area, not to exceed 5 acres, whichever is less~~
~~Less than 10 acres~~	~~60% of the pervious landscape area, not to exceed 10 acres, whichever is less~~

Exemptions:

Unirrigated ~~T~~turf having an excellent drought tolerance rating, such as Bahia grass, may be used on the entire site and is not subject to this limitation.

Agricultural uses, commercial golf course greens and fairways, public or private active recreation fields such as ball fields are exempt from this limitation.

b. Existing Development. The replacement of lawns (turf grass), existing as of December 1, 2009, shall be encouraged to replace lawns and plants with Florida Friendly Landscaping and drought tolerant turf.

Section 2. Chapter 101.10(C)(3) of the City of Fruitland Park Land Development Regulations is hereby amended as follows:

3. Low water use plants. Landscape plants shall be selected based on appropriateness to the site considering conditions such as soil type, moisture, and sunlight using the principle of "right plant right place" as described in the Florida online "Waterwise Landscapes" ~~Florida Landscaping" published by the St. Johns River Water Management District~~database. The plants shall be grouped in accordance with their respective water needs. A reference to a list of low water use plants is contained in the Plant List for Lake County.

Section 3. Chapter 101.10(C)(4) of the City of Fruitland Park Land Development Regulations is hereby amended as follows:

4. Efficient and well-designed irrigation systems.

A. All new or significantly (50% or greater) altered residential construction and/or residential irrigation systems shall be consistent with the Irrigation System Standards and consistent with the following additional requirements: ~~irrigation systems shall be designed and maintained to efficiently use water. The following criteria for irrigating a site shall be used in the design of the system.~~

a. High volume irrigation area(s) shall not exceed sixty percent (60%) of total area to be irrigated. Low volume irrigation areas may be utilized in lieu of any high volume irrigation area.

b. Irrigation system shall be designed and equipped to operate in the range of 40 to 45 psi at each spray head.

c. Irrigation system shall be equipped with filter device(s) to ensure emitters maintain proper cast and coverage.

d. Irrigation zones for turf grass areas shall be separate from irrigation zones for tree, shrub, and ground cover beds. Flood bubblers are preferred for trees. The use of low-volume, emitter, or target irrigation is preferred for shrubs and ground covers.

e. Irrigation system shall be designed for maximum uniformity over an irrigation zone.

f. Spray heads and rotors shall not be mixed within the same zone.

g. Rotors and sprays in turf areas shall be spaced to achieve head to head coverage.

h. No irrigation risers shall be installed.

i. There shall be a minimum of four (4) inches between distribution equipment and pavement.

j. The landscape irrigation system shall be designed so that there is no direct spray onto buildings, roadways, driveways, or other hardscape leading to water-wasting.

k. All irrigation systems shall be equipped with irrigation controller(s) having non-volatile memory or battery backup which retains the irrigation schedule during and/or after power outages.

l. Narrow landscaped areas (including turf) of less than four (4) feet shall not be irrigated unless micro-irrigation emitters are used.

B. All irrigation systems must be properly installed and maintained, and must operate technology such as rain and/or soil moisture sensors which inhibit or interrupt operation of the irrigation systems during periods of sufficient moisture.

C. Nothing within this Chapter shall require the installation of an irrigation system. Requirements for installing irrigation systems are specified in other locations within the City Code of Ordinances and/or the Land Development Code.

~~a. Rain sensors. Functioning rain sensor devices shall be required on all automatic irrigation systems to avoid irrigation during periods of sufficient rainfall.~~

~~b~~D. Irrigation overflow. The irrigation system shall be designed to minimize irrigation overflow onto impervious surfaces and to avoid any ponding effects.

~~c~~E. Temporary irrigation. Minimum size canopy trees requiring irrigation prior to becoming established shall use tree bubblers or micro-irrigation on a separate zone.

~~d~~F. Plant establishment. Hand watering or a temporary irrigation system may be allowed to ensure the plants become established.

Section 4. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section, "article," or such other word or phrase in order to accomplish such intention.

Section 6. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 7. This ordinance shall become effective upon passage.

PASSED AND ORDAINED this _____ day of _____, 2014, by the City Commission of the City of Fruitland Park, Florida.

_____
CHRISTOPHER J. BELL, CITY MAYOR

ATTEST:

_____
Esther Coulson, City Clerk

Vice Mayor Goldberg _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Cheshire _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Gunther _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Commissioner Kelly _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)
Mayor Bell _____ (Yes), _____ (No),_____ (Abstained),_____ (Absent)

Passed First Reading _____

Passed Second Reading _____

Approved as to form:

_____
Scott A. Gerken, City Attorney

AGENDA ITEM NUMBER
5g

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	**Ordinance 2014-018 Personnel and Policy Procedures Manual**				
For the Meeting of:	August 28, 2014				
Submitted by:	Gary La Venia, City Manager				
Date Submitted:	July 2, 2014				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				
Description of Item: Proposed Ordinance 2014-018 Personnel and Policy and Procedures Manual.					
Action to be Taken: Approval.					
Staff's Recommendation: Approval.					
Additional Comments: None					

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; ADOPTING A REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park City Commission recognizes the value of its employees; and

WHEREAS, the City of Fruitland Park City Commission wishes to amend its Personnel Policies and Procedures Manual.

NOW THEREFORE be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The City of Fruitland Park Personnel Policies and Procedures Manual is hereby amended as attached to this Ordinance as Exhibit "A."

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 3. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or relettered, and the word "Ordinance" may be changed to "Section", "Article", or other appropriate designation.

Section 4. This Ordinance shall become effective upon passage on second and final reading by the City Commission of the City of Fruitland Park.

PASSED AND ADOPTED this _____ day of _____ 2014, by the City Commission of the City of Fruitland Park, Florida.

_____
Christopher J. Bell, Mayor

Attest: _____
Esther Coulson, City Clerk

Vice Mayor Goldberg _____(Yes), _____(No),_____(Abstained),____(Absent)
Commissioner Cheshire____(Yes),_____(No),_____(Abstained),____(Absent)
Commissioner Gunther____(Yes),_____(No),_____(Abstained),____(Absent)
Commissioner Kelly_____(Yes),_____(No),_____(Abstained),____(Absent)
Mayor Bell_____(Yes),_____(No),_____(Abstained),____(Absent)

Passed First Reading _____
Passed Second Reading _____

Approved as to form:

_____
Scott A. Gerken, City Attorney

PERSONNEL POLICIES AND PROCEDURES MANUAL

Adopted by Ordinance No. 92-018
of the Fruitland Park City Commission
on January 14, 1993

Revised: Ord. #93-021, Dec. 9, 1993
Ord. #95-003, May 11, 1995
Ord. #97-012, Dec. 11, 1997
Ord. #99-002, Feb. 11, 1999
Ord. #00-001, Jan. 13, 2000
Res. #00-021, Aug. 10, 2000 Appendix B
Ord. #04-017, July 8, 2004
Ord. #06-021, Oct. 26, 2006
Ord. #07-005, Jan. 25, 2007
Ord. #09-009 July 9, 2009__

Last Revision: May 13, 2014

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Fruitland Park is an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital stats, veteran status, genetic information or disability. This applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions regarding employment.

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INTRODUCTION

The purpose of this Manual is to establish and maintain a reasonable system for administration of all personnel matters. These procedures shall be administered by the City Manager. The City Manager may delegate the responsibility of assisting in the administration of these personnel policies and procedures. These policies and procedures will be updated periodically upon the recommendation of the City Manager. The City Manager reserves the right to modify or discontinue the policies and benefits set forth in this manual at anytime without notice.

The goal of uniform personnel practices is to insure that the principles of fairness and merit are the basis for all personnel actions. These personnel policies and procedures have been established to set standards insuring that in any personnel action, including recruitment, examination, selection, appointment, compensation, training, promotion, retention and discipline; the basis for the action and the procedures employed will be impartial and universally applied.

For the purposes of this Manual, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A word importing the masculine gender only shall extend and be applied to females as well.

This manual does not constitute an employment contract between the City and the employee.

I. ADMINISTRATION OF THE PERSONNEL PROGRAM

1.1 The City Manager

The City Manager shall be responsible for insuring the effective administration of these policies and procedures and may delegate such functions as deemed necessary for the implementation of this system. The City Manager may adopt, amend, or rescind written administrative procedures consistent with these rules and procedures. The City Manager shall advise the City Commission of any changes.

The City Manager or his appointee shall be responsible for directing and coordinating the personnel activities of the City including the following:

(a) Preparation of classification designations and pay plan and directing the administration of these plans.

(b) Computation of a budget for Personal Services for all Departments.

(c) Recruiting, testing, selecting, and hiring of all City employees, including members of the Fruitland Park Fire Rescue Department.

(d) Approving the appointment, promotion, demotion, transfer, discipline, discharge and other actions affecting persons employed by the City.

(e) Supervising, developing, and maintaining the personnel system including written forms, procedures and records.

(f) Maintaining a current roster of all persons employed by the City.

(g) Directing employee orientation, training, counseling and career development in conjunction with Department Heads.

(h) Administering the fringe benefits program.

(i) Approving Performance Evaluation reviews for all employees except the City Clerk and City Treasurer.

(j) Administering the Personnel Policies and Procedures.

(k) Performing any other lawful acts which are considered necessary or desirable to carry out the purpose of the personnel programs and the provisions outlined in this Manual.

1.2 **Department Heads**

Department Heads may establish such written rules as deemed necessary for the efficient and orderly administration of their department. Such rules are subject to the approval of the City Manager before they become effective, and must be consistent with the guidelines established in this Manual. Copies of department rules will be filed with the City Manager.

1.3 **HR Administrator**

The HR Administrator shall be the Personnel Officer and maintain a personnel record for each employee. The personnel record shall show the employee's name, title, job description, department, salary, changes in employment status, training received, disciplinary actions, and other such information as may be considered pertinent.

All employee records are available for review in accordance with Florida's Public Records Law.

1.4 **Productivity**

The City shall recognize that delivery of essential municipal services in the most efficient and effective manner is of paramount importance. Optimum productivity is recognized to be the mutual obligation of both the City and its employees.

Work procedures, schedules and assignments, or any other means of increasing productivity, may be established and revised at the discretion of the City Manager. The City management and employees may agree to meet at mutually convenient times to discuss means of increasing departmental productivity.

1.5 **Safety**

The management of the City of Fruitland Park has a sincere concern for the welfare and safety of its employees. The belief is most accidents can be prevented through a well organized and managed safety program.

The City Manager is responsible for designating a department head of the city as Safety Director, which shall be an additional duty. A Safety Committee shall be formed, consisting of a designee from each department, approved by the City Manager, who will be supervised by the Safety Director. The Committee shall be responsible for preparing and establishing a city-wide safety program and procedures manual in conjunction with representatives of the city's insurance companies.

The Safety Committee shall hold quarterly meetings to review accident reports and prepare recommended changes or establish new policies, as may be required, to be forwarded to the City Manager for review and appropriate action.

The Committee shall appoint a Health and Wellness Coordinator and assistant who will make periodic inspections of all City facilities and shall recommend corrective action of potential problems to the Committee. The Committee may then recommend a corrective action to the City Manager, when appropriate.

All accidents or injuries involving City employees or equipment shall be reported as soon as practicable to the employee's supervisor who will in turn report same to the Personnel Officer and Safety Director. Appropriate report forms shall be prepared and forwarded to governmental and insurance offices as may be required.

II. STANDARDS OF CONDUCT

2.1 Policy of the City

The attitude and conduct of all City employees shall at all times be such as to promote the good will and favorable attitude of the public toward the City Administration, and its programs and policies. All employees are encouraged to maintain personal appearance in a manner which will reflect a good image to the public. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and the overall expertise of the organization.

The policy of the City is to expect from its employees, compliance with all rules and regulations of the City, State Statutes, and Federal regulations in the performance of their duties, as well as compliance with all safety rules and standards. An employee who violates any of these rules and regulations shall be subject to disciplinary action.

2.2 Code of Ethics – Conflict of Interest

To avoid misunderstanding and conflicts of interest which could arise, the following policies shall be adhered to by all employees of the City:

(a) No employee shall use or attempt to use his position to secure special privileges or exemptions for himself or for others, except as may be provided by policy or law.

(b) No employee shall accept any gift, favor, or service that might reasonably tend to influence him in the discharge of his official duties.

(c) No employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by reason of his position with the City.

(d) No employee shall disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit.

(e) If an employee of the city is an officer, director, agent or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to regulation of, or which has substantial business commitments with the City or other political subdivision of the State, he shall file a sworn statement to this effect with the City Clerk.

(f) No employee shall transact any business in his official capacity with any business of which he is an officer, director, agent, or member, or in which he owns a controlling interest.

These policies are in accordance with Sections 112.311 through 112.326, Florida Statutes, entitled "Code of Ethics for Public Officers and Employees". When an employee has any doubt as to the application of this policy, he should discuss the matter with the Department Head, the Personnel Officer and the City Manager.

2.3 **Departmental Policies**

Policies established by the Department Head for his respective department shall remain valid and in force unless they are in contravention of this Manual.

2.4 **Restriction on Employment of Relatives**

(a) Definitions:

(1) "City Official" means a city employee, including members of the Commission, in whom is vested the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency.

(2) "Relative" with respect to a city official, means an individual who is related to the city official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, grandfather and grandmother.

(b) A city official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the city official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion or advancement has been advocated by a city official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control".

(c) The employment of a relative is not prohibited so long as one does not come under the jurisdiction of the other, e.g., two brothers, one of whom works as an equipment operator, the other a laborer within the same or different departments.

(d) The employment of a relative is prohibited if one comes under the jurisdiction of the other, e.g., the employee is a supervisor and the relative would be assigned to his work crew.

2.5 **Political Activity**

Any person holding a position in the City shall have the same privilege to exercise his right of franchise as any other citizen; however, no City employee, except elected officials of the City, shall take an active part in any political campaign, including the active solicitation of votes and the distribution of political materials, during normal hours of work.

Any employee, as defined in the above paragraph, who runs for any elected office, must comply with Florida Statutes Section 99.012 (restrictions on individuals qualifying for public office).

2.6 **Outside Employment**

(a) Police Service – Employees wishing to engage in off-duty employment with another employer must obtain approval from the Chief of Police, if his off-duty employment might utilize his powers of a police officer.

Employees who engage in off-duty police related activities for the City (in uniform and within City limits) shall be subject to the chain of command and protected by the City benefits.

(b) All Employees – Employees who engage in employment must conform to the following regulations:

(1) Such outside employment shall not have any conflict, with the official duties of the employee.

(2) Outside employment shall not require such a degree of commitment that it would tend to prevent an employee from rendering primary (effective) service to the City.

(3) The work shall not reflect negatively upon the employee so as to bring discredit to himself or the City.

(4) It shall be understood that the City has first call upon the services of its employees whenever the public interest demands it, regardless of any impingement upon secondary employment.

Failure to comply with this requirement may result in disciplinary action.

2.7 **Release of Information**

No employee entrusted with, or having knowledge of, information of a confidential nature concerning either another employee or the City, shall release such information without the specific approval of the City Manager. Violation of this rule shall be grounds for disciplinary action, including dismissal from City service.

Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information and access to City records. In accordance with the above paragraph, no employee shall divulge information or permit access to records which are confidential and not a public record. Unless release of information is a normal part of an employee's duties, he shall decline courteously to reveal information and shall direct inquiry to the Department Head, the City Clerk, or the City Manager.

2.8 **Solicitations**

Employee contributions to recognized charitable organizations are purely voluntary; no coercion of an employee to make contributions shall be permitted.

City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any labor union, labor organization, or employee organization during his working hours or the working hours of the employee sought to be solicited.

2.9 **Employee Debts**

An employee's financial transactions are his own affair. The City will not act as a collection agency for an employee nor for collection agencies. However, should complaints concerning an employee's failure to meet financial obligations interfere with his job performance, the employee shall be so informed. Should the condition continue, the employee may be subject to disciplinary action.

2.10 **Use of City Property**

(a) An employee must obtain permission from his Department Head or the City Manager to use a City vehicle outside the City limits. A City gasoline credit card will be used for gas. Any out-of-pocket expenses such as parking, tolls, or emergency repairs, shall be reimbursed upon presentation of receipts.

(b) Authorized persons only may ride in City vehicles, e.g. employees, elected officials and persons under contract. Elected officials may ride only with the Chief in police vehicles. Spouses and family members may accompany an employee when travelling to and from an official function. This does not preclude police officers from transporting detained persons or the offering of transportation to citizens in need of assistance.

(c) No hitchhikers are allowed in City vehicles.

(d) City vehicles and equipment, whether owned or leased, shall not be utilized for personal reasons.

2.11 General Prohibitions

(a) No person shall make any false statement, certification, mark, rating or report with regard to any test, certification, or appointment made under these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

(b) No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or any other valuable consideration for any appointment, proposed appointment, promotion, or any advantage in position in the City service.

(c) No employee shall deceive or obstruct any person in his right to application, certification, eligibility, or appointment under these rules; or to furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City service.

(d) No employee or official whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badge, card or insignia to be used or worn by any person who is not authorized to use or wear same, nor permit same to be out of his possession without good cause, or approval of his Department Head or authorized superior. Such badge, card or insignia shall be used only in the performance of the official duties of the position to which they relate.

(e) No employee or official shall be a member of or form an association with any group or organization known to cause harm or be known for hate crimes against another segment of people. Association or membership in any such group or organization will be grounds for termination.

2.12 National Incident Management System (NIMS)

The City of Fruitland Park has adopted NIMS for the basis of all incident management within the City of Fruitland Park. Department Heads and key personnel are expected to obtain the NIMS training as determined by Resolution 2011-006 adopted February 11, 2011. Each Department Head is expected to provide a list of NIMS training needed by his department personnel to the Personnel Officer.

2.13 Drug and Alcohol Policy The City of Fruitland Park has adopted a Drug-free Workplace Policy

(a) Drug and Alcohol Use and Influence Prohibited

(1) Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using or being under the influence of any controlled substance as defined in Chapter 893, Florida Statutes (1993) or alcohol on City premises, while on City business, during scheduled work hours, and while on call.

(2) Employees are prohibited from violating any criminal drug statute. Any employee convicted of violating a criminal drug statute must inform the city of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring.

(b) Drug Testing

(1) This testing policy and procedure shall apply to all employees of the city of Fruitland Park and prospective applicants. Nothing in this policy shall limit or otherwise restrict the right of the City to require pre-employment drug tests as a condition of employment.

(2) Employees performing a safety sensitive function or who are required to possess a commercial driver's license (CDL) will be tested for controlled substances prior to employment and will be subject to random testing during employment.

(3) Any employee who is reasonably suspected of being, or is under the influence of any controlled substance as defined in Chapter 893, Florida Statutes (1993), may be tested for presence of such drugs pursuant to the procedure set forth herein.

(4) Upon the determination that reasonable suspicion exists for requiring an employee to submit to drug screening, the City Manager shall notify the employee, in writing, that the employee is being required to submit to a drug test. The notice shall state the time and place for conducting the drug test, and shall also set forth the essential facts upon which the reasonable suspicion for the testing is based.

(5) The City of Fruitland Park will use a qualified independent testing laboratory, (US Healthworks) as may be selected by the City Manager, to conduct the drug test.

(6) Upon reporting for the test, the employee to be tested must produce photographic identification. He shall also be required to remove any outer garments such as coats, jackets or handbags.

(7) The employee to be tested may produce the urine sample behind a partition or in the privacy of a bathroom stall if the employee so chooses. To insure against adulteration of the sample, or substitution of a sample from another person, a monitor of the same sex of the employee shall remain close at hand to listen for the normal sounds of urination. Dye will be added to the toilet water to prevent the employee from using the water to adulterate the sample.

(8) Upon receiving the sample, the monitor shall inspect it to insure it is the proper temperature and color, place a tamper-proof custody seal over the container, and affix an identification label indicating the date and the individual's name and lab number, if applicable.

(9) The employee shall sign a chain of custody form which shall be

initialled by the monitor, and the urine sample shall be placed in a plastic bag, sealed, and delivered to the laboratory for testing.

(10) The laboratory will test the sample for the presence of any controlled substance defined in Chapter 893, Florida Statutes, including but not limited to:

Marijuana	Amphetamines	Opiates
Cocaine	Phencyclidine	

(11) The testing shall use a two-step process. The initial screening test shall use the enzyme-multiplied-immunoassay technique (EMIT). Any sample that tests positive on the initial EMIT must then be confirmed using either Gas Chromatography-Mass Spectrometry (GC/MS) or High Profile Thin-Layer Chromatography.

(12) Confirmed positive results shall be submitted to a licensed physician who has knowledge of substance abuse and has appropriate medical training to interpret and evaluate the employee's positive test result together with the employee's medical history and any other relevant biomedical information.

(c) Alcohol Testing

(1) This testing policy and procedure shall apply to all employees of the City of Fruitland Park and prospective applicants.

(2) Any employee who is reasonably suspected of being under the influence of alcohol may be tested for presence of alcohol pursuant to the procedure set forth herein.

(3) Upon the determination that reasonable suspicion exists for requiring an employee to submit to an alcohol test, the City Manager shall notify the employee, in writing, that the employee is being required to submit to an alcohol test. The notice shall fix the time and place for conducting the alcohol test, and shall also set forth the essential facts upon which the reasonable suspicion for the testing is based.

(4) The City of Fruitland Park Police Department shall conduct the alcohol test in compliance with the guidelines established for the testing of DUI suspects, by using a certified intoxalyser.

(5) Employees performing a safety sensitive function or who are required to possess a commercial driver's license (CDL) will be tested for alcohol prior to employment and will be subject to random testing. Testing under this paragraph will be performed by a qualified independent testing laboratory, (US Healthworks), as may be selected by the City Manager.

(d) Disciplinary Action

(1) Employees who test positive on a drug screen test, and who can offer

no satisfactory explanation, are subject to dismissal.

(2) Employees who test positive for alcohol, above .00 blood alcohol level, on an intoxalyser test, and who can offer no satisfactory explanation, are subject to dismissal.

(3) Employees who refuse to submit to drug or alcohol testing are subject to disciplinary action, including dismissal.

(4) Prospective applicants who test positive on a drug screen test, and who can offer no satisfactory explanation therefore, are not eligible for employment with the City of Fruitland Park.

(5) Employees convicted of violating a criminal drug statute are subject to disciplinary action, including dismissal.

(6) Employees who fail to inform the City of their conviction of violating a criminal drug statute are subject to disciplinary action, including dismissal.

2.14 **Harassment**

The policy of the City of Fruitland Park is to maintain a working environment free from all forms of harassment, sexual harassment, or intimidation. Harassment in the work place is against the policy of the City of Fruitland Park and against the law. While harassment affecting employment is commonly thought of as sexual, it can also relate to an employee's age, race, color, national origin, religion, marital status, disability or veteran status.

Sexual advances or requests for sexual favors by supervisors or other employees are serious violations of our policy and will not be condoned or permitted. Further, other verbal or physical conduct of a sexual nature which has the effect of unreasonably interfering with an individual's work performance or which creates an intimidating, hostile, or offensive work environment are likewise serious violations of our policy and will not be condoned or permitted. Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, verbal abuse or insults of a sexual nature, inappropriate or unnecessary touching of an individual or physical contact, and sexually degrading words used to describe an individual. Sexually suggestive pictures, posters, cartoons, and drawings can also be considered sexual harassment.

Sexual, racial, ethnic or other illegal harassment of any employee by any member of our staff or by a visitor to our workplace will not be tolerated. All supervisory personnel have the explicit responsibility and duty to take immediate corrective action to prevent <u>any</u> harassment of City employees.

Any employee who feels that he or she has been subjected to sexual or other harassment including but not limited to the conduct listed above, should immediately report such conduct to the City Manager or the HR Administrator. In the event that the City Manager and HR Administrator are of the same gender, the City Manager shall designate a City employee of the opposite gender with whom any harassment complaints may be registered. Any and all such designees shall be employees holding a managerial position with the City. If the City Manager makes such a designation, this Personnel Policies and Procedures Manual shall be amended accordingly.

All complaints of sexual or other harassment will be promptly and confidentially investigated. Any employee of the City of Fruitland Park who violates this policy will be subject to appropriate disciplinary action up to and including discharge.

The registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining employee's employment. Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is prohibited. Retaliation against an individual for reporting harassment or discrimination is a serious violation of this policy and, like the harassment or discrimination itself, will be subject to disciplinary action.

2.15 **Blood Borne and Air Borne Pathogens**

The City of Fruitland Park recognizes certain employees may have exposure to blood borne and air borne pathogens. Training is provided on how to take preventative measures and precautions. Department heads are to ensure their department has a specific procedure on dealing with blood borne and aire borne pathogens.

2.16 **Equal Employment Opportunity**

The City of Fruitland Park is committed to a policy of equal opportunity for all its employees and all applicants for employment. The policy of the City is to comply with all laws related to equal opportunity in all City programs and personnel actions that affect employees or individuals seeking employment.

The policy of the City is to administer recruiting, hiring, working conditions, benefits, compensation, city-sponsored training, safety and health programs, promotions, demotions, terminations of employment, discipline and social and recreational programs without regard to race, color, religion, sex, age, national origin, physical or mental disability, marital status, veteran status, and genetic information. Further, the policy of the City is that all recruitment, selection, placement, training, and termination of employment decisions made by the City Manager or designee will be based solely on the employee's or candidate's job-related qualifications and abilities with reasonable accommodation for disabled individuals.

Seniority may be treated as a factor in the selection process from time to time. When an open employment position exists, all employees who apply for a promotion will be evaluated solely on the basis of the individual's ability to perform the requirements of the open position as demonstrated by examination or other evidence of competence, merit (as demonstrated by the employee's past performance record) and, where ability and merit are substantially the same, seniority.

The Mayor, and City Commission of the City of Fruitland Park will periodically review this Personnel Policy to ensure that the City through the City Manager, its department heads and supervisors adhere to the City's commitment to Equal Employment Opportunity.

III. RECRUITMENT, APPLICATION AND SELECTION

General Statement

Appointment and promotion to positions in the City shall be based upon merit and fitness for the position to be filled. Selection methods will be based solely on job-related knowledge, skills, abilities, experience, education and, when appropriate, prior demonstrated performance, aptitude and adaptability. Selection factors will be weighed as determined through position classification and analysis.

Regardless of the number of competitors, selection methods shall be deemed competitive when: (a) the qualifications required are based upon education, experience and personnel standards established by the job description; (b) a reasonable opportunity is afforded for qualified persons to apply; and (c) all persons being considered compete against common standards.

The city is an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin or disability.

The City provides reasonable accommodation in the hiring process.

3.1 Appointing Authority

The Department Head of each department shall recommend in writing to the City Manager all appointments for the department. The City Manager is the appointing authority.

3.2 Announcement of Vacancies

All vacancies shall be filled by transfer, promotion, reemployment, reinstatement, or original appointment. When a vacancy is to be announced, the Department Head shall submit a written request to the City Manager. This request should state any special requirements of the position so that they can be added to the job announcement. Approval must be obtained from the City Manager prior to any advertising or recruiting.

The job announcement shall specify the title and salary range of the class for which the opening is occurring; the job description (or summary); manner of application; and other pertinent information.

Announcements shall be posted on the official City bulletin board where eligible persons might reasonably be expected to have access to them.

It shall be the duty of the Department Head or City Manager to bring the announcement to the attention of all eligible employees.

Announcements may be advertised in a newspaper of local distribution. All advertisements or announcements will be processed through the office of the City Clerk. In cases where there is a current "list of eligibles" (as established through earlier recruiting, advertising and testing) no further advertising or recruiting is necessary.

3.3 **Pre-Employment Requirements**

Medical Examination Prior to Appointment – A medical examination is required prior to original appointment and shall be conducted by the City's physician. Cost for this examination shall be incurred by the City. A drug screen test is required as a part of this examination. If the physician deems any candidate medically unable to perform the duties of the position, the report shall state the reason(s) for the inability and the reason for rejection. The City Manager shall make all final decisions in this regard.

All medical examinations if required before promotional appointments are made shall be paid for by the City.

Any person who refuses to submit to such an examination may be rejected for employment or promotion.

Background Check – All Candidates must be photographed and fingerprinted for the purpose of a routine background check.

Any person who refuses to submit to such an examination may be rejected for employment.

A reserve police officer whose services are being utilized by the City will not be required to submit to an additional medical examination, nor an additional background check hereunder prior to original appointment as an employee of the City if the officer submitted to a medical examination and background check immediately prior to the officer's current tour of duty with the City.

3.4 **Rejection of Applicants**

Any applicant may be rejected if that person:

(a) Is found to lack the job-related qualifications prescribed in the job description.

(b) Is physically unable to perform the duties of the position.

(c) Has a recent history of untreated excessive use of alcohol, or use of narcotics, or other drugs which may affect work performance.

(d) Has a record of unsatisfactory employment.

(e) Has been convicted of a crime which would bar the applicant from effective performance of the duties of the specific position applied for.

(f) Has used or attempted to use political pressure or bribery to secure an advantage in being considered for a position.

(g) Has practiced or attempted to practice deception or fraud in the application or testing process.

(h) Has otherwise violated policy or procedures relating to the application process.

A reasonable effort will be made to notify all applicants applying for a specific job, by mail or phone, within 5 working days after the vacancy has been filled.

3.5 **Filling of Vacancies**

When a vacancy is to be filled, the Department Head shall submit a Personnel Action Form to the City Manager. This form should state the appropriate information to identify the type of appointment requested (promotion, transfer, original appointment, etc.). Appointments must be approved by the City Manager before they are final.

IV. WORK SCHEDULE

General Statement

Every employee shall perform such services as may be directed by the respective Department Head or the City Manager, even though the work may be of a different nature or in a different department from that in which the employee is normally engaged.

Sworn Officer Police Department personnel have alternate work schedules and will be addressed separately. Police Department Administration work schedules follow the same as for General employees.

4.1 General Employee Work Week

Generally, the work week shall consist of five consecutive eight hour days, Monday through Friday. This may be altered by the Department Head with the approval of the City Manager, but will always consist of a 40 hour shift scheduled during a seven day calendar period.

4.2 General Employee Work Day

Generally the work day shall consist of eight working hours (between 8:00 a.m. and 5:00 p.m.) within the 24 hour period beginning at midnight. This may be altered by the Department Head with the permission of the City Manager.

4.3 General Employee Work Day Breaks

A normal work day may include two 15 minute breaks and a one hour lunch break to be scheduled by the Department Head or the City Manager.

4.4 General Employee On-Call time

The City may require certain employees to be available to respond to emergency situations during non-work hours. Those so designated shall be issued electronic paging devices, to be kept on or near their persons at all times. Employees assigned to such duty shall be compensated on the basis of three hours overtime per week served at one and one-half the hourly rate. (See Section 6.5, Overtime)

4.5 General Employee Shift Changes

Employees will normally be given adequate advance notice of any changes in regular working hours, except where an emergency exists.

4.6 Work (Attendance) Record

The head of each department shall be responsible for the completion of a biweekly time card for each employee within the department. The card shall be forwarded to the Finance Department. Upon completion of processing, the Finance Department shall forward each time card and the Absence Request/Report Form to the Personnel Officer for filing.

Absence Request/Report Forms must be submitted by department heads with the time cards to Finance. The Finance Department will confirm the absence with the time card. Original Absence Request/ Report Forms will be placed in the employee's personnel file.

4.7 **Sworn Officer Police Department Work Week.**

Sworn Officer Police Department personnel currently follow an alternate work schedule. These personnel have a work week which includes all seven days of the week. The Sworn Officer Police Department personnel typically work between 84 – 86 hours every two weeks.

4.8 **Sworn Officer Police Department Work Day**

The normal work schedule for these officers includes 12 hour shifts which may be scheduled for anytime during a 24 hour period of the day.

4.9 **Sworn Officer Police Department Work Day Breaks**

Sworn Officer Police Department personnel work day includes two 15 minute breaks and one 60 minute meal break. Personnel in this department will notify their immediate supervisor when they take any type of break.

V. CLASSIFICATION PLAN

General Statement

The classification plan is comprised of a list of classes of positions supported by written specifications or job descriptions setting forth the duties and responsibilities of each class and the qualifications necessary for appointment to a position within that class.

5.1 Purpose

The purpose of the classification plan shall be to:

(a) Provide like pay for like work.

(b) Establish qualification standards for recruiting and testing purposes.

(c) Provide the appointing authority with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.

(d) Assist the appointing authority in determining budget requirements.

(e) Provide a basis for developing standards of work performance.

(f) Establish lines of promotion.

(g) Indicate training needs.

(h) Provide uniform titles to positions.

5.2 Class

A class shall be comprised of one or more positions that are similar in the basic character of their duties and responsibilities so that the same pay scale, title and qualification requirements can be applied, and the positions can be treated fairly and equitably under like conditions for personnel purposes.

5.3 Class Specification (Job Descriptions)

The Personnel Officer shall be responsible for maintaining current class specifications for all positions in the City.

The class specification shall state the characteristic duties, responsibilities, and qualification requirements which distinguish a given class from other classes. The class specification shall describe the more typical types of work which may be allocated to a given class, but shall not be construed to restrict the assignment of other duties related to the class.

5.4 **Administration of the Classification Plan**

The classification plan shall be established and maintained through recommendations of the Personnel Officer to the City Manager. The City Manager shall have final authority, and may establish a new class, create a new position within a class, or reclassify a position.

When a new position is proposed by the Personnel Officer, a request for classification of the position with a description of the applicable duties and responsibilities shall be sent to the City Manager. The City Manager shall allocate the position to the proper class after analysis and evaluation of duties and responsibilities without regard to the personal characteristics, abilities or qualifications of the incumbent.

5.5 **Reclassification**

Reclassification of positions may not be used to avoid restrictions concerning demotion, promotion, or compensation.

When the assignment of an employee has changed substantially as to kind or level of work, the Department Head may initiate a request for a change in classification. This request will be submitted in writing to the Personnel Officer, accompanied by a new position description prepared by the Department Head. Such reclassification shall be considered a change in position, and rules and pay procedures applicable to a position change shall apply. If the City Manager denies a reclassification, no similar request may be submitted within six months.

5.6 **Classification Designations**

All personnel positions shall be designated as salaried or hourly wage personnel.

Please refer to Appendix A for classification listings.

VI. PAY PLAN AND ADMINISTRATION

6.1 Pay Plan

The Pay Plan shall prescribe the pay range for each position. The Pay Plan will indicate a low and a high rate only for the position. Employee's actual rate within a pay range will be dependent upon longevity and merit.. Pay rates shall be equal where men and women are performing similar work under similar conditions. Pay Plans will be revised whenever a Cost of Living Adjustment is made.

Employees whose rate of pay is at the top of the pay range will not receive additional merit increases. These employees will be eligible for cost of living adjustments when given.

Please refer to Appendix B for the Pay Plan.

6.2 Appointment Rate

The minimum rate of pay for a position shall normally be paid to any person, whether full or part-time for original appointment to a position. Original appointment above the minimum rate may be made only with the written approval of the City Manager.

6.3 Pay Days

All full-time, part-time and seasonal employees shall be paid on a biweekly basis. When a pay day falls on a holiday, employees will be paid on the last day of the week prior to the holiday.

6.4 Merit Increases

Merit increases, as approved by the City Commission, may be granted to employees who have performed their duties in an exemplary manner. They are not automatic. Such increases are subject to a written Performance Evaluation from the Department Head to the City Manager certifying that the employee has been performing work which consistently meets or exceeds department standards, and is improving in his ability to carry out the job assignment. Merit increases are normally granted on an employee's anniversary date of employment or date of promotion, excluding the City Clerk and City Treasurer whose anniversary date will be October 1.

6.5 Overtime

General Employees

Hourly (nonexempt) employees who work more hours than the standard work week (40 hours) established for their position will be compensated at the rate of one and one half times the hourly rate for the position.

Hourly employees may request compensatory time in lieu of paid overtime to be granted in accordance with the Fair Labor Standards Act of 1938, as amended.

Salaried (exempt) administrative and professional employees who work more hours than the standard work week established for their position may be allowed compensatory time off at the discretion of the City Manager.

Employees (not including full-time sworn officer police department personnel) who are required to work on a recognized holiday shall be compensated at the rate of one and one half times the hourly rate for that position, regardless of the number of hours worked during the pay period.

Sworn Officer Police Department Personnel

Sworn Officer Police Department Personnel who work more than 86 hours in a two week period will be compensated at the rate of one and one half times the hourly rate for the hours worked above 86 hours.

Sworn Officer Police Department Personnel may request compensatory time in lieu of paid overtime to be granted in accordance with the Fair Labor Standards Act of 1938, as amended.

6.6 **Compensatory Time**

All employees who are eligible for overtime pay, in accordance with federal law, may be granted compensatory time equivalent to one and one half times the normal rate earned by the employee in lieu of overtime pay. The compensatory time shall be approved by the employee's department head.

Compensatory time may be banked up to a total of 24 hours. Compensatory time must be used before December 31 of each year.

6.7 **Flex Time**

Occasionally employees are required to work different hours than the scheduled work shift. In this instance, the time may be flexed (i.e. used at a separate time) during the same two week pay period. This time is taken as straight time, not overtime.

6.8 **Emergency Overtime**

The City Manager may declare an emergency during periods of disruption resulting from accidents, acts of God, or events of crisis proportions. He shall notify Department Heads by any means available and may instruct them to deploy their subordinates from home, job, or any other place for the purpose of alleviating such emergency situations. Failure to report to duty under these circumstances will be grounds for disciplinary action. In cases of emergency overtime the employee will receive overtime compensation in accordance with Section 6.5 of this Manual.

6.9 **Salary Advance**

An employee shall be granted, if requested, advanced vacation pay equal to the length of vacation time taken, to be paid on the last pay day prior to commencement of vacation. An employee shall not receive advance vacation in excess of that which has been earned.

6.10 **Call-outs**

Employees assigned to on-call duty shall be paid at one and one-half times the hourly rate for all time worked when called to duty with no minimum. Employees called to duty who are not on on-call duty shall be paid at one and one-half times the hourly rate for all time worked when called to duty with a two hour minimum.

VII. EMPLOYEE STATUS

7.1 Definitions

(a) Introductory – A new employee being evaluated for a specified period of time prior to achieving regular status.

(b) Regular – An employee who has successfully completed the specified introductory period and has been retained in the appointed position.

(c) Temporary – An employee who has been appointed for a limited and specified period of time, either full or part time. Such employment usually will not exceed one (1) year.

(d) Full-time – An employee who works twenty-five (25) or more hours per week.

(e) Part-time – An employee who works less than twenty-five (25) hours per week.

(f) Seasonal - An employee whose service is not continual throughout the year, but reoccurs each successive year. When weather or other conditions exist that hamper working conditions, these employees may be dismissed for the day. These employees are not guaranteed forty (40) hours of work per week, nor reemployment the next successive year, and are not eligible for sick leave, vacation nor holiday pay benefits. These employees have no property interest in their employment.

7.2 Introductory Period

New or promoted employees shall undergo an introductory period. The same shall be required for temporary employees. The introductory period shall be:

(a) For Police Officers – one year from date of employment. Newly employed police officers shall be paid at the entry level rate for the first three months, then may be moved to regular police officer pay status, upon approval of the Police Chief.

(b) For all other personnel – three months from date of employment.

(c) All newly promoted personnel – three months from date of promotion.

Employees who successfully complete the introductory period shall be placed on regular status or continued temporary status as the case may be. The introductory period may be extended for thirty (30) days upon approval of the City Manager. Individuals not successfully completing the introductory period shall be terminated.
Dismissed introductory employees shall have no right to appeal dismissal, nor any rights in the position from which the introductory employee was dismissed.

7.3 **Seniority**

Seniority means the length of an employee's continuous service with the City. An employee who has not completed the initial introductory period shall not be considered to have seniority, and shall not be considered a regular employee.

Preference in vacation scheduling and extra days off shall be by seniority, provided requests are made at least 30 days prior to requested commencement date.

An employee's continuous service record (seniority) shall be broken by voluntary resignation, discharge for just cause, or retirement. However, if an employee returns to work in any capacity within one year, the break in continuous service may be removed from the record, and the employee will begin accruing seniority without loss of previous accrual (not to include the period of leave or separation), upon approval of the City Commission by resolution.

7.4 **Promotion**

Promotion is defined as the reassignment of an employee from one position to another, at a higher level of responsibility. An employee who is promoted shall receive a salary increase equal to the minimum salary range of the new position, depending on qualifications. In no case shall the employee's salary exceed the maximum rate of the new position, unless approved by the City Commission, by resolution.

If an employee who is promoted fails to complete successfully the introductory period following promotion, the employee shall be reinstated in the former position or a position similar in rank and status at the former salary, if a position is available.

The policy of the City of Fruitland Park is to employ and promote the most qualified individuals available for any given position. Promotion from within the City organization is a desirable practice in that positions can be filled with individuals who are knowledgeable about the operations of the jurisdiction and the orientation period is significantly shortened.

Vacancies in positions above the lowest rank in any category within the Personnel-Classification System shall be filled by the promotion of employees in City service when possible and practical.

7.5 **Acting Appointment**

Appointment of personnel to a higher classification on an acting basis to fill a vacancy may be made.

An employee holding an acting appointment may receive a pay increase not to exceed a total of two pay steps from his current pay step for the duration of the acting appointment upon approval of the City Manager.

7.6 **Transfer**

Transfer requests shall be given consideration when a suitable vacancy occurs. Requests from employees for transfers from one department to another, shall be made in writing and shall be directed to the employee's present supervisor with copies to the appropriate Department Head and the City Manager.

7.7 **Demotion**

(a) Voluntary Demotion – An employee may be demoted at his own request to a position in a lower class, if a position is available subject to the approval of the City Manager. An employee voluntarily demoted shall be paid at the rate of the new class of position, as determined by the City Manager.

(b) Involuntary Demotion – An employee may be demoted by the City Manager upon recommendation by the Department Head if he has been promoted and fails to successfully complete a introductory period for that class. The rate of pay shall be established by the City Manager in the pay range of the class to which demoted.

An employee may be demoted by the City Manager, upon recommendation of the Department Head, for cause, the severity of which does not require dismissal. The rate of pay shall be established by the City Manager in the pay range of the class to which demoted.

(c) Demotion In Lieu of Layoff –

(1) If the salary received in the higher range falls within the pay range of the class to which demoted, the rate of pay shall remain the same.

(2) If the salary received in the higher range is greater than the top step of the class to which demoted, the salary shall be reduced to the top step of the lower pay range.

7.8 **Suspension**

(a) Disciplinary Suspension – An employee may be suspended from duty for disciplinary reasons by the Department Head upon approval of the City Manager.
Disciplinary suspensions shall be without pay (see Section 11.6(h)(1).

(b) Administrative Suspension – An employee may be suspended without pay for the purpose of investigating grounds for suspension or dismissal. If the investigation clears the employee of the charges, he will receive retroactive pay for the period of suspension (see Section 11.6(h)(2).

An employee may be suspended with pay for severe conduct violations. This type of suspension is limited to the remainder of the current shift plus two days (see Section 11.6(h)(2).

(c) Alternative to Suspension – A supervisor may decide to reduce vacation time in lieu of suspension without pay for disciplinary suspension or for administrative suspension upon approval of the City Manager. The employee must already have enough vacation banked to cover the time.

If the employee receives a reduction in vacation time in lieu of administrative suspension and the investigation clears the employee of the charges, those vacation days will be returned to his vacation time bank.

7.9 **Reinstatement**

Persons receiving reemployment or reinstatement appointments may be paid at any step within the pay range not to exceed the step attained at the time of separation, at the discretion of the City Manager.

7.10 **Separation**

Upon separation of any employee for any reason, the employee shall be paid a lump sum payment for all earned but unused compensatory time and vacation credits.

Before separation all employees must complete an exit interview with their Supervisor, Department Head or the City Manager. The purpose of this interview is to clarify the factors leading to the separation for the benefit of both the employee and employer. A summary of this interview shall be prepared on the form provided, signed by both parties, and placed in the employee'' personnel file.

If the employee's termination date does not coincide with the last day of a pay period, the employee will receive compensation for time worked based on an hourly pay schedule.

(a) Layoff – If there are changes in the organization, lack of work or funds, the City Manager may lay off employees with the City Commission's approval.

(1) Employees shall be given not less than five working days written notice and shall be laid off in inverse order of their seniority in their classification.

(2) An employee who is to be laid off, who had advanced to his present classification from a lower classification in which he held a permanent appointment, may be given a position, if available, in a lower classification in the same department.

(3) Seniority in the lower classification shall be established according to the date of original appointment to that class.

(4) Employees shall be called back from layoff according to seniority in the class from which the employees were laid off within the department.

(5) In the event of layoff, employees shall receive pay as approved by the City Commission.

(b) Resignation – If circumstances make it necessary for an employee to resign, a written resignation should be submitted to the Department Head and the City Manager. This should state the reason for resigning and give at least ten (10) working days notice. If circumstances make it necessary for a Department Head to resign, a written resignation should be submitted to the City Manager. This should state the reason for resigning and give at least thirty (30) calendar days notice.

(c) Termination for Medical Reasons – When it is determined, on the basis of a medical examination, that an employee is incapable of performing the duties of his position satisfactorily because of a physical or mental impairment which is likely to continue indefinitely or to recur frequently, the appointment may be terminated. However, every effort will be made to reassign the employee to a position within his physical and mental capabilities. Final decisions in this area will be made by the City Manager.

(d) Dismissal – An employee may be dismissed for conduct or work performance falling below the established standards (see Grounds for Disciplinary Action, Sections 11.3 and 1.4). Employees may be suspended for five (5) days pending investigation prior to the effective date of the discharge. All discharges are subject to the approval of the City Manager. Grounds for such action must be well documented in a Performance Evaluation (see Disciplinary Action Procedures, Section 11.6(i).

An employee may be dismissed for positive test results from a substance abuse or alcohol test.

VIII. ATTENDANCE AND LEAVE BENEFITS

General Statement

All employee benefits, provided to full-time regular employees, shall be offered equally without regard to race, religion, color, sex, age, national origin or disability. Regular part-time employees shall be eligible for those benefits for which they qualify, prorated on the basis of their average work week.

Seasonal employees such as, but not limited to, pool employees, recreation aides or school crossing guards, do not qualify for benefits.

8.1 Authorization for Leave

No payment for any leave of absence shall be made until the leave has been properly approved by the Department Head and the City Manager.

8.2 Absence without Leave

Unauthorized absence of an employee from duty shall be grounds for disciplinary action by the Department Head with the approval of the City Manager. Any employee who is absent for two (2) or more days without authorization shall be deemed to have resigned. When extenuating circumstances are found to have existed, such absence may be authorized by the Department Head with the approval of the City Manager by subsequent grant of leave with or without pay.

8.3 Holidays

The following shall be observed as official paid holidays for the employees of the City of Fruitland Park:

New Year's Day	Thanksgiving Day
Martin Luther King	Day after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	Personal Day
Veterans Day	

The City Commission is empowered to declare additional holiday(s) by resolution.

When a holiday observed by the City falls on Sunday, such holiday shall be observed on Monday after the holiday. When a holiday observed by the City falls on Saturday, such holiday shall be observed on Friday before the holiday.

An employee who is required to work on an official holiday may take a day off with pay or be paid in accordance with Section 6.5 (overtime). Police officers shall be compensated at double the hourly rate when they work on a recognized holiday.

To be eligible for holiday pay, an employee must meet the following requirements:

(a) Be a regular, or introductory full-time, or regular part-time employee of the City.

(b) Must have worked on the regular work day prior and subsequent to the holiday. However, if the absence on the day before or after the holiday was due to the reasons listed below, the employee shall receive holiday pay:

(1) The day of absence is during the employee's annual vacation period.

(2) The employee is absent because of sickness or accident and brings in a doctor's statement indicating medical attention has been received.

(3) The employee is absent due to death of a member of his immediate family.

(4) The employee is absent due to a current on-the-job injury.

(5) An employee who reports for duty on the scheduled work date prior to the holiday shall be considered to have worked that day, even though he is unable, due to emergency or illness, to complete the normal work day. The same will apply to the first scheduled work day after the holiday.

(6) Employee is a police officer.

8.4 **Annual Vacation Leave**

(a) Computation of Annual Vacation Leave Time – The annual vacation leave time for each employee is computed within the Finance Department..

(b) Accumulation of Annual Vacation Time – Please refer to Appendix C.

(c) Accrued Annual Vacation – Accrued annual vacation shall be credited as earned annual vacation for each month of service, in accordance with subsection (b).

Employees must work one (1) month to accrue vacation credit for that month.

A new employee is not eligible to use earned vacation until he has completed twelve (12) consecutive calendar months of service.

Employees on full-time leave without pay shall not earn vacation leave credits.

(d) Maximum Annual Vacation Accumulation – A maximum of twenty (20) days of annual vacation leave may be accrued and carried forward into the next calendar year. Leave earned in excess of twenty (20) days must be taken by December 31st of the year in which it is earned, with the following exceptions:

(1) The City Manager authorizes carry over due to extenuating circumstances.

(2) The City fails to grant vacation leave.

(e) Use of Accrued Vacation – No employee shall be permitted to forego his vacation and receive pay in lieu thereof, except the City Manager may authorize such payment for good cause. An employee who is separated from the City payroll, for any reason, before receiving all of the annual vacation for which he has become eligible prior to the time of termination, shall receive pay for that portion of annual vacation due but not taken.

Absence due to sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and with the approval of the City Manager, be charged against annual vacation leave.

Each Department Head shall prepare an annual leave schedule as soon as possible after the commencement of, but no later than the end of the sixth month of each calendar year. Priority shall be based on seniority. Department Heads are reminded that the needs of the organization may preclude the granting of leave as requested. Generally, only one employee per department should be authorized annual vacation leave at any given time and the leave period should not be more than two calendar weeks. Longer leave periods may be granted for special reasons after consultation with the City Manager. Annual vacation leave may be taken in not less one hour increments, however, five or ten day periods are recommended.

Department Heads shall forward to the City Manager their requested leave dates at the beginning of each calendar year. It is understood that the projected leave schedules are for planning purposes and may be subject to change.

(f) Scheduling Annual Vacation Time – An employee who is eligible for vacation leave must complete a leave request form and submit it to the Department Head no less than ten (10) working days before the desired start date. After approval, the Department Head will forward the request to the Finance Department along with the time card.

8.5 **Sick Leave**

The policy of the City of Fruitland Park is to provide reasonable time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury. Sick leave with pay is not a right which an employee may demand, but a privilege granted by the City.

(a) Sick Leave Accrual - All regular full-time employees shall earn credit for paid sick leave at the rate of one day of paid leave per month of continuous service. Regular part-time employees who are scheduled to work at least one half the regular workweek shall earn credits at the rate in proportion to the percentage of the regular workweek that they are scheduled to work. Employees on full-time leave without pay shall not earn sick leave credits. Employees placed on the payroll must work one (1) calendar month to accrue sick leave for that month.

(b) Maximum Accumulation – The maximum accumulation of sick leave for full-time employees shall be sixty (60) working days. The maximum accumulation of sick leave for all eligible part-time employees shall be based upon the prorated portion of the work week that the employee is regularly scheduled. Employees may accrue sick leave and carry it over from one year to the next. When an employee is out of sick leave, he may use earned annual leave. When an employee uses all of his sick leave and annual leave, the employee shall be required to request a "leave of absence without pay".

(c) Sick Leave Use

(1) Sick leave must be approved by a Department Head or the City Manager.

(2) Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers.

(3) Sick leave may be taken for medical, optical, dental, or mental health appointments, or when quarantined.

(4) Sick leave will be charged in units of whole hours.

(5) A Department Head or the City Manager shall have the right to require a doctor's certificate to verify an illness.

(6) Sick leave may be used when there is a serious illness or accident involving an immediate family member. (NOTE: Immediate family shall be defined as parent, child, spouse, brother, sister, grandparent, parent-in-law and grandchildren of either spouse or any relative permanently residing in the employee's household.)

(d) Payment of Sick Leave

In order to be eligible for sick leave, with pay, an employee must:

(1) Report to the supervisor within one (1) hour of the scheduled starting time on the day of the absence the reason for the absence. An employee who fails to so notify the supervisor shall not be paid for the days(s) taken prior to notification.

(2) If the absence extends beyond two (2) days, keep the supervisor advised as to the employee's condition and anticipated date of return.

(3) Submit a statement from the attending physician(s) as to the nature and duration of the illness, if required.

When a paid holiday occurs during the period an employee is on sick leave with pay the holiday will not be charged as sick time.

Upon leaving the City's employment, for whatever reason, an employee shall not be reimbursed for unused accrued sick leave.

(e) Procedures

(1) Each employee shall notify (call) his immediate supervisor in accordance with Paragraph 8.5(d)(1) above, to report a sickness or emergency. The supervisor is responsible for submitting to the Personnel Office through the Department Head, a Report of Absence for each employee, not later than the end of each pay period.

(2) An employee who wishes to use sick leave for a doctor, dentist, optical or other medical appointment must complete the Absence Request/Report Form and submit to the Department Head for approval prior to absence.

(3) An employee shall submit an attending doctor's statement detailing the reason(s) for an absence for sickness, when required to do so by the Department Head or City Manager (see Section 8.5 (c)(5).

(4) If a Department Head feels that an employee has abused the policy concerning sick leave, a report concerning same shall be forwarded to the City Manager with a recommendation for corrective or appropriate action. The City Manager may deny the payment of wages and benefits to any employee who abuses the use of sick leave.

(5) An employee who is injured on the job shall be eligible to receive earned sick leave benefits during the required Workers' Compensation qualifying period (7 days). Subsequently, earned sick leave benefits may be paid to make up the difference between the Workers' Compensation payment and the employee's regular pay.

(i) As an alternative to paying the difference between workers compensation and the employee's regular pay, the City, at its discretion, may elect to pay the employee the employee's normal rate of pay, for the appropriate amount of pay equal to the normal amount (rate x hours = total) of pay for that period. If this occurs the employee must endorse and surrender the workers compensation check to the City.

(6) An employee who has been absent under any of the following conditions must, upon return to work, have a doctor's statement that indicates no work restrictions:

(i) Employee has been hospitalized.

(ii) Employee has been granted personal leave which is in reality for medical reasons, e.g., employee is hospitalized or is undergoing a surgical procedure which could be disabling.

(iii) Employee has a non-work related accident, even if no time is lost from his regularly scheduled work shift, i.e., weekend or after-hours accident.

(iv) Employee is absent five (5) or more consecutive work days (when required by the Department Head).

(f) Official Record of Sick Leave – The HR Administrator shall maintain the original records of used sick leave for each employee.

(g) Second Medical Opinion – In cases of disability certified by an employee's personal physician, the City has the right to obtain a second medical opinion to confirm the employee's ability or inability to work. Such examinations will be performed by a licensed physician of the City's choice and at the City's expense. The consulting physician shall submit a written report to the City Manager who will make all final decisions with regard to granting sick leave benefits. Employees who refuse to submit to such an examination may become ineligible for sick leave benefits (for the particular disability in question).

(h) Donation of Sick Leave – In cases where an employee has an illness which requires them to be out of the office for an extended period of time, the Department Head may request the Personnel Officer send out a notice for donation of sick leave. An employee may only use donated sick leave during one incident per 12 month period (unless approved by the City Manager). Donated time above that which is required by the employee will be returned to the donator.

8.6 **Maternity Leave**

(a) Maternity Leave Policy

The City will abide by all F M L A Laws which cover Maternity Leave.

8.7 **Funeral Leave**

In case of death in an employee's immediate family, up to five (5) days leave with pay may be authorized by the City Manager contingent upon the following:

(a) All regular employees are eligible for funeral leave benefits upon completion of the introductory period (3 months service for Police Officers).

(b) Immediate family is defined as parent, child, spouse, brother, sister, grandparent, parent-in-law and grandchildren of either spouse or any relative permanently residing in the employee's household.

(c) An employee desiring to take funeral leave shall submit a completed Absence Request/Report form, through channels to the City Manager, for approval. The name and address of the deceased, relationship to the employee, name and address of the funeral home and date and location of the funeral, (if known), shall be included on the form.

8.8 **Military Leave**

Active Duty

Regular employees of the City who either voluntarily or involuntarily leaves the City to perform active duty in the military forces of the United States shall be place on military leave, without pay. Such leave shall extend through a 90 day period after their honorable discharge from active military service. Upon honorable discharge, an employee will be restored to a position with the City provided the employee requests that the City restore the employee to his or her employment within 90 days of discharge and providing that the employee is mentally and physically competent to resume employment with the City. Any employee returning from military leave shall be restored to his or her former position, unless such position has been eliminated during the employee's military service in which case the employee may be reassigned to a similar position for which the employee is qualified.

Annual Training

Regular employees who are members of the United States Military Reserves or National Guard and who are required to attend annual field training shall be entitled to leave with pay as provided herein during such period of training. Leaves of absence granted under §115.07, Florida Statutes, may not exceed 240 working hours in any one annual period. The employee shall be entitled to receive the difference between the employee's normal rate of pay and his or her military compensation. If the employee's military compensation exceeds his or her normal rate of pay from the City, then the employee will receive no compensation from the City while attending field training. Any leaves under this section in excess of 240 working hours in any annual period may be taken without pay or as vacation as the employee chooses.

Procedure

Military leave must be applied for on a City leave request form and must be accompanied by a copy of the military leave orders.

Introductory Employees Entering Military Service

An employee who has not completed their introductory period when he is called to active duty, upon his return, begin his introductory period again, provided however, that annual training shall not constitute active duty for purpose of this paragraph.

8.9 **Civil Leave**

(a) Civil Duty - All regular employees selected for jury duty or any other civil duty provided by law shall be entitled to civil leave with pay for the period of absence required. Such leave shall not be charged to annual or sick leave earnings.

Eligibility commences on the first day of active employment. If an employee is called for jury duty and serves as a juror on a regular working day or days, he will receive pay for the time lost from work by reason of such service.

(b) Official Court Attendance – All regular employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City shall be entitled to leave with pay for such period as the court attendance may require. Any fees paid for such service shall be retained by the employer.

(c) Private Litigation – Absence of an employee to appear in private litigation in which he is a principal party or witness shall be charged to annual leave or to leave without pay.

(d) Procedures:

(1) When called for jury or other civil duty or official court attendance the employee must show the summons to the supervisor within one day after receipt so authorization and plans for the absence can be made. Failure to advise the supervisor in advance may be cause for the employee not to receive city pay. In addition, the employee must complete the application for leave of absence form.

(2) When released by the Court for any day, the employee will be expected to return to work.

(3) Upon return to work (after having been released permanently by the Court), the employee must submit to the supervisor a statement from the Clerk of court indicating the dates of service.

8.10 **Religious Leave**

A leave of absence without pay may be granted for the purpose of observing or attending religious services for holidays of major theological importance. A written request should be made to the Department Head, and is subject to his approval.

8.11 **Voting Leave**

When an employee's work schedule is such that they would not be able to vote prior to or after their regular work hours, the employee will be granted reasonable time off to vote, without loss of pay. A verbal request should be made to the Department Head, and is subject to his approval.

8.12 **Leave of Absence without Pay**

A regular employee may be granted leave of absence without pay up to six months when the work of the department will not be seriously handicapped by the employee's absence. Vacancies created by such leave, if filled, will be by temporary appointment. Such leave includes absences required for maternity or extended illnesses or other personal reasons.

(a) Request Procedure – A written request, establishing reasonable justification and duration of leave, must be submitted to the Department Head and the City Manager.

(b) Benefits While on Leave of Absence – All benefits and accruals shall be discontinued during a leave of absence, except that an employee may continue health insurance coverage at the employee's expense.

(c) Reinstatement of Employee Benefits Following a Leave of Absence – In a leave longer than 15 days, vacation, seniority and time towards performance evaluation will not accrue during the leave, but shall begin accruing again the first full month after the employee returns from leave to work, without loss of previous accrual (unless vacation and compensatory time have been used to supplement the leave). If health insurance was not continued by the employee the City will reinstate it as soon as possible after the leave.

(d) Procedures – Request shall be made in writing through the Department Head to the City Manager for approval as far in advance of desired commencement date as possible. Certain documentation such as a doctor's certificate may be required.

8.13 **Family and Medical Leave**

The City's police regarding use of Family and Medical Leave is in compliance with and based upon the requirements of the Family and Medical Leave Act, 29 U.S.C. §2619, et seq. and the regulations of the U.S. Department of Labor, 29 C.F.R. §825.300 (a), et seq.

A. Eligibility

To be eligible for Family and Medical Leave, an employee must:
(1) have worked for the City for al least 12 months (which need not be consecutive) and
(2) have worked at least 1,250 hours over the previous 12 months.

B. Reasons for Family and Medical Leave

Family and Medical Leave may be granted to eligible employees for up to 12 weeks for any of the following reasons:
(1) for incapacity due to pregnancy, prenatal medical care of child birth
(2) for birth of the employee's child, or to care for the employee's child after birth or placement for adoption or foster care
(3) to care for the employee's spouse, son, daughter or parent, who has a serious health condition
(4) for a serious health condition that makes the employee unable to perform the employee's job
(5) for qualifying exigency leave for employees with a spouse, son, daughter or parent on active duty status in the National Guard or Reserves or of a regular component of the Armed Forces
(6) for military caregiver leave for employees who are a spouse, son, daughter, parent or next of kin of a covered active duty service member or veteran who has a serious injury or illness incurred in the line of duty on active duty as defined below in 3.8.3 (b)

C. Military Family Leave Provisions

(a) Qualifying Exigency Leave – Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

(b) Military Caregiver Leave- F.M.L.A. also includes a special leave entitlement that permits eligible employees who are a spouse, son, daughter, parent or next of kin to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is on outpatient status; or is on the temporary disability retired list or (2) a veteran of the Armed Forces including the National Guard or Reserves discharged within the five year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged in not covered under military caregiver leave.

D. Amount of Family and Medical Leave

An employee may receive up to 12 weeks of Family and Medical Leave under this policy for the circumstances in (1)- (5) in section B above during any 12 month period. An eligible employee may take up to 26 weeks as military caregiver leave (6) in Section B above during a single 12 month period.

The amount of leave for which an employee may be eligible for will be calculated by a rolling twelve (12) month period which is measured backward from the date on which an employee uses or seeks to use any family and medical leave.

E. Requests for Family and Medical Leave

(1) Advance Notice Generally Required – All requests for family or medical leave must be submitted to the City no less than 30 days prior to the start of the leave. Failure to give such notice mat delay the requested F.M.L.A. leave. If it is not possible to submit the leave request at least 30 days in advance, such as in the case of an emergency, the leave request must be submitted as soon as possible.
(2) In all cases, the City shall determine whether leave qualifies as F.M.L.A. leave based on information provided by the employee and the employee's eligibility for F.M.L.A. leave.

F. Use of Paid Time off

(1) Employees who have vacation, sick or other paid leave time available will be required to use all accrued paid time off concurrently with Family and Medical Leave. If leave continues after all paid time has been used, the remainder of the leave will be without pay.
(2) Worker's compensation leave for a serious health condition will be designated by the City as family and medical leave and run concurrently with the worker's compensation leave.

G. Medical Certification Required

(1) The City requires medical certification of an employee's or **family member's serious health condition** when F.M.L.A. medical leave is requested. Forms are available from Human Resources/Payroll for providing the required medical certification. Failure to provide certification may result in denial of Family and Medical Leave.
(2) The City requires certification of qualifying exigency leave, military family leave and for military caregiver leave. Failure to provide certification may result in denial of leave.
(3) The City reserves the right to seek a second and/or third opinion as to the need for medical leave. An employee may be required to provide recertification of his/her own or family member's serious health condition every 30 days while he/she is on leave to Human Resources/Payroll.
(4) Prior to returning to work from medical leave due to an employee's own serious health condition, medical certification must be submitted indicating the employee's ability to perform the essential functions of his/her job with or without reasonable accommodations.

H. Serious Health Condition Only

Family and medical leave **does not** apply to all medically related absences and is not intended to cover short-term conditions for which treatment and recovery are very brief. Routine physical exams, eye examinations and dental examinations are not serious health conditions. Ordinarily, the common cold, flu, earaches, upset stomach, minor ulcers, routine dental or orthodontic problems as well as periodontal diseases are not serious health conditions. Medical leave under the F.M.L.A. is only granted for **serious health conditions,** as defined by the Family Medical Leave Act and the regulations issued by the U.S. Department of Labor.

I. Intermittent or Reduced Schedule F.M.L.A. Leave

(1) F.M.L.A. leave may be taken intermittently or on a reduced schedule **only** when medically necessary under certain circumstances. Ordinarily, such leave must be requested **and** approved in advance. Intermittent and/or reduced schedule leave is not normally available for the birth or adoption of a child.
(2) If intermittent or reduced hours leave is medically necessary, the City may, at its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits.

J. Definitions and Documentation of Family Relationship

(1) "Parent" is defined by the F.M.L.A. as a biological adoptive, step or foster parent or individual who stood *in loco parentis* for an employee when the employee was a child. It does not include an employee's parents-in-law.
(2) "Next of kin" for military caregivers leave is defined by the F.M.L.A. as a blood relative who has been designated in writing by the service member, a blood relative who has been granted legal custody of the service member or veteran, brothers and sisters, grandparents, aunts and uncles and first cousins.
(3) When an employee requests family or medical leave to care for the employee's spouse, son, daughter, or parent, the City may require documentation of the family relationship. This documentation may be a child's birth certificate, a court document, etc. or a sworn statement of the relationship between the employee and the individual for whom the employee is requesting leave.

K. Maintenance of Health and Other Benefits

The employee's health insurance coverage during an employee's F.M.L.A. leave will remain the same. The City will continue to pay its portion of the health insurance premiums and the employee must continue to pay his or her share of the premium. Failure to pay his or her share of the premium may result in loss of coverage.

If an employee does not return to work after the expiration of the leave, the City has the right to require the employee to pay full cost of coverage during family and medical leave.

Other employee benefits paid by the employee through the 125 Cafeteria Plan payroll deduction plan such as dependent health insurance and AFLAC insurance may be maintained during F.M.L.A. leave at the employee's expense. The premium payment is due prior to the first day of the month of the coverage period. If a payment is more than fifteen (15) days late, the City will notify the employee in writing. Thereafter, the City will cease payment of the coverage if the premium is more than thirty (30) days late and coverage will be dropped retroactively to the date the unpaid premium was due.

An employee will not accrue sick or vacation benefits during the months the employee is out on F.M.L.A. leave. Sick and vacation benefits will begin to accrue at the same rate as when the employee left on F.M.L.A. leave after the employee returns to work.

L. Return to Work and Changed Circumstances

Prior to returning to work from medical leave due to an employee's own serious health

condition, medical certification must be submitted indicating the employee's ability to perform the essential functions of his/her job with or without reasonable accommodations.

If circumstances change and the employee does not need the original amount of leave anticipated, the employee must provide notice to the City within two business days of the changed circumstances. Likewise if the employee becomes aware of changed circumstances requiring additional leave, the employee must provide the City notice within two business days of the changed circumstances.

M. Notice to Employees

(a) The City will inform employees requesting leave whether they are eligible under F.M.L.A. If they are, the notice will specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

(b) The City will inform employees if leave will be designated as F.M.L.A. – protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not F.M.L.A.-protected, the City will notify the employee.

N. Policy Changes

Except as mandated by law, the City may revise this policy as needed at its discretion.

O. Questions and Information

If you have questions or need further information of Family and Medical Leave forms, contact the Human Resources Administrator.

IX OTHER FRINGE BENEFITS

General Statement

Every new employee shall be given a briefing on available benefits, the eligibility requirements, limitations and coverage. Part-time employees are entitled to partial fringe benefits, as indicated herein.

9.1 Health Insurance (includes a life insurance policy)

The City shall pay 100 percent of health insurance premium cost for individual coverage of each full-time employee. If an employee elects to secure family coverage, the additional cost of family coverage shall be borne by the employee, and shall be deducted from the employee's pay on a biweekly basis. Part-time employees are not eligible for paid health insurance.

Employees not in active full-time employment must pay the entire cost of insurance during the periods they are inactive.

The City complies with Combined Omnibus Budget Reconciliation Act (COBRA) of 1985. See insurance Master Plan of Benefits for details.

The City's health insurance normally includes an Employee Assistance Program.

9.2 Retirement System

The City shall provide an opportunity for its employees to participate in an individual retirement plan and may contribute to same from time to time. Part-time employees are not included in the retirement system.

9.3 Unemployment Compensation Insurance

The City is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined to be qualified under the law, may be eligible to receive unemployment compensation benefits.

9.4 Social Security

The City pays an amount equal to the Social Security contribution made by the employee. These combined funds are deposited with the Federal government and used to pay for such retirement benefits as Social Security and Supplemental Income (SSI) to qualified retired employees. This benefit applies to full and part-time employees.

9.5 Workers' Compensation

The City provides Workers' Compensation insurance which pays a substantial portion of gross earnings to an employee who has suffered an injury while on the job and cannot work. An injured employee must file his claim with the City, which will forward it to the underwriter. Payments to the employee are made directly from the underwriter. This benefit applies to full and part-time employees.

9.6 **Christmas Bonus**

All full-time employees shall receive a Christmas bonus payable on the first pay period in December of each year, provided that an appropriation therefor has been made in the budget for the fiscal year in which the bonus is to be paid. The amount of bonus shall be calculated as follows:

(a) All full-time employees who have been employed for twelve (12) consecutive months or more shall receive a bonus of no more than three (3) days pay.

(b) All full-time employees who have been employed less than twelve (12) consecutive months shall receive a bonus of no more than one (1) days pay.

(c) All part-time employees, city commission members, board members and volunteer workers may receive a gift as authorized by the City Commission.

9.7 **Health Inoculations**

Required health inoculations such as hepatitis B and pre-rabies exposure shall be provided by the City.

X. CAREER DEVELOPMENT

General Statement

Full-time employees who have completed at least twelve months of City service are encouraged to take advantage of education and training benefits to improve their job skills. These benefits are limited to training and education which are relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than three years of additional education or training. These benefits will be available to all employees on a first come first served basis, subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or the Department Head. Reference to training requests and training received should be made on the Performance Evaluation forms. Final decisions on requests for education and training will be made by the City Manager.

10.1 Education Reimbursement

(a) Request Procedure – For a proposed curriculum of study which either costs $250.00 or more or which if completed will qualify the employee for either a different employment position or for a position within the City at a higher pay scale employees must submit a written request, with a proposed curriculum of study, to the City Manager, at least 20 days prior to the registration deadline for such classes. Requests will be considered for attendance at accredited colleges, universities, and business and technical schools for single courses or programs leading to a degree or certificate.

The request must include a statement by the employee that if he terminates employment for any reason, except involuntary dismissal, within two (2) years from date of reimbursement he shall repay the City 50% of the amount reimbursed. If an employee is terminated involuntarily during the afore-mentioned period he shall repay the City 100% of the amount reimbursed.

(b) Amount of Tuition Reimbursable – If a written request is approved by the City Manager, the employee shall receive reimbursement for 100% of the cost of tuition, upon successful completion of the course(s) with a grade of "C" or better, or "Passing" where no grade is used. Employees are prohibited from receiving double funding for education; i.e. from the City and another source such as the Veterans Administration. Employees will be required to sign a statement verifying that the City is the sole source of funding.

(c) Reimbursement Request – When the employee completes a class he shall provide an official transcript or report card and an itemization of reimbursable expenses (with receipt if possible) to the City Manager. When the employee completes a class, the employee shall provide documentation of successful completion. This documentation shall be in the official form provided by the

educational institution in question, which form must be approved by the City Manager prior to registration for the course. Along with this documentation, the employee shall submit an itemization of those expenses, supported by receipts, for which the employee desires reimbursement.

(d) Police Service – Police service employees are eligible for education and training incentive increments to be applied to their salary in accordance with State law.

(e) Firefighters - Active members of the Volunteer Fire Department are exempt from the requirements as set forth in the first paragraph of the "General Statement" of this Chapter. Members of the Department shall comply with the Educational Reimbursement (10.1), Training (10.2) and Personal Education and Training (10.3) provisions of this section. Final determination as to the definition of an education or training course shall be made by the City Manger.

10.2 **Training**

(a) Authorization to Attend Function – The City may authorize or require an employee's or volunteer fire fighter's attendance at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job or volunteer fire fighter's skills.

(b) Request Procedure – For a proposed curriculum of study which costs less than $250.00 and which if completed will not qualify the employee for a different employment position nor for a position within the City at a higher pay scale, but which will serve only to enhance the employee's abilities in the current employment position, the employee will not be required to reimburse the City for any amounts expended by the City for such training. Requests to attend training sessions should be made at least 30 days prior to the deadline for registration. The Department Head will make decisions regarding employee or fire fighter attendance subject to the final approval of the City Manager. All requests for training are to be forwarded to the City Manager even if the request is denied by the Department Head (for record keeping purposes).

(c) Costs Covered – When a request for training is approved, the employee's or volunteer fire fighter's cost of registration, tuition, publications, transportation, lodging and per diem will be paid by the City.

10.3 **Personal Education and Training**

Employees or volunteer fire fighters who desire to further themselves through education or training not related to their work for the City are encouraged to do so. The City will be unable to provide financial assistance for this type of education and training. Employees may be granted, upon written request, permission to take time away from their job for training (conference, workshops, etc. – not ongoing classes) when such time is taken without pay, as compensatory time or as vacation time, and only so long as their absence will not cause hardship for their Department.

XI. PERSONAL APPEARANCE AND DISCIPLINE

11.1 General Conduct

All employees have the obligation to be courteous and efficient in the performance of their duties. Employees are expected to establish and maintain harmonious and effective working relationships with other employees and departments. Friendliness and willingness to help should be exhibited during telephone calls, in letters, and in person-to-person conversations, while at the same time being as brief and concise as possible. In addition, employees should always strive to reduce costs of supplies and services in every practical manner, and to be as careful with public property as with their own.

11.2 Personal Appearance

City employees are expected to be dressed and groomed in a clean and neat manner according to current social standards. In addition, employees should dress and groom in a manner which will not impair or restrict their movements in cases where this might cause safety problems.

Personal appearance may be grounds for disciplinary action, but this action shall not exceed an Oral Reprimand on the first occasion, except in cases where the safety of the employee or others is a factor.

When provided by the City, uniforms shall be worn at all times, in a proper and correct manner. City identification cards will be carried by all employees at all times, when on duty.

11.3 Grounds for Disciplinary Action – Conduct

Unacceptable employee conduct will be grounds for disciplinary action. Causes for disciplinary action relating to conduct include but are not limited to:

(a) Improper use of position as an employee for personal gain, or to solicit a contribution, response or action designed to further a political or charitable cause.

(b) Drinking alcohol or taking narcotics or other illegal drugs on the job, or arriving on the job under the influence of such substances. The City may require drug screen testing.

(c) Gambling during the work day.

(d) Offensive conduct or language towards the public or other employees.

(e) Being adjudged guilty of a crime involving moral turpitude, whether a misdemeanor or felony, which brings discredit to the City or hinders the employee's ability to perform in job capacity.

(f) Refusal to seek treatment or resolution of personal problems which affect work performance (including but not limited to: emotional or family problems, drug abuse or addiction, alcoholism).

(g) Acceptance of gratuities or presents designed to affect the City's response to the public or special interest groups (taking bribes for action).

(h) Using City equipment or property on or off City premises for personal reasons.

(i) Harassment and Intimidation of other employees

11.4 **Grounds for Disciplinary Action – Work Performance**

The following are examples of grounds for disciplinary action based on work performance (include but not limited to):

(a) Failure to follow orders from the supervisor or Department Head.

(b) Failure to perform assigned work.

(c) Abusing or being wasteful of materials, property or working time.

(d) Failing to report to the Department Head when absent, or being absent without permission.

(e) Habitual absence or tardiness.

(f) Discussion of confidential City business with unauthorized persons.

(g) Refusal to report in an official emergency.

11.5 **Disciplinary Actions**

Disciplinary actions may include the following: Oral Reprimand, Written Reprimand, Delaying an Advancement, Extension of Probation, 30 Day Disciplinary Probation, Reduction in Pay or Other Monetary Assessment, Demotion, Suspension (with or without pay) ,Discharge, or referral to Employee Assistance Program.

11.6 **Procedures for Disciplinary Actions**

(a) Oral Reprimand – Formal or informal interview between the employee and the supervisor or Department Head. This must always be private. Oral Reprimands are documented in the employee's personnel file.

(b) Written Reprimand – Should be presented to the employee and discussed between the employee and his Department Head. The employee must affix a signature to the Written Reprimand before it is placed in the personnel file.

If the employee refuses to sign the Written Reprimand, the Department Head will so note this on the form, date, and sign the form prior to forwarding the form to the Personnel Officer to be placed in the employee's personnel file.

(c) Delaying an Advancement – This should be explained in the Performance Evaluation. In no instance will the Performance Evaluation be delayed as a technique of delaying a merit advancement. Employee must affix a signature before it is placed in his personnel file.

(d) Extension of Introductory Period – This must be explained on the Performance Evaluation completed at the time the introductory period is scheduled to end. Extension shall not exceed one month. This must be approved by the City Manager and signed by the employee.

(e) 30 Day Disciplinary Probation – this is a "last chance" period for an employee to correct repetitive problems. This action will be subject to a Performance Evaluation. The notification must be provided to the employee in writing and approved by the City Manager. If the specific behavior or problem is not corrected within the 30 day period harsher disciplinary actions will be taken.

(f) Reduction in Pay or Other Monetary Assessment – Notice must be given to the employee in writing from the Department Head with the approval of the City Manager.

(g) Demotion – An employee may be demoted for work performance falling below the established standards. The employee must be demoted to a position for which he qualifies, if available. Written notice must be given to the employee at least five (5) working days in advance of the effective date of the demotion. All demotions must be approved by the City Manager.

(h) Suspension

(1) Disciplinary Suspension – Employees may be suspended without pay. Notice must be given to the employee in writing from the Department Head with the approval of the City Manager.

(2) Administrative Suspension – When an employee is subject to a disciplinary action he may first be placed on administrative suspension with pay pending investigation. Notice must be given in writing from the Department Head with the approval of the City Manager. The result of the investigation and the action to be taken must be prepared in writing and provided to the employee.

In situations of conduct violations where it is deemed necessary to remove the employee immediately from the situation (work site), he may be suspended by oral command of the Department Head or person in charge in the Department Head's absence, or the City Manager. Suspensions of this type shall be with pay and limited to the remainder of the employee's current shift plus two days. If the action was taken by someone other than

the Department Head, that person must provide a written report of the incident to the Department Head no later than 9:00 a.m. the following work day. The Department Head must make a decision on further investigation or disciplinary action to be taken and inform the employee of his decision no later than 5:00 p.m. that day.

(i) Alternative to Suspension – A supervisor may decide to reduce vacation time in lieu of suspension without pay for a period not to exceed seven (7) days for disciplinary suspension or five (5) haves for administrative suspension upon approval of the City Manager. The employee must already have enough vacation time banked to cover the time.

If the employee receives a reduction in vacation time in lieu of administrative suspension and the investigation clears the employee of the charges, those vacation days will be returned to his vacation time bank.

(j) Discharge/Dismissal – An employee may be discharged for a major conduct violation, repetition of minor conduct violations, or for work performance falling below the established standards. Notice must be given to the employee in writing. The employee may be suspended for five (5) working days pending investigation (see Section 11.6(h)(2). Discharges must be approved by the City Manager. Grounds for such action must be well documented on a Performance Evaluation.

When an employee is discharged an effort will be made to hold an exit interview with his choice of his Supervisor, Department Head or the City Manager to further understand the reasons for the action.

(k) Referral to Employee Assistance Program – An employee may be referred to the Employee Assistance Program when the supervisor, or City Manager, believes the employee to be experiencing stress, emotional difficulties, etc. that negatively affects the employee's work performance. EAP referrals are coordinated through the Personnel Officer.

11.7 **Refusal to Sign a Disciplinary Action**

Every employee has the right to refuse to sign a disciplinary action. If this occurs, the supervisor will so note on the disciplinary action form.

11.8 **Pre-disciplinary Meeting and Disciplinary Action and Appeals**

In situations where the discipline involves demotion, suspension or termination and before the discipline becomes final, the City Manager will provide the employee with the opportunity to meet with and to present to the City Manager any reason why the employee believes the discipline should not be imposed.

The employee will be notified in writing of the City Manager's decision and the final action within five (5) working days of the meeting.

Once the discipline is final, the employee may file and appeal, in writing, and request a hearing with the City Manager to appeal the discipline. This request must be received within ten (10) working days from the date of written notification of final action from the City Manager. The employee may have the hearing before the City Manager or any other person the City Manager may select.

Within a reasonable time, the City Manager will grant a hearing to the employee and render a decision.

After the hearing, the City Manager may confirm, reverse, or modify the original decision of final action. The employee will be notified in writing of the City Manager's decision within (5) working days.

Employees shall be free from reprisal for the use of disciplinary appeals. A copy of all documentation produced or related to the discipline shall be place in the employee's personnel file.

XII. GRIEVANCE PROCEDURES

General Statement

The policy of the City is that all employees shall be treated fairly and consistently in all matters related to their employment. When an employee feels that he has not been so treated, he shall have the right to present a grievance without fear of discrimination or reprisal. The employee shall be entitled to such time off from his regular duties as may be necessary and reasonable for the presentation and processing of a grievance or appeal without loss of pay, vacation or other credits. The City Manager shall determine what is a reasonable time.

A grievance may include, but is not necessarily limited to, suspension, involuntary transfer, promotion, and demotion. Compensation and dismissal shall not be deemed proper subjects for consideration under the grievance procedure.

12.1 Procedures

Any employee who feels aggrieved for any of the reasons indicated in the General Statement shall utilize the following procedures to resolve said grievance:

Phase 1 – Any employee who has a grievance shall file the grievance with his immediate supervisor within five (5) working days from the time the grievance occurred. Grievance must be in writing, dated and signed. It must set out the particular facts which he contends to support his claim and the relief he seeks. The supervisor shall respond to the employee's grievance, in writing, within three (3) working days.

Phase 2 – If the employee is satisfied with the response, the matter is ended. If the employee is not satisfied, he may request a meeting with the next higher level supervisor, normally, the Department Head within five (5) working days . If no meeting is scheduled within five (5) working days, the matter is considered to have ended. The same procedure shall be followed when presenting the case to the Department Head. Documentation generated during Phase 1 shall be included in this presentation. The Department Head shall respond to the employee's grievance, in writing, within three (3) working days.

Phase 3 – If the employee is satisfied with the Department Head's response, the matter is ended. If not, he may request a meeting must be scheduled with the City Manager within five (5) working days. If no meeting is scheduled within five (5) working days, the matter is considered to have ended. At the meeting all prior documentation shall be presented. The City Manager shall respond to the employee's grievance, in writing, within three (3) working days. The City Manager's decision is final and the employee has no further recourse, except in the appropriate court of law.

The griever and supervisory employees at all levels may call upon other knowledgeable individuals to present documentation or testimony during the grievance process, if reasonably available. Should there be a dispute in this regard, it shall be resolved by the City Manager, whose decision is final.

Copies of all documentation generated during the grievance process shall be placed permanently in the griever's personnel file.

XIII. PERFORMANCE EVALUATIONS

General Statement

The purpose of periodic evaluations of employees' performance shall be to measure as objectively as possible both the quality and quantity of an employee's work and other such factors as deemed necessary to determine the manner in which this service is rendered, and to serve as a feedback to the employee concerning his performance strengths and weaknesses.

13.1 Reporting Periods

Performance evaluations will normally be completed annually for each employee. Special performance evaluations may be required as called for in other sections of the City's Personnel Manual (e.g. probation, standard performance, etc.). All requirements for special performance evaluation not provided for in the Personnel Manual will be submitted to the City Manager for approval prior to such a report being required.

13.2 Schedule for Completing Performance Evaluations

(a) Introductory Period Evaluation

(1) New employees are on probation for their first three (3) months (twelve (12) months for Police Officers). Performance evaluations indicating progress in their jobs will be completed at the end of the third month for all employees and the end of the twelfth month for Police Officers.

(2) Each introductory evaluation will be signed by the employee indicating that he has seen the report, not that he agrees or disagrees with its contents.

(3) The introductory evaluation will be a major determining factor in the employee being retained in a regular status. To be so placed the employee must have an overall satisfactory report, with no category marked less than satisfactory.

(b) Annual Evaluation – The Personnel Officer is responsible to notify each Department Head in advance as to the due date of a performance evaluation. Evaluation forms will be sent to Department Heads at least two weeks prior to the due date of the evaluation. Supervisors and Department Heads are responsible for completing the evaluations on a timely basis and returning them to the Personnel Officer.

(c) Special Evaluation

(1) Any employee who receives an unsatisfactory annual performance evaluation shall have a special performance evaluation completed on him at the end of thirty (30) days after the date of unsatisfactory evaluation.

(2) At any time an employee's performance evaluation has changed radically from that of the previous reporting period, a Department Head may require a special performance evaluation.

(3) All special evaluations must be signed by the employee being reported on indicating that he has seen the report, not that he agrees or disagrees with its contents.

13.3 **Preparation of Performance Evaluations**

Performance evaluations will normally be completed by an employee's immediate supervisor (the Rater).

Each performance evaluation shall be reviewed by the Rater's supervisor. If a Reviewer disagrees with a Rater's rating of any particular item, the Reviewer may so comment on the evaluation but may not change the rating.

The Rater shall discuss each performance evaluation with the employee being evaluated. The Department Head shall furnish the employee an official copy of the employee performance evaluation. The employee may record any comments he may have, including statements of disagreement with the evaluation. A permanent employee shall also be given the opportunity to appeal the rating in the manner set forth by the City Manager.

13.4 **Use of Performance Evaluations**

Performance evaluations will be placed in the individual's personnel file and will be available for viewing in accordance with the Florida Public Records Law.

XIV. MISCELLANEOUS

14.1 Mileage Reimbursement

Whenever an employee is authorized to use a personal vehicle in the performance of official City duties, the employee shall be compensated at the rate authorized by Florida Statutes, as amended, if such mileage meets the following conditions:

(a) All mileage compensation shall be as a result of authorized personal vehicle use. "Authorized" means approved by the employee's Department Head or the City Manager.

(b) Reimbursable uses include: the use of a personal vehicle to attend out-of-town functions, training sessions, and meetings, when such functions are a requirement of the employee's job or are deemed desirable by their Department Head or the City Manager.

(c) When an employee is required to have more than one work site, or is required to travel in the normal course of work, mileage will be reimbursed for all trips which occur during the work day except for the original reporting to work and the final departure from work.

(d) Employees must put in claims for mileage reimbursement within thirty (30) days, from date of travel on the form provided.

(e) Driving to and from the usual work site is the employee's responsibility and is not reimbursable.

14.2 Travel and Subsistence

General Statement

When employees of the City are required to travel on official business, reasonable amounts of transportation, meals and lodging will be paid.

All travel must be authorized in advance. All expenses must be supported by an expense report with all receipts attached except as noted.

(a) Transportation Costs – The City may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist class unless otherwise authorized by the City Manager.

Employees who, with proper authorization, use their personal vehicles for official business may be reimbursed at the rate authorized by Florida Statutes, as amended, pertaining to mileage reimbursement.

Employees may be reimbursed for all ferry, bridge, road and parking tolls. Receipts, except for taxi fares, are required. Taxi expenses must be itemized, however.

(b) Meal Allowance – Employees may be reimbursed for actual meal expenses incurred while traveling, not to exceed the schedule of amounts pertaining to breakfast, lunch and dinner provided in the Florida Statutes, as amended.

A written accounting is required for meals consumed during a single day's travel unless prepaid by the City.

(c) Lodging – When lodging is required, employees are expected to utilize standard, medium priced hotels and motels whenever possible. If an employee is to attend a formal, organized meeting or convention, he may stay at the hotel or motel where the meeting is held. In all cases, the City will pay no more than the regular single room rate. Receipts must be presented for all lodging unless prepaid by the City.

(d) Advances – Travel advances may be made to cover anticipated travel expenses with the approval of the City Manager.

14.3 **Clothing and Uniforms**

If an employee is required to wear a uniform, such uniform shall be furnished by the City, and the City shall pay for the initial tailoring. The employee shall make restitution to the City for loss or damage to any City supplied uniform, unless such loss or damage occurred in the line of duty and was not caused by negligence on the part of the employee. Proper maintenance of a required uniform is the responsibility of the employee.

The cleaning or laundering of police and public works employees uniforms shall be accomplished through appropriate contractual arrangements.

APPENDIXES

APPENDIX A

CLASSIFICATION DESIGNATIONS

Salaried Positions (exempt):

Assistant Police Chief
City Clerk
City Manager
City Treasurer
Community Development Director
Library Director
Police Captain
Police Chief
Public Works Director
Recreation Director

Hourly Wage Positions (nonexempt):

Administrative Assistant to the Community Development Director
Administrative Assistant to the City Manager
Administrative Assistant to the Police Department
Assistant Public Works Director
Crew Leader I
Customer Service I
Customer Service II
Deputy City Treasurer
Finance Specialist
Finance Clerk
HR Admin/Deputy City Clerk
Library Assistant II
Library Assistant I
Library Technician
Lifeguard
Head Lifeguard
Mechanic I
Mechanic II
Permit Technician
Police Corporal
Police Lieutenant
Police Officer, Senior
Police Officer
Police Sergeant
Pool Manager
Recreation Aide I
Reserve Police Officer
Secretary
Service Worker II
Service Worker I
Superintendent
Water Plant Operator – Class “C” II
Water Plant Operator – Class “C” I

APPENDIX B

New Employees will start at lowest rate for Pay Grade unless documented experience warrants a Higher starting salary or the Federal minimum wage is higher than the lowest rate. No new employee will be started at more than 10% above the lowest rate.

APPENDIX C

ACCUMULATION OF ANNUAL (VACATION) LEAVE

Every employee in the City service holding a regular status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay.

(a) All Full-time Employees:

Years of Full-time Service	Leave Days Earned Per Year
1 – 5	10
6	11
7	12
8	13
9	14
10 – 19	15
20+	20

(b) In lieu of the vacation vesting schedule set forth in Paragraph (a) above, every employee holding a position with the City as of December 10, 1992 may elect to be allowed annual vacation leave in accordance with the schedule set forth in this Paragraph (b). Such election shall be made in writing no later than March 5, 1993 on a form furnished by the City, and shall be irrevocable. All employees hired by the City after December 10, 1992 shall be allowed annual vacation leave in accordance with the schedule set forth in Paragraph (a) regardless of previous employment with the City.

0-3 years ---------- 12 days (8 hrs. per month)
3-5 years ---------- 15 days (10 hrs. per month)
5-12 years ---------- 18 days (12 hrs. per month)
13-20 years ---------- 21 days (14 hrs. per month)
20-retirement ---------- 24 days (16 hrs. per month)

The City Manager shall earn annual leave at the same rate as the regular employees.

Regular part-time employees who work not less than twenty (20) hours per week shall receive one half the annual leave authorized for full-time employees.

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