TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY of Palatka
FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

TERRY K. SUGGS
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

AGENDA
CITY OF PALATKA
July 9, 2015

CALL TO ORDER:
a. **Invocation** – Father John Jacobs, Vicar; St. Peter's Anglican Church
b. **Pledge of Allegiance**
c. **Roll Call**

APPROVAL OF MINUTES – 6/11/15

1. **PUBLIC RECOGNITION/PRESENTATIONS**
   a. **Public Recognition** – 2015 4TH of July Fireworks Contributors
   b. **Public Official Recognition** – FLC "*Home Rule HERO*" Mary Lawson Brown
   c. **Public Official Recognition** – 2015 Institute of Elected Municipal Officials Certification – Mayor Terrill Hill, Commissioner Rufus Borom, Commissioner Justin Campbell

2. **PUBLIC COMMENTS** – (limited to 3 minutes – no action will be taken on topics of discussion)

3. **CONSENT AGENDA**
   *a. **Adopt Resolution No. 2015-11-46** authorizing the Mayor and City Clerk to execute and attest Scherer Construction of N. Fla, LLC's Change Order No. 5 in the amount of $11,902.78 to extend 3-phase electrical service for Hangar Improvements Project at Palatka Municipal Airport (100% grant funded)
   *b. **Reappoint Larry Beaton and Meri A. Rees to the Palatka Historic Preservation Board** as Member Representing the Putnam County Historical Society and Member with Contractor Experience, respectively, for three-year terms to expire June 30, 2018 (incumbents)

* 4. **FIRE ASSESSEMENT FEE** – Executive Summary Report, Draft Directory Resolution and Critical Events Schedule

* 5. **BAOSHAN, CHINA DELEGATION** & Proposed Official Visit - City Manager Terry Suggs

* 6. **POLICE CHIEF SEARCH** – City Manager Terry Suggs

7. **CITY MANAGER & ADMINISTRATIVE REPORTS**

8. **COMMISSIONER COMMENTS**

9. **ADJOURN**

*Attachment **Separate Cover

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

201 N. 2ND STREET • PALATKA, FLORIDA 32177
PHONE: (386) 329-0100 **www.palatka-fl.gov** **FAX: (386) 329-0106**

Upcoming Events:

July 14 – St. Johns River Center Grand Opening 1:30 pm
August 13 – 15 – Annual FLC Conference, Orlando, FL
Sept. 5 & 6 – Downtown Palatka Shrimp Blast
Sept. 7 – City offices closed to observe Labor Day holiday
Sept. 17 – Palatka Hosts NEFLC Meeting
Oct. 2 – Employees' Safety Luncheon (tentative)
Oct. 31 – Halloween Trick-or-Treat 6 to 8 pm

Board Openings:

Putnam Co. Better Place Plan Oversight Committee Rep
Board of Zoning Appeals – 3 vacancies (at-large)
General Empl. Pension Board – 1 Commission Appointee
Planning Board – 1 Vacancy (at large)

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:
PUBLIC RECOGNITION - 4th of July Fireworks Contributors for 2015

SUMMARY:
The City of Palatka would like to acknowledge the donors who responded to our request for assistance for the 4th of July Fireworks. This is a cherished celebration of our country and our great City of Palatka. Being recognized are:

$2,500.00 Donation: FP&L, Mike Garman

$1,500.00 Donation: Human Resources Development Services (donated at the direction of Judge Boatwright for a probationer's community service hours & restitution)

$ 500.00 Donations: Bingo Palace and Palatka Gas Authority

$ 300.00 Donations: Artic Air Conditioning, Mike & Jeff Curtis; Riverfront Square Development, LLC, Corky Diamond Services

$250.00 Donations: Sentry Termite & Pest Control; Bates, Hewett & Floyd, Insurance Agency

Other Donations: Passero Associates, Andrew Holesko; Dr. Richard Perallon; The Pink Door; Coenraad J. & Elizabeth Van Rensburg; Betty Willis & Family; Johnson-Overturf Funeral Homes; Carr, Riggs & Ingram, LLC; Clay Electric Cooperative; John "Skip" & Linda Lorenzen; Masters Funeral Home, LLC; Earl Wallace, II, Surveyor; Stone Engineering Group, Inc.; Badcock Home Furniture & More; Weed Golf Course Design; Bound for Glory & St. Johns Café; Bradley's Steak & Seafood, Brad Southwell; The Boathouse Marina, LLC; First Baptist Church; Lola Newman; and VyStar Credit Union

RECOMMENDED ACTION:
Recognition of 2015 Fireworks Contributors

PRESS RELEASE:

07/02/2015

City of Palatka
201 N. 2nd Street
Palatka FL 32177
www.palatka-fl.gov

For more information concerning this Press Release, contact Betsy Driggers, City Clerk; 386-329-0100 ext. 211 or bdriggers@palatka-fl.gov

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RE: Vice Mayor Mary Lawson Brown receives 2015 *Home Rule HERO Award*

The Florida League of Cities has recognized Palatka Vice Mayor Mary Lawson Brown with a 2015 Home Rule HERO Award for her "tireless efforts to advance the League's legislative agenda and help protect the home rule powers of Florida's cities during the 2015 legislative session." Home Rule HERO Award recipients are local government officials - both elected and non-elected - who consistently responded to the League's requests to reach out to members of the Florida Legislature and help give a local perspective to an issue. Scott Dudley, Legislative Director for the Florida League of Cities who presented her with the Award at last month's NE Florida League of Cities meeting, said she was chosen for this honor because she is "an outstanding advocate for the protection of home rule rights" for her constituents as well as municipal citizens throughout the State, and said her advocacy for municipal home rule during this year's session is "an inspiration and model for municipal officials statewide." Vice Mayor Brown works throughout the year to help eliminate unfunded mandates and pre-emptions, and to protect cities' rights to home rule powers.

Mike Sittig, President of the Florida League of Cities, stated "Mary Lawson Brown serves as a prototypical role model for other public servants across the state, and indeed the nation, who work every day to provide the best in municipal service to their citizens. She deserves to be recognized for her accomplishments, dedication and hard work."

Brown, a native of Palatka, was sworn in as a Palatka City Commissioner on January 3, 1984, the first woman and first black person ever to serve in that capacity. An active lobbyist for the City and self-styled "City Mama," she began serving the first year of her eighth consecutive term in office on January 7, 2013. She has a degree in Fine Arts from Florida A&M University and a mortuary science degree from Worsham College. She owned and operated E. W. Lawson & Sons Funeral Home, a family business founded by her grandparents, for more than 50 years before turning the business over to her sons Teddy and Maurice. She has three children, nine grandchildren and four great-grandchildren.

For being a champion in the defense and protection of municipal Home Rule, the Florida League of Cities presents the

2015 Home Rule HERO

to

Vice Mayor Mary Lawson Brown

City of Palatka

Mike Sittig
Executive Director
Florida League of Cities, Inc.

C. Scott Dudley
Director, Legislative Affairs
Florida League of Cities, Inc.

301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

June 2, 2015

The Honorable Mary Lawson Brown
Vice Mayor, City of Palatka
201 N. 2nd Street
Palatka, FL 32177

Dear Vice Mayor Lawson Brown:

Congratulations! On behalf of the Florida League of Cities, I am pleased to inform you that you have been chosen to receive the Florida League of Cities *Home Rule HERO Award*. This award is being presented to you because you are an outstanding advocate for the protection of home rule rights for your city's constituents, as well as municipal citizens throughout the state. Your advocacy for municipal home rule during the 2015 Legislative Session and beyond is an inspiration and model for municipal officials statewide. Efforts such as yours are critical to the League's grassroots advocacy.

It would be our honor to present this award in conjunction with a Northeast Florida League of Cities event. Please contact Holly McPhail at 850-510-4377 or hmcphail@flcities.com at your earliest convenience to organize a time and date that will work with your schedule. Thank you for your strong advocacy efforts on behalf of Florida's cities, towns and villages.

Congratulations on being a "Home Rule HERO!"

Sincerely,

C. Scott Dudley
Legislative Director

President **Matthew D. Surrency**, Mayor, Hawthorne
First Vice President **Susan Haynie**, Mayor, Boca Raton • Second Vice President **Vacancy**
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

Institute
for Elected
Municipal
Officials

Certificate of Completion

January 23-25, 2015 • Jacksonville, Florida

Awarded to

Mayor Terrill L. Hill

City of Palatka

Sponsored by

Executive Director
Florida League of Cities

Executive Director
Florida Institute of Government

Institute
for Elected
Municipal
Officials

Certificate of Completion

January 23-25, 2015 • Jacksonville, Florida

Awarded to

Commissioner Rufus J. Borom

City of Palatka

Sponsored by

Executive Director
Florida League of Cities

Executive Director
Florida Institute of Government

Institute
for Elected
Municipal
Officials

Certificate of Completion

January 23-25, 2015 • Jacksonville, Florida

Awarded to

Commissioner Justin R. Campbell

City of Palatka

Sponsored by

Executive Director
Florida League of Cities

Executive Director
Florida Institute of Government

Agenda Item

3a

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2015-11-46 authorizing the Mayor and City Clerk to execute and attest Scherer Construction of North Florida, LLC Change Order #5 in the amount of $11,902.78 to add 3-phase electrical service associated with hangar improvements at the Palatka Municipal Airport (100% grant funded)

SUMMARY:

The City awarded a base contract to Scherer Construction of North Florida, LLC to construct an eight (8) unit T-Hangar Building, two (2) unity T-Hangar addition, widen the Hangar apron pavement and one (1) box hangar addition with future toilet room utilities. The proposed project is 100% funded by the Florida Department of Transportation.

It has come to our attention that there is enough money for this project to add the installation of 3-phase electrical service to extend that service availability from the ground vault on Hwy 100 to the existing W-3 hangar electrical panel. To date the City has (2) change orders increasing the contract price and two (2) change orders reducing the contract price. This change order proposal increases the contract price by $11,902.78 bringing the total Scherer contract price to $895,582.28. The total project cost is currently $1,511,380.57. Total available grant funds are $1,548,245.00.

RECOMMENDED ACTION:

Adopt a resolution authorizing the Mayor and City Clerk to execute and attest Change Order No. 5 with Scherer Construction of North Florida, LLC in the amount of $11,902.78 to extend 3-phase electrical service from Hwy 100 to Hangar W3, which is associated with hangar improvements at the Palatka Municipal Airport (100% grant funded)

ATTACHMENTS:

Description	Type
Resolution - Scherer CO #5	Resolution
Scherer Const. C.O, #5	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	6/30/2015 - 5:30 PM
City Clerk	Driggers, Betsy	Approved	6/30/2015 - 5:30 PM
City Manager	Driggers, Betsy	Approved	6/30/2015 - 5:31 PM

RESOLUTION No. 2015-11-46

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST CHANGE ORDER NO. 5 WITH SCHERER CONSTRUCTION OF NORTH FLORIDA, LLC IN THE AMOUNT OF $11,902.78 FOR HANGAR IMPROVEMENTS AT THE PALATKA MUNICIPAL AIRPORT

WHEREAS, on December 18, 2014 the **City** received and opened bids for construction of Palatka Municipal Airport Hangar Improvement Project, which is 100% funded by FDOT; and

WHEREAS, the apparent lowest and best bid for said project, in the opinion of Passero Associates, its airport engineers, was submitted by Scherer Construction of North Florida, LLC in the amount of $2,817,036.76; and

WHEREAS, on January 22, 2015 the **City** awarded a contract to Scherer Construction of North Florida, LLC in the amount of $1,219,966.66, and

WHEREAS, City Staff and Airport Engineers have negotiated terms of a contract change order with Scherer Construction to extend 3-phase electrical service to Hangar W3 for said **Project**; and

WHEREAS, the current contract price is $883.679.50 and the new total contract price with Scherer Construction shall be $895,582.28 for said **Project**; and

WHEREAS, the **City** deems it reasonable and necessary to enter authorize execution of the Scherer Construction Change Order #5 in the amount of $11,902.78 to extend 3-phase electrical service from Highway 100 to Hangar W-3 for said **Project**.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida that the Mayor and City Clerk are hereby authorized to execute and attest the Scherer Construction of North Florida, LLC Change Order #5 in an amount not to exceed $11,902.78.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 9th day of July, 2015.

CITY OF PALATKA

_____

By: Its MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:

SCHERER CONSTRUCTION OF NORTH FLORIDA, LLC

2504 NW 71 Place
Gainesville, FL 32653
Tel: 352-371-1417
Fax: 352-338-1018
License No. CGC057622
www.schererconstruction.com

Change Order Proposal #05

June 24, 2015

City of Palatka
201 N. Second Street
Palatka, Florida 32177

Subject: Change Order Proposal #05
Three Phase Power to W3 Hangar, Palatka Municipal Airport
FDOT Project # 434748-1

Please accept this cost proposal to add the following work changes:

1. Provide a 200 Amp 3 phase service with disconnect and receptacle running from ground vault to W3 Hangar. This work is figured using an existing conduit that runs under the road. No asphalt cutting or patching figured other than as described in line item #2 below.
2. Provide concrete patch back on SE corner of W3 hangar where 3 phase service is brought to the existing panel.
3. Florida Power to supply necessary infrastructure from ground vault to transformer. Final cost to be determined; we have included an allowance of $2,000 based on preliminary pricing given by FPL.

Attached is a cost break down for each item. Contact me if you have any questions.

The total cost of the work is: $11,902.78

Sincerely,
Scherer Construction of NF, LLC

Jeff Godman
Project Manager

APPROVED BY:

City of Palatka

Authorized By

Date

Passero Associates, LLC

Authorized By

06/24/15
Date

Cost Proposal #05

15-625

Project: Eight Unit T-Hangar Building, Palatka Muncipal Airport
FDOT Project FIN No: 434748-1
Project No: PA 24010.45R

June 24, 2015

Description COP 5 Add 3 Phase Circuit to W3 Hangar

TEM NUMBEI	*DESCRIPTION*	*QTY*	*UNIT*	*U/L*	*LABOR*	*U/M*	*MATERIAL*	*U/S*	*SUB*	*TOTAL*
01	200 Amp Service Work	1	LS	0.00	0.00	0.00	0.00	7,070.71	7,070.71	7,070.71
02	Concrete apron patch back/Grading	1	LS	0.00	0.00	0.00	0.00	1,750.00	1,750.00	1,750.00
03	FPL Transformer Allowance	1	LS	0.00	0.00	0.00	0.00	2,000.00	2,000.00	2,000.00
										10,820.71
	GC Fee (10%)									1,082.07
Total										**11,902.78**

Barr-None Electric
3490 W Dunnellon Rd
Dunnellon, FL 34433
352-489-7734
Lic #EC-0002987

Estimate

Date	Estimate #
6/16/2015	1900

Name / Address
Scherer Construction 2504 NW 71st Place Gainesville, FL 32653

Project	E-mail	Fax #
Palatka Airport	mike.barrnone@att.net	844-274-1667

Qty	Description	Total
1	Change Order # 3 W-3 Hanger Material and Labor to Install 200 Amp 3 Phase Service with 200 Amp Feed Through Lugs, Meter Can with Safety Switch for Means of Disconnect Running From Ground Vault to Building. Power Company to Supply From Ground Vault to Transformer	5,951.00
1	EXTRA: Supply and Install 200 Amp 3 Phase Receptacle for Inverter to Plug Into.	1,119.71
	Total	$7,070.71

Agenda Item

3b

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:
Reappoint Larry Beaton and Meri A. Rees to the Palatka Historic Preservation Board as member representing the Putnam County Historical Society and Member with Contractor Experience, Respectively for three-year terms expiring June, 2018 (incumbent representatives)

SUMMARY:
Larry Beaton and Mari A. Rees are currently members of the Palatka Historic Preservation Board. Mr. Beaton is the member representing the Putnam County Historical Society. Mrs. Rees is currently designated as the member with Contractor Experience.

Mr. Beaton and Mrs. Rees have both submitted applications for reappointment indicating their desire to be reappointed to the Palatka Historic Preservation Board for another three-year term. Staff supports these reappointments. They are both valuable and participating members in good standing who have met their attendance obligations.

RECOMMENDED ACTION:
Reappoint Larry Beaton and Meri A. Rees to the Palatka Historic Preservation Board as member representing the Putnam County Historical Society and Member with Contractor Experience, Respectively for three-year terms expiring June, 2018

ATTACHMENTS:

Description	Type
L. Beaton Application	Backup Material
Meri Rees Application	Backup Material

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY of Palatka
FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

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CITY MANAGER

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CITY CLERK

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FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Historic Preservation **Board.**
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Laurence "Larry" E. Beaton **# of years' prior service:** 12
Residence **Phone:** 386-328-1655
(911 Address) 607 S Moody Rd APT 1803 **Fax:**
Business Name **Phone:**
& Address Retired **Fax:**

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 607 S Moody Rd APT 1803 Palatka, FL 32177-4051

E-mail: LFB911@gmail.com **Daytime Phone:** Home: 386-328-1655 Mobile: 386-437-7929

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

Laurence E. Beaton — July 1, 2015
SIGNATURE OF APPLICANT **DATE**

Chairman/Director: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any)_____

Chairman's/Director's Signature _____

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

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FLORIDA

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MICHAEL LAMBER
CHIEF FIRE OFFICER

DONALD E. HOLME
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Historic Preservation Com. **Board. I understand that I will continue to serve in a volunteer capacity on this advisory board.**

MEMBER: Mary "Meri" Rees **# of years' prior service:** 1
Residence (911 Address) 2509 FAIRWAY DR **Phone:** 386-385-3848 **Fax:**
Business Name & Address **Phone:** **Fax:**

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: NYGaPeach@gmail.com
(same)
E-mail: **Daytime Phone:** 518-248-2034 (Cell)

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

Mary "Meri" Rees — June 30, 2015
SIGNATURE OF APPLICANT **DATE**

Chairman/Director: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any)_____

Chairman's/Director's Signature _____

Agenda Item

4

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:
FIRE ASSESSMENT FEE - Executive Summary Report, Draft Directory Resolution and Critical Events Schedule

SUMMARY:
At the City Commission meeting on April 9, 2015, the City Commission approved a work order for Mark G. Lawson, P.A. to prepare an Executive Summary describing an apportionment approach sometimes referred to as 'Simplified Fire' pertaining to special assessments for fire protection services and facilities.

Attached is the completed Executive Summary which describes in detail the 'Simplified Fire' special assessment method. Also included in the report is a breakdown of the City's fire department budget and several funding examples.

A more detailed description of how the 'Simplified Fire' method works is included in the Executive Summary so it will not be described in this agenda item summary.

Also attached is a critical events schedule which outlines the remaining steps that need to be taken in order to implement a fire assessment fee for next fiscal year (2015-2016). A directory resolution is also included which authorizes the initiation of the process to implement a fire assessment fee for next year. The resolution is not complete because staff is seeking guidance from the City Commission on the funding level that should be proposed for next fiscal year.

RECOMMENDED ACTION:
Accept Executive Summary Report and provide guidance to City staff on the appropriate funding level to be proposed for next fiscal year.

ATTACHMENTS:

Description	Type
Fire Assessment Fee Executive Summary Report	Backup Material
Directory Resolution	Backup Material
Critical Events Schedule	Backup Material
Amicus Brief from City of Cape Coral case	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Reynolds, Matt	Approved	6/17/2015 - 2:53 PM
City Clerk	Driggers, Betsy	Approved	6/18/2015 - 10:35 AM
City Manager	Driggers, Betsy	Approved	6/18/2015 - 10:35 AM

COMMUNITY SOLUTIONS GROUP

GAI Consultants, Inc.
618 E. South Street
Suite 700
Orlando, Florida 32801
T 407.423.8398

A GAI Consultants Inc. Service Group

Planning | Urban Design
Landscape Architecture
Economics | Real Estate

June 12, 2015

GAI Project No. A150675.02

Honorable Mayor Terrill Hill
City Commission Members
201 N. 2nd St.
Palatka, FL 32177

Mr. Mark G. Lawson
Mark G. Lawson, P.A.
PO Box 14043
Tallahassee, Florida 32317

Cc: Mr. Matt Reynolds, Finance Director; Fire Chief Mike Lambert; Ms. Candy Augustine, Ennead LLC

Executive Summary Report
Overview of Simplified Fire Protection Assessment Apportionment Strategy
Palatka, Florida

Dear Honorable Terrill Hill and City Commission Members:

This is a written executive summary report, which among other things, summarizes a budget analysis, describes a simplified apportionment method and provides funding (amount) scenarios for decision-making purposes. This information then necessarily will allow for the resultant determination of the proposed assessment for any specific tax parcel, whether developed or undeveloped in the entire community.

INTRODUCTION AND PURPOSE

The City of Palatka, Florida (City) in Putnam County has expressed an interest in exploring and better understanding a reasoned special assessment methodology to fund a portion of the annual operating and capital costs associated with the Palatka Fire Department (PFD). Special assessments are levies made against certain real property to recover all or part of the cost of a specific service or capital improvement deemed to benefit those real properties which may be collected either through the City's direct billing of affected property owners or by inclusion on the annual property tax bill, a procedure known as the uniform collection method.

The City's expressed interest in establishing a fire protection assessment strategy is multidimensional. The simplified fire protection assessment strategy presented ("Simplified Fire") is a powerful and flexible public administration and communications tool. The implementation of a Simplified Fire funding program, among other things, can provide long-term stability to the fire protection program while allowing the City the flexibility of possibly lowering a millage rate that ranks among the highest in the state.

The City has engaged Mark G. Lawson, P.A., GAI Consultants, Inc., and Ennead LLC ("the "Project Team")[1] to describe and analyze those special benefits associated with the provision of fire protection services and facilities to

[1] This Simplified Fire work is subject to a cooperative purchase agreement provision allowed for under a prior competitive procurement through the City of Inverness at http://www.inverness-fl.gov/. Further, this engagement/work falls under legal services and related use of consultants in anticipation of a declaratory action.

each of the various tax parcels of property in the City using the Simplified Fire approach described herein.[2] This Simplified Fire strategy represents a reasoned alternative and equity tool for allocating and sharing all or some portion of benefits, burdens, and the budgeted annual costs associated with the availability of PFD's essential services and facilities. This analysis is unique to the PFD and its budget data. GAI has reviewed the relevant data in Appendix A and shares this summary; Ennead LLC has applied the Simplified Fire methodology described herein to a publicly generated and statutorily required data base to present decision-making information in Appendix B.

This executive summary is provided for initial planning and decision-making purposes, though it forms the foundation for implementation should the City determine to proceed with imposition of this alternative methodology. Included is a summary of the Florida law governing special assessments, a description of the special benefits conveyed by the budgeted availability of fire protection services and facilities and a reasoned apportionment methodology reflecting two distinct tiers or classes of assessment allocations;

- Tier 1: a sharing of benefits, burdens and costs for fire protection services and facilities based upon the *relative value of improvements* for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City; and,
- Tier 2: a sharing of benefits, burdens, and costs for fire protection services and facilities on a *per tax parcel* apportionment.

Both are premised upon maintaining a continual state of preparedness and *readiness to serve* whether or not a request for actual assistance is ever received.[3] These two distinct tiers are used to digest the PFD's estimated budget after a reduction for potential advanced life support costs (ALS) to avoid any misunderstanding that emergency medical services are being funded improperly with the resulting special assessments. Prior to apportioning the estimated budget into the Tier 1 and Tier 2 categories, the PFD's adopted budget is adjusted to remove any costs potentially associated with advanced life support (ALS). This adjustment is made to avoid the possibility of challenge that emergency medical services are being funded improperly with the resulting special assessments.[4]

Simplified Fire is a powerful public administration and decision-making tool, several funding examples are included to illustrate application of, and the flexibility offered by, the two-tiered apportionment methodology.[5]

SPECIAL ASSESSMENTS IN GENERAL, FLORIDA LAW

Special assessments are a dedicated revenue source typically available to general purpose local governments to fund capital improvements or essential services. While discussion of the law governing special assessments included herein should not be construed as a legal opinion, there are legal guidelines to draw upon in laying out an

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[2] The use of the maintained database of tax parcels required by law and employed by the local property appraiser and tax collector is a relatively accurate, fair and efficient means to annually allocate or distribute costs. For apportioning benefits and allocating costs to property as discussed herein, the use of tax parcels is reasonable, fair, effective, and efficient for all tax parcels, including statutorily defined parcels such as individual condominium or cooperative units.

[3] Although either of these two tiers might be singularly used to address a significant portion of the budget for special assessment apportionment purposes, together they provide a simplified and powerful equity tool for the City to share assessable benefits, burdens and costs among assessable tax parcels in the City. The combination of these two tiers itself demonstrates equity.

[4] See ADDRESSING THE COST OF EMS on page 12 of this report.

[5] See Appendix B.

assessment methodology which conforms to accepted principles and practices necessary to achieve legal validity. As established by Florida case law, two requirements exist for the imposition of a valid special assessment.

- The property assessed must derive a *special benefit* from the improvement or service provided; and
- The assessment must be *fairly and reasonably apportioned* among the properties receiving the special benefit.

Under both Florida's case law and certain statutory components, it is well settled that the benefit required for a valid special assessment may be measured or benchmarked against something other than simply an increase in real property market value. The concept of benefit also includes the relief of a burden or demand created by property as well as added use and enjoyment of the real property. The benefits then can be conceptual but they must be capable of being evaluated by some metric and being apportioned in some reasonable manner. It is not necessary that the benefits be direct or immediate, but they must be substantial, certain, and capable of being realized within a reasonable time. The benefits must be distinguishable or different from those of non-assessed properties but they may coincidentally extend to non-assessed properties. Specifically, Florida's case law, as well as its statutory regime relating to special assessments, supports substantial latitude both in the means by which *benefit to or relief of burden created by* real property is identified and determined and the subsequent manner by which an assessment itself is calculated or apportioned. Though Florida law requires that special assessments funding improvements or services must be fairly and reasonably apportioned, the State's Supreme Court has held that the method of apportionment is immaterial and may vary provided the amount of the assessment for each property *does not exceed the proportional benefits it receives compared to other properties.*

BENEFIT TO PROPERTY DESCRIBED

Under Florida law, fire protection activities indisputably create special benefits for real property. For the purposes of this executive summary, the reference to benefits specifically includes the annually occurring obligation to underwrite and share the relief of a burden to continually stand in readiness created in the aggregate by the very existence of the various tax parcels in the City. In the aggregate, and overall, the benefits described equal or exceed the costs of readiness to serve and could be rationally apportioned using either or both of the methodology tiers described herein. Although several of the benefits realized may overlap, it is useful for educative and analytical purposes to articulate them separately since they respond to or satisfy different expectations or needs and assume varying qualities. Through agreements with other jurisdictions or agencies, these benefits may be available beyond the assessment area, but they are coincidental and difficult to plan for in advance. For example, such an agreement exists between the City of Palatka and Putnam County for providing mutual aid. Though at this time no compensation for services is exchanged, it is possible that PFD could be reimbursed for coverage beyond the assessment area.

The collective and relative benefits listed below are among those enjoyed by the various tax parcels in the incorporated area of Palatka through the availability of fire protection services and facilities budgeted for continual readiness to serve. These benefits apply to improved and unimproved properties.

- ***Assured Fire Protection On Call.*** First and foremost, PFD has a combined department which includes approximately 21 firefighters whose primary responsibilities are to continually stand in readiness to secure individual properties in this community from the threat of fire and to render fire suppression and rescue services if required. The PFD personnel are composed of dedicated first responders and support staff charged with continually being available to provide fire protection and associated basic medical aid.

- ***Assured First Response Medical Aid On Call.*** Among the responsibilities of the department and its staff is to stand in readiness to provide first response medical aid stemming from fire incidents or related emergency conditions to persons visiting, residing in, working in, or otherwise occupying and/or associated with the residential and non-residential properties in its service area. As with fire protection services that are always on call, the obvious special benefit to real property is assured life safety, and health for residents, visitors, and employees of protected parcels, residences, businesses, and institutions within the City.
- ***Maintenance of Minimum Insurance Rating(s).*** The Insurance Service Office, Inc. (ISO) sets minimum standards for fire and emergency response teams. These standards can be a positive or favorable determinant in actual insurance rates imposed by Florida's insurers for various classes of properties. A basic complement of coverage is necessary to assure that a minimum fire rating is achieved for actuarial purposes. There are distinct differences in insurance ratings for properties protected by trained full-time personnel and those protected by voluntary staff with comparably less equipment and training. That such ratings and the cost of individual coverage for fire insurance vary by location and structural conditions is itself an indicator of the value to property implied by a well-staffed and easily deployed fire unit. As well, the greater or lesser available insurance ratings correspondingly and continuously benefit the attractiveness of unimproved properties for potential improvement or development.
- ***Assured Coverage for Other Emergency Conditions.*** As with most departments engaged in fire protection and associated life safety activities, the sworn fire personnel and their support team provide coverage to improved and unimproved real property, providing incidental services (often to individuals living, working and visiting thereon) associated with a wide range of emergency and potentially hazardous conditions, for example, fire events, accident clearance, spilled contaminants, and control of noxious or incendiary materials.
- ***Protection for the Uninsured.*** Those tax parcels without mortgages and/or fire insurance are materially advantaged by supporting a fire assessment program which becomes, by default, an alternate means to shield equity in property. In this case, the benefits associated with continual readiness to deploy are easily evaluated by the value of the residential, commercial, or other improvements, features, or enhancements which are the measure, in substantial part, of potential loss when a fire incident is experienced.
- ***Enjoyment of Property and Protection of Property Value.*** The combination of available fire protection for tax parcels in the City regardless of insurance ratings, enhanced life safety, personal security and financial advantage yields materially greater enjoyment in real property. As the basic complement of fire protection is enhanced through the assessment, the reduced potential for fire losses or liabilities stemming from a wide variety of incidents occurring thereon become their own benefits to real property.

  When calls are actually received and personnel deployed to a scene of an incident, the economic value of the department's ability to act becomes more apparent as losses are minimized or contained. The losses, or potential losses, or liability, can be reasonably measured in terms of the value attributed to improvements, enhancements, or features on the underlying real property and the parcel itself, but the cost of availability of fire protection services and facilities remains fairly static in the City's budget.
- ***Protection for Improved and Unimproved Properties.*** Clearly improvements or enhancements on a tax parcel benefit from the readiness to provide fire protection, but unimproved properties also benefit. Unimproved tax parcels benefit from fire protection services and facilities when the PFD is ready to put out

yard waste or brush fires, ready to put out fires as a result of illegal dumping, mischief or similar isolated instances, and ready to stop the spread of fires from truly vacant to improved properties.

- ***Relief of Burden.*** The benefits, burdens and costs reasonably associated with an annual and recurring budget that underwrites a continual readiness to serve the various tax parcels in the City in the event of fire incidents can be addressed through a direct assessment vehicle. The burden of these costs is assigned to all tax parcels to which services in the event of a fire are continually available throughout each fiscal year, while other alternative funding sources are relieved of this financial encumbrance.
- ***Overall Economic Advantages.*** The above benefits, viewed in the aggregate, provide a distinct economic advantage to the various improved residential and non-residential tax parcels, as well as unimproved tax parcels in the City. Additionally, properties protected by the availability of fulltime departments with trained personnel typically receive, or are more easily capable of receiving, more attractive insurance rates than those properties that are not so protected resulting in direct benefit to property. The availability of more attractive insurance rates positively impacts both already improved tax parcels as well as making unimproved tax parcels more attractive for development.

BUDGETS AND POLICY

To be clear, the impact of insurance rates are just one of several factors involved in the annual budgeting and provision of fire protection service. Currently, the City maintains a level 2 out of 10 for fire protection based on the ISO's Public Protection Classification (PPC) rating. This rating applies to the area located within the city limits of Palatka.

Though at times difficult to quantify, the ISO's PPC rating for fire departments helps provide a way to determine benefit to property. ISO assesses risk based on a series of criteria grouped into categories of the fire alarm and communications system, the fire department including staff, and the water supply system. The rating standardizes levels of fire protection, with Public Protection Classification of 1 being the best and 10 being equivalent to the lowest rating. Many insurance companies consider the ISO rating of the local fire department when determining the premium for property insurance. Insurance rates are, in part, a function of the insurance carrier and the impact of the ISO's PPC rating, and can vary considerably. However, a two to three point shift in ISO rating can have a notable effect on the price of insurance.

The PFD, like virtually every fire department, provides fire protection benefits through its available capacity to respond. That is, PFD stands alert, ready to respond to the potential of a fire and associated basic life support in such an emergency event. The constant *potential* for the outbreak of a fire represents the predominant requirement for service.

The scale of this potential defines the basic underlying cost of the department's fire infrastructure. Even prior to an incident – without regard to what the nature of the incident or call may require - PFD's personnel and equipment remain in readiness or preparedness. From a policy and public purpose standpoint, this is the predominant activity of the PFD. The amount of resources made available each year, including committable personnel and necessary equipment, is a public administration and policy decision. To limit fire loss and to preserve property values, the City and its fire unit, in this state of readiness, must consider the committable personnel, necessary equipment, and the time likely required to extinguish a fire (*planning or preparing* for the potential incident or event) prior to allocating the direct resources enabling the fire to be extinguished as quickly as possible (*deploying to or intervening* in the

incident or event itself). As suggested by the standards of ISO, there are minimal capabilities that must be maintained at all times.

Consequently, an apportionment stemming from a fire department's continual readiness to serve is premised largely on the fact that PFD must maintain and the City must underwrite its preparedness whether or not a fire-related distress call is ever received. Indeed, records of many departments affirm that a significant portion of the benefit derived or burden relieved occurs through readiness or preparedness and not deployment. PFD's preparedness costs are generally those *necessary to maintain the readiness of PFD's fire personnel to respond* to periodic calls, with the actual level of service being a policy or budget decision from year to year.

The constant *potential* for the outbreak of a fire represents the predominant requirement for service. Even *prior* to an incident – without regard to what the nature of the incident or call may require - PFD's personnel and equipment continually remain in readiness or preparedness to provide fire protection services and facilities to all property within the City.

OVERVIEW OF PROPOSED APPORTIONMENT METHOD, RECENT DEVELOPMENTS.

That local governments are afforded great latitude under Florida law with respect to legislative determinations concerning special benefit and reasonable apportionment is well settled law. No single apportionment methodology has emerged as preferable in the governing case law for a given service or improvement. So long as the apportionment is reasonable and not arbitrary, the assessment is generally capable of withstanding legal challenge.

The reasoned assessment methodology described in this Executive Summary has been expressly focused upon and judicially validated in circuit court in Hernando County (Brooksville), Pinellas County, (St. Petersburg), Bay County (Springfield), and Polk County (Haines City) by Mr. Lawson. The concept was subsequently subjected to a challenge and recently upheld by the Florida Supreme Court. The Florida Supreme Court has now also expressly confirmed the use of the two-tiered approach and legal construct (relative improvement value and per-tax parcel upon which Simplified Fire is premised).

In *Morris v. City of Cape Coral*, No. SC14-350 (Fla. May 7, 2015), the Supreme Court addressed a line of reasoning from prior cases, reiterating that the determination of whether a special assessment confers a special benefit on property is not based on whether the benefit is "unique" to that property, but instead whether there is a logical relationship between the assessment on a property and the benefit conferred upon that property. Decisions that seemed to indicate the contrary, including *St. Lucie County-Ft. Pierce Fire Prevention & Control District v. Higgs*, 141 So. 2d 744 (Fla. 1962), turned solely on invalid apportionment, not on inadequate benefit to property. This argument is similar to that made by the City of Haines City and the City of Springfield in their validations and in an *amicus curiae* brief filed in *Morris*.[6] Those cities filed an amicus brief because the Cape Coral methodology in *Morris* had been taken, almost verbatim in some instances, from the methodology in reports and work previously delivered

[6] See Amicus Curiae Brief in Support of Neither Party of the City of Haines City, Florida and the City of Springfield, Florida at 9, Morris v. City of Cape Coral, No. SC14-350 (Fla. May 7, 2015). The cities argued that Higgs did not apply for four reasons, including that the assessment methodology (the apportionment prong) in Higgs materially differed from the cities' approach in that the Higgs apportionment methodology relied entirely on the assessed value for apportionment, rather than the cities' use of improvement value. The Florida Supreme Court then distinguished Higgs from Morris on precisely the same logic.

to Haines City and Springfield and had been represented by Cape Coral in the circuit court as almost identical work and approach provided to other cites by Mr. Lawson, GAI and Ennead LLC. In fact, Cape Coral's expert testified at the trial level hearing that the methodology of the four cities where Mr. Lawson, GAI (formerly doing business as Real Estate Research Consultants) and Ennead LLC had previously developed each of those programs (including Brooksville and St. Petersburg alongside Springfield and Haines City), and validated the Simplified Fire methodology was "almost exactly the same" as the Cape Coral methodology. An amicus brief was necessitated because (1) the consulting proponents of another fire assessment method also challenged the legal sufficiency of the Simplified Fire concept in *Morris* and (2) Cape Coral had made a significant number of errors in preparing its assessment roll, such that almost eight percent (8%) of the tax parcels to be assessed were incorrect. Cape Coral undertook substantial remedial actions, adopting corrective resolutions and successfully worked to avoid introduction of evidence during the challenge to its validation. The Supreme Court opinion in *Morris* noted these errors, but determined that it could validate the bonds and the fire assessment methodology despite such errors. In doing so the Supreme Court also adopted that logic and analysis in the amicus brief filed by Mr. Lawson's firm.

The wider impact of *Morris* is that the legal and conceptual use of the two-tiered Simplified Fire methodology presented in this Executive Summary, and the Supreme Court has determined that a method "almost exactly the same" as Simplified Fire is legally sufficient, valid and approved as compliant with case law and thus not arbitrary nor invalid.

Morris should not be construed to mean that local governments considering the use of special assessments should adopt a particular apportionment methodology solely on the basis of its use elsewhere. The failure to perform a factual and reasoned analysis specific to a set of circumstances in each community can expose another community to legal and political challenges based upon factual differences and/or well-intentioned, but unnecessary use of raw or uncertified public data. Florida's local governments vary in their needs, composition, and policies. The well settled implication is local governments are free to select an apportionment methodology which provides competent and substantial means to share the benefits, burdens, and costs of the fire protection budget and represents the best fit in terms of cost and ease of implementation, not only with respect to affected landowners but also in consideration of the staff required and resources involved with maintenance of the assessment program from year to year.

The parcel identification and classification system required by law to be maintained by the local property appraiser and tax collector will always be sustained and updated over the years as properties within Palatka develop and change. The use of such classification and appraisal system and description of tax parcels is publicly prepared, stable, readily accessible, reasonably consistent and accurate, maintained without cost to the City and capable of being used from year to year without extraordinary consumption of resources better expended to address other fire protection related issues. Accordingly, the assessment approach contemplated herein relies upon such system as a stable, reasoned and standardized resource.

The recommended approach does not rely upon attempted statistical analysis of complex or interim mass appraisal data, or demand-based fire call data maintained by the City's Fire Department or State Fire Marshal for other purposes, or attempt to categorize demand among affected parcels. The *current* analysis instead emphasizes that fire protection service, first and foremost, stands ready to serve and protect real property, and is not actually mobilized to fight fires as frequently as the average citizen might think. As an alternative to demand-based approaches to fire assessment (which attempt to allocate costs among different property classifications), the

simplified fire protection assessment approach focuses instead upon the relative value of the improvements[7] protected and the costs associated with maintaining a *continual state of readiness to serve.*

This appealing and simplified approach focuses upon an understandable and reasoned two-tiered approach involving the relative value of improvements protected and the annually budgeted core costs of continual readiness to serve – not independent annual statistical analysis of the random and indiscriminate results of these unique and expensive public services and facilities.

SIMPLIFIED FIRE APPORTIONMENT METHOD: RELATIVE VALUE OF IMPROVEMENTS (TIER 1)

The manner of apportioning a given assessment is immaterial and may vary from jurisdiction to jurisdiction, as long as the assessment for each tax parcel is not in excess of the proportional benefits *as compared to the assessments on other tax parcels*. Therefore fire protection assessments, like other service or capital assessments, may be apportioned in any number of different ways. Conceivably, the entire cost of fire protection services *could* be apportioned among benefited property exclusively on the basis of the value of improvements on each parcel relative to the total value of improvements throughout the jurisdiction and those measures could themselves be substantially varied or weighed.

The simplified fire protection assessment approach removes the severable underlying land from the calculus and focuses upon the built or improved environment targeted each year to be protected by fire services and facilities. Focusing on relative improvement value is a direct and logically related means to share costs, benefits and burdens of availability of fire protection services and facilities. It is also clear improvement value may be utilized as one factor among several considered in a given formula or means since the resulting assessments form a logical base[8] against which the special benefits, burdens and costs may be multiplied or determined.

Apportionment on the basis of relative improvement value (determined using the latest available real property assessment roll prepared by the county property appraiser) recognizes the relatively higher and proportionate benefit accruing to properties facing potentially greater financial loss in the event of fire incident. Besides the advantage of relying upon data prepared by the local constitutional property appraiser in the normal course of his or her responsibilities, an approach based in whole or in part upon value is advantageous and defensible because it is systematic in its estimation of *just value* as the basis for purpose of estimating the value of improvements or enhancements, treats properties with proportionate fairness, has an internal system of controls or appeals, and is self-correcting. That is, value and/or circumstances for each particular parcel may change from year to year in accordance with market conditions and other factors, some very discrete to individual parcels. Where conditions or needs dictate, such variation will be adjusted automatically each subsequent year in accordance with the latest relative value determined by the property appraiser. If the improvements or enhancements on a given tax parcel were to increase or decrease in value with the passage of time relative to the improvement value city-wide, that tax

[7] Such values are fundamental, derived from the end product of the statutory duties of the local property appraiser, and are updated annually resulting in a self-correcting mechanism.

[8] Relative improvement value is not a taxation concept; rather it is derived carefully from information used for taxation purposes. Both *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992), and *City of Naples v. Moon*, 269 So. 2d 355 (Fla. 1972), ably recognize the distinction. The Simplified Fire concept just leverages the carefully and annually developed information in data already publicly maintained so the City can advance accuracy and avoid program costs. Methods other than Simplified Fire are accordingly unnecessarily complex, less reliable, and more expensive to implement, maintain, and poorly understood.

parcel's percentage of the total amount assessed would also increase or decrease proportionately to the whole. Using the improvement valuations employed by the local property appraiser is a fair and reasoned method and proxy for distributing and sharing the multitude of benefits described herein.

There are several important considerations in the analysis of affected improvements subject to Tier 1.

- Improvement value in the context of the Tier 1 assessment is in essence defined as the county property appraiser's officially recorded just market value *minus* any officially recorded land value. The resulting value is a proxy for a parcel's legal attributes or classification, physical characteristics, location, structural conditions and other special attributes or features of the structure or other enhancements, including crops or orchards for example.

  In the case of condominiums or similar statutory regimes - where a land value can become a common element by law, is no longer easily severable from improvements and may be only nominally recognized by the property appraiser, may receive a minimal value, and/or simply not be recorded by the county property appraiser for valuation purposes at all - just value represents the measure for improvement value. This is reasonable because the common legal structure of condominium or cooperative ownership materially restricts the severability of a specific or individual unit from any associated parcel of land. Effectively this limitation conveys benefit that might otherwise exist from land and any other shared common features back to the unit itself in the form of improvement value. This valuation treatment differs from the example of a typical house and lot in which the house might be severed or removed physically by the owner in an unfettered fashion from any associated land to be subsequently replaced with a materially larger and more valuable improvement that can be appraised separately should it be necessary.

- Tier 1 is reasonably confined to a *maximum* improvement value of $10,000,000 per parcel. Like other community resources, those of the fire department are plausibly limited based on planning and expectations. Based on our findings and conversations with fire officials elsewhere, it would be rare that a department would staff for or anticipate an event of this magnitude. Consequently, the consideration of valuations beyond this amount would defray any related cost and risk only minimally.

  In Palatka, there are approximately 4,407 tax parcels in the City that have the potential to be affected by the assessment and only two have an improvement value greater than $10,000,000. Indeed, because these high value tax parcels represent much less than 1% of the tax parcel count overall, the ability to staff, serve and respond in any one circumstance becomes challenged where such concentration exists on an individual tax parcel. Based upon the foregoing, it is rational and reasonable to set this amount as the ceiling for calculating each respective tax parcel's potential assessment following the methods described for the Tier 1 assessment.

IDENTIFYING AND APPORTIONING COSTS TO BE ASSESSED BASED UPON RELATIVE VALUE OF IMPROVEMENTS (TIER 1)

These are costs of the PFD, many of which are largely, but not exclusively, variable and often indeterminate. Many are a direct function of annual negotiated contracts for service or may be the result of changing demand or needs. Even when they can be anticipated in the course of budgetary planning, they may show up as a sudden rise in the budget. In this category then would be infrequent purchases of capital items, gasoline, health contracts, repair and other similar services needed periodically or on demand as well as infrequent overtime labor which together may

drive costs on an occasional or so-called "lumpy basis". By their very nature and their level of use capital goods depreciate, lose value, and need periodic replacement so they are properly included in this tier or class. Although for increased equity purposes we do not recommend it, this tier or class could, in theory, logically justify the entirety of the assessable budget based upon the relative value of the improvements on each tax parcel.

SIMPLIFIED FIRE APPORTIONMENT METHOD: READINESS TO SERVE (TIER 2)

Apportionment based upon continual readiness to serve is based primarily upon this premise: a significant portion of the benefit derived or burden relieved by fire protection services stems from the fact that the fire department maintains its preparedness *whether or not* a fire-related distress call is ever received. PFD's preparedness costs are generally those *necessary to maintain the readiness of PFD's fire personnel to respond* to periodic calls.

Though there is minor variation from year to year, core costs associated with readiness to serve are largely recurring, almost fixed over the course of a budgetary period, because they are strongly associated with wages, salaries, administration, and overhead which support the department's basic manpower infrastructure without regard to the nature of an event. That is, these core costs must be absorbed even when the department's firefighting capabilities remain exclusively in standby mode. In this context, these costs *are not* an accounting concept. Rather, they represent, or are associated with, a functional concept for purposes of classification. Their characterization as *fixed* serves only to distinguish basic and nominally changing costs correlated to the department's capacity to respond to a fire event or incident.

The PFD stands alert, ready to respond to the potential of a fire and associated basic life support in an emergency event. The constant *potential* for the outbreak of a fire represents the predominant requirement for service. The scale of this potential, in turn, defines the basic underlying cost of the department's fire suppression infrastructure. Even prior to an incident, PFD's personnel and equipment remain in readiness or preparedness.

The emphasis on capacity as a kind of infrastructure that *may or may not* be called into service differentiates fire protection services from most other services normally offered by local government such as garbage collection or the provision of water and wastewater treatment. In these other examples, demand is generated by discrete system users, is measurable within some level of accuracy, is typically constant, not random or sporadic, and can normally be more accurately programmed in advance. In any case, the immediate provision of these services is not typically required in an emergency circumstance to prevent substantial loss of property or life.

Stated somewhat differently, fixed costs associated with readiness to serve logically apply to *every* tax parcel of real property in the City and will be incurred absolutely without regard to that tax parcel's physical character, use, or composition. On the other hand, other fixed and more variable costs can be logically associated with the relative value of improvements assigned to the various tax parcels in the City. Most staffing stems from procedural specifications and a planned level of service, so the associated costs are relatively fixed or predetermined for a budget period. The costs of fuel and equipment damage incurred in response to incidents, by contrast, are obvious examples of variable costs. Additionally, some costs may have both fixed and variable characteristics such as periodic capital expenditures which, to sustain a state of readiness, may be expended in a single year or over many years.

IDENTIFYING AND APPORTIONING COSTS TO BE ASSESSED FOR READINESS TO SERVE (TIER 2)

In virtually every fire department, labor costs comprise the largest share of total costs on an annualized basis. Such costs are those associated with wages, salaries, general administration, payroll taxes and mandated contributions to

retirement. Pension funding is one of many reasons that the fire protection related budget and any assessment will require careful annual attention this year and in the future.

The labor costs are relatively determinant based on an expected staffing level to deliver a planned and expected level of service and are largely, but not altogether fixed. These are core costs of being continually ready to serve and must be incurred whether a fire event occurs or not. The functional fixed nature of these costs logically can be attributed to the existence of the number of tax parcels and not just their various improvements protected or any other physical characteristics. Thus, sharing these core fixed costs is equitably and reasonably shared by all of the tax parcels which benefit in a substantially similar degree from the predominant readiness to serve aspect of such costs. This allocation is further strengthened from an equitable standpoint in that other costs are also apportioned by the relative value of improvements approach in Tier 1.

THE USE OF TIER 1 AND TIER 2 TOGETHER

The PFD provides only first response aid often defined as basic life support (BLS). Patient transport and advanced life support (ALS) are provided by Putnam County Emergency Medical Service. The fire protection budget was analyzed during preparation of this summary executive summary, and expenses which appeared is to be even remotely related to ALS were eliminated from consideration for assessment to observe the prohibitions set forth in Florida case law.

The apportionment methodology contemplated and recommended herein involves a two-tiered approach corresponding to any *remaining* reasonably fixed costs and those costs other than fixed after adjustments for ALS. By incorporating the alternative and supplemental use of Tier 2, along with Tier 1, the City achieves a "blended" approach that achieves equity through diversity of approach and allows policy makers, with understanding of their community's funding needs, more flexibility in achieving both a reasoned and fair approach. The combination of both tiers has logical and identified relationships to the benefits, burdens, and costs of the affected tax parcels, creating a strong, rational, and proportionate vehicle that can be further linked to or supplemented by other legally available funding resources.

It is also well-settled in Florida case law that local governments, should they impose an assessment, are not required to *fully* fund that service or improvement through the special assessment itself. The local government may determine, entirely in its own discretion, to fund some portion of the overall cost with general fund or other legally available revenues. An example of other revenues would be impact fees charged to some new developments that may require the fire department to expend additional capital resources. Such impact fees often go towards the purchase of a new fire vehicle or the building of a new fire station. To be clear, a local government may not impose an assessment for the same capital items purchased with impact fees. Impact fees, however, do not have an effect on the current PFD budget due to an impact fee moratorium that has been and remains in place. In the future, if impact fees contribute to the PFD budget, it will be necessary to exclude certain line items imbedded in an impact fee transfer and capital outlay from any budget analysis that would be used to allocate budget items to either the Tier 1 or Tier 2 Costs.

Each assessment tier can be funded at a rate independent of the other. For example, the City could impose an assessment for 75% of the costs attributable to Tier 1, but collect a lesser or greater percentage of the costs attributable to Tier 2. As a matter of policy or financial flexibility, the City Commission as the local legislative body may find it useful to assess an assessment for the identified core fixed costs in an amount less than the total assessable amount, supporting or offsetting the balance of the same costs through general revenues or other legally available means. The two-tiered methodology described herein is thus responsive to the need for political

flexibility and accommodates local policy determinations regarding the relevant variables for each tier within the paradigm of continued legal sufficiency.

ADDRESSING THE COST OF EMS

An exemplary budget based upon the PFD's 2015 fiscal year budget is attached as Appendix A. The exemplary budget was utilized for the analysis summarized herein and includes an initial assignment of individual line item expenditures to each of the two tiers comprising the overall assessment.

In order to determine the portion of the budget appropriate for recovery through special assessment, it is important to emphasize the limitations established by Florida case law regarding emergency medical services. The Florida Supreme Court has determined that ALS services or emergency medical services (EMS) primarily benefit persons instead of real property and therefore *such services, other than first response medical aid routinely delivered by firefighters* cannot lawfully be funded through special assessments. To the extent the costs of EMS services, if any, may be reflected in a fire department budget, such costs must be isolated from other fire related tasks or responsibilities and funded through means other than special assessments in order to avoid debate as to the case law validity of any fire related special assessment.

In Florida, first response aid is considered one of the primary professional obligations of a trained firefighter, a point made clear by the Florida Supreme Court. Indeed, every fire professional must have a specified minimum number of hours of training related to the provision of such aid. Emergency Medical Technician (EMT) certification, as well as BLS certification is a requirement of hiring for PFD firefighters. Not atypically in Florida, first response often takes the form of BLS provided by firefighters also trained as EMTs. Such aid is rendered as the *first response* to the those victims, patients or others confronted with an incident, life-threatening illness, or injury needing immediate stabilization until the patient can be transported and given full medical care by other clinicians.

Case law acknowledges the potential for integration of duties in a fire rescue unit so this added training has an obvious value and role. In Palatka, all firefighters maintain the ALS paramedic certification. PFD firefighters are required to pay for all training and annual costs for recertification, including EMT recertification. Fifteen of the 21 firefighters hold certifications as Fire Inspectors and fifteen are certified in FDOT Hazmat transport and handling. For the purpose of this assessment analysis, *all* training costs have been excluded from the PFD budget to avoid any costs to be improperly included in any assessment costs for impermissible emergency medical services.

As is often the case with municipalities, the lines between first response and more intensive care may be blurred when examining the PFD budget. In Palatka, the role of life support and transport falls *exclusively* to the Putnam County Emergency Medical Services, meaning the cost of such services does not appear in the Palatka fire budget.

Because the *potential* exists for EMS costs to bleed into PFD's budget even though there appears to be no direct manner in which this could happen, we have elected to *exclude* even the appearance of funding EMS services by further eliminating any costs associated with any training programs undertaken by the PFD as is demonstrated in Table 1. In order to ensure compliance with Florida case law regarding the funding of EMS, those costs would be funded instead by other legally available means and the balance of the budget would comprise legally assessable costs and be absorbed through the combination of Tier 1 and Tier 2 assessment revenues. Because of this careful budget analysis, it can be reasoned plausibly and realistically that *all* costs in the adjusted or remaining PFD budget are appropriate for recovery through special assessments in the manner described in this analysis.

The use of the adjusted PFD budget presents a very conservative approach with exclusion of costs that might be construed to be in support of ALS excluded to avoid debate as to compliance with case law.

Table 1, for exemplary purposes, summarizes the percentage allocation of the entire budget between the two tiers as more fully described in the assumed PFD FY 2015 Budget included as Appendix A. The actual dollar amount, and thus the rates for each tier, will be a policy decision with the total amount funded with any assessments determined by the Commission.

Table 1: Tier Allocation

	Tier 1	Tier 2	ALS Adjustment	Total
Distribution	29.3%	70.7%	1.1%	100%
Dollar Amount	$615,973	$1,484,979	$23,000	$2,100,952

EXCLUSION OF CERTAIN PARCELS

Research reveals there are approximately 4,460 tax parcels within the boundaries of the City that are potentially affected by the analysis and approach outlined herein. Among these are approximately 137 tax parcels owned by governmental entities which must be excluded since governmentally-owned parcels which are used by the government for public purposes cannot be subject to special assessment.[9] An additional 53 tax parcels may not benefit from fire protection services or are otherwise inappropriate or infeasible to assess based on physical configuration, such as submerged or undevelopable lands. In addition there are approximately 111 "institutionally-coded" parcels (e.g. churches, non-profits, etc.) which the City may, in its discretion, exempt from the assessment based upon public policy determinations. Amounts associated with any exemption of tax parcels from the assessment must be funded through other legally available funds of the City.

FUNDING EXAMPLES

Various funding examples illustrating the two-tiered apportionment approach summarized herein are included in Appendix B. The examples are provided to assist in decision-making based upon the assumed budget and an intensive review of the array of tax parcels affected.

PUBLIC ADMINISTRATION AND POLICY DECISION-MAKING OPTIONS

This summary executive summary strongly supports a layered or tiered assessment strategy from an equitable, legally sufficient, and practical perspective. The two distinct tiers are designed to maximize informed public administration and policy decision-making within the legal context of using valid special or non-ad valorem assessments, and other legally available or general funds. As a matter of policy or financial flexibility, the City Commission as the local legislative body may find it useful to impose an assessment in an amount *less* than the totally allowed assessable amount, supporting or offsetting the balance of the same costs through general revenues or other legally available means. The apportionment methodology described provides certain flexibility and readily accommodates local policy determinations regarding the relevant variables. Accordingly, the City has the means to proceed to augment the funding of its fire protection related budget in a rational, fair, and reasoned manner.

[9] The estimate of 137 governmentally-owned tax parcels does not include property owned by governmental entities which has been leased to third parties for private activities; such leasehold parcels may be subjected to special assessment.

POLICY DIRECTION AND AUTHORIZATION TO IMPLEMENT

Necessary policy direction and authorization to proceed to implement the approach can be rendered by resolution. As a courtesy, an advanced copy or form of a directory resolution will also be provided contemporaneously with this Executive Summary.

Sincerely,

Community Solutions Group,
a GAI Consultants, Inc. Service Group

Owen Beitsch, PhD, FAICP, CRE

Senior Director, Economic and Real
Estate Advisory Services

OB/shw

Attachment: Appendix A - EXEMPLARY LINE ITEM BUDGET ANALYSIS
Appendix B - FUNDING EXAMPLES

APPENDIX A

EXEMPLARY LINE ITEM BUDGET ANALYSIS

COMMUNITY
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A GAI Consultants, Inc. Service Group

Expenditure Object/Name	Budget FY 2015	Budget FY 2015 Adjusted for ALS	Tier 1 Costs Relative Value of Improvements % of Budget	Tier 1 Costs Relative Value of Improvements Amount	Tier 2 Costs Readiness to Serve (per parcel) % of Budget	Tier 2 Costs Readiness to Serve (per parcel) Amount
PERSONNEL SERVICES						
Regular Salary	$1,037,934.00	$1,037,934.00	0.00%	$0.00	100.00%	$1,037,934.00
Overtime	$85,000.00	$85,000.00	100.00%	$85,000.00	0.00%	$0.00
State Contrib-Fire	$78,504.00	$78,504.00	0.00%	$0.00	100.00%	$78,504.00
FICA Taxes	$85,904.00	$85,904.00	0.00%	$0.00	100.00%	$85,904.00
Retirement	$282,637.00	$282,637.00	0.00%	$0.00	100.00%	$282,637.00
Life & Health Insurance	$162,676.00	$162,676.00	100.00%	$162,676.00	0.00%	$0.00
Worker's Compensation	$27,428.00	$27,428.00	100.00%	$27,428.00	0.00%	$0.00
Total	**$1,760,083.00**	**$1,760,083.00**		**$275,104.00**		**$1,484,979.00**
OPERATING EXPENSES						
Professional Services	$28,019.00	$28,019.00	100.00%	$28,019.00	0.00%	$0.00
Physicals	$5,000.00	$5,000.00	100.00%	$5,000.00	0.00%	$0.00
Schooling, Conference, etc.	$6,000.00	$0.00	100.00%	$0.00	0.00%	$0.00
Communication	$8,000.00	$8,000.00	100.00%	$8,000.00	0.00%	$0.00
Freight & Postage Services	$400.00	$400.00	100.00%	$400.00	0.00%	$0.00
Utility Services	$16,500.00	$16,500.00	100.00%	$16,500.00	0.00%	$0.00
Rentals & Leases	$1,500.00	$1,500.00	100.00%	$1,500.00	0.00%	$0.00
Liability Insurance	$24,050.00	$24,050.00	100.00%	$24,050.00	0.00%	$0.00
Building Maintenance	$20,000.00	$20,000.00	100.00%	$20,000.00	0.00%	$0.00
Repair Maintenance Services	$37,500.00	$37,500.00	100.00%	$37,500.00	0.00%	$0.00
Printing & Binding	$300.00	$300.00	100.00%	$300.00	0.00%	$0.00
Office Supplies	$1,800.00	$1,800.00	100.00%	$1,800.00	0.00%	$0.00
Fire Code Enforcement	$3,000.00	$3,000.00	100.00%	$3,000.00	0.00%	$0.00
Operating Supplies	$20,000.00	$20,000.00	100.00%	$20,000.00	0.00%	$0.00
Gas and Lubricants	$20,000.00	$20,000.00	100.00%	$20,000.00	0.00%	$0.00
Janitorial Supplies	$4,000.00	$4,000.00	100.00%	$4,000.00	0.00%	$0.00
Small Tools	$1,500.00	$1,500.00	100.00%	$1,500.00	0.00%	$0.00
Uniforms	$10,000.00	$10,000.00	100.00%	$10,000.00	0.00%	$0.00
Training/Educational Exp	$17,000.00	$0.00	100.00%	$0.00	0.00%	$0.00
Books, Pubs, Subs, Memberships	$300.00	$300.00	100.00%	$300.00	0.00%	$0.00
Total	**$224,869.00**	**$201,869.00**		**$201,869.00**		**$0.00**
CAPITAL OUTLAY						
Fire Grant	$0.00	$0.00	100.00%	$0.00	0.00%	$0.00
Vehicle Purchase	$139,000.00	$139,000.00	100.00%	$139,000.00	0.00%	$0.00
Total	**$139,000.00**	**$139,000.00**		**$139,000.00**		**$0.00**
DEBT SERVICE						
	$0.00	$0.00	0.00%	$0.00	0.00%	$0.00
Total	**$0.00**	**$0.00**		**$0.00**		**$0.00**
Total Overall Expenditures	**$2,123,952.00**	**$2,100,952.00**		**$615,973.00**		**$1,484,979.00**

APPENDIX B
FUNDING EXAMPLES

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The following funding examples are provided for illustrative purposes to demonstrate application of the methodology contemplated herein. The dollar amounts are approximations and may reflect minor rounding errors. The annual amount of any assessments actually imposed will depend upon direction of City Commission, its staff and fire officials with respect to the underlying variables (such as the tax parcels to be excluded from the assessment for legal or public policy reasons and the authorized level of assessment funding). The percentage of costs attributable to each tier in a given fire department's budget may vary from year to year, and the percentage allocations for the PFD budget may be quite different from the allocations for fire department budgets in other municipalities or counties. Clearly, the City Commission has great policy flexibility in determining the level of assessment funding each year. The greater the contribution from the general fund will result in a lower amount of the assessment imposed against each tax parcel to fund the fire protection budget and vice versa. This combination of funding sources is itself a significant tax equity tool.

The examples are based upon (i) proposed implementation of an annual assessment program generating a gross revenue range from approximately $1,188,137 to $1,875,629, (ii) maximum assessable fire protection costs of $2,100,952, (iii) 4,407 assessable and non-excluded parcels[10] , and (iv) a total improvement value throughout the City of $446,393,647[11]. As discussed elsewhere herein, while it is legally permissible to assess for the entire cost of providing fire protection service, most jurisdictions choose to continue to pay for some portion of the overall cost through general fund transfers so as to implement and annually maintain the fire protection assessment at a politically acceptable level. The level of assessment funding may increase or decrease over time, depending on the policy determinations of the governing body. There is no need to distinguish between residential and commercial classification for purposes of calculating either tier of the assessment. The first tier is derived from the relative value of improvements associated with the tax parcel (typically excluding land) as determined solely by the Putnam County Property Appraiser's office from year to year as part of its statutory appraisal process, while the second tier focuses on the core fixed costs per tax parcel necessary to continually be ready to serve. The latter is obviously dependent upon the number of tax parcels within the City.

It is important to note that the base annual assessment amounts set forth in the examples do not include collection and administration costs. The base assessment for each tax parcel is typically adjusted prior to billing to include a pro rata share of administration and collection costs associated with the assessment program and, where the uniform collection method is utilized to collect the assessments, to account for the fees of the property appraiser and tax collector and the maximum statutory discount for the early payment of ad valorem taxes and non-ad valorem assessments. Such costs (which are in addition to the base annual assessment amounts set forth in the examples) generally do not exceed 8% of the annual assessment. The direct billing approach in the initial year will likely be less expensive in terms of future use of the tax bill collection method.

The costs of this work and judicial validation under the applicable work order can be recovered by the City as assessment program costs and/or inter-fund transfer in future budgets.

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[10] The total 2014 parcel count for the City, as determined by the Putnam County Property Appraiser, was approximately 4,460, of which 53 are believed to be infeasible or impractical to assess (submerged, right of way, etc.). For purposes of the examples set forth herein, the estimated tax parcel count assumes all properties capable of development are assessed and does not exclude tax parcels for legal, policy or other reasons.

11 The total value of improvements within the City for 2014, calculated using values determined by the Putnam County Property Appraiser.

FUNDING SCENARIOS

Example 1: Funding Gross Revenue of $1,188,137 (57% of the Fire Service Budget of $2,100,952), resulting in Net Assessment Revenue of approximately $961,376.[12]

Amount recovered via Tier 1 of the assessment (relative value of improvements):	$ 553,528.56
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	$ 634,608.00
Total amount recovered through special assessments:	$ 1,188,136.56

Example 1 Rates:
$1.24 per $1,000 in Relative Value of Improvements
$144.00 per Parcel

"Vacant (Unimproved)" with Improvement value = $0.00	
Tier 1 assessment (relative value of improvements) =	$ 0.00
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 144.00
SFR Improvement value = $25,000.00	
Tier 1 assessment (relative value of improvements) =	$ 31.00
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 175.00
Improvement value = $100,000.00	
Tier 1 assessment (relative value of improvements) =	$ 124.00
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 268.00
Improvement value for O'Reilly Automotive = $226,308.00	
Tier 1 assessment (relative value of improvements) =	$ 280.62
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 424.62
Improvement value for McDonalds = $490,130.00	
Tier 1 assessment (relative value of improvements) =	$ 607.76
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 751.76
Improvement value for Prosperity Bank = $1,261,838.00	
Tier 1 assessment (relative value of improvements) =	$ 1,564.68
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 1,708.68
Improvement value for Wal-Mart = $8,122,624	
Tier 1 assessment (relative value of improvements) =	$ 10,072.05
Tier 2 assessment (per parcel) =	$ 144.00
Base annual assessment =	$ 10,216.05
Improvement value (All Governmentally-owned) = $99,472,213.00	
Tier 1 assessment (relative value of improvements) =	$ 123,345.54
Tier 2 assessment (137 parcels) =	$ 19,728.00
Base annual assessment =	$ 143,073.54
Improvement value (All Institutionally-owned) = $54,598,998.00	
Tier 1 assessment (relative value of improvements) =	$ 67,702.76
Tier 2 assessment (111 parcels) =	$ 15,984.00
Base annual assessment =	$ 83,686.76

[12] Governmentally-owned property cannot be subject to special assessment. The "cost" of exempting governmentally-owned parcels at the Example 1 funding level is approximately $143,074. Institutionally-owned parcels may be exempted as a policy. The "cost" of exempting institutionally-owned parcels at the Example 1 funding level is approximately $83,687. Net revenue, as a result of exempting governmentally and institutionally-owned parcels is $961,376 ($1,188,137 - ($143,074 + $ 83,687)). Rounding accounts for some discrepancies in numeric values.

Example 2: Funding Gross Revenue of $1,390,859 (66% of the Fire Service Budget of $2,100,952), resulting in Net Assessment Revenue of approximately $1,152,690.[13]

Amount recovered via Tier 1 of the assessment (relative value of improvements):	$	553,528.56
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	$	837,330.00
Total amount recovered through special assessments:	$	1,390,858.56

Example 2 Rates:
$1.24 per $1,000 in Relative Value of Improvements
$190.00 per Parcel

"Vacant (Unimproved)" with Improvement value = $0.00		
Tier 1 assessment (relative value of improvements) =	$	0.00
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	190.00
SFR Improvement value = $25,000.00		
Tier 1 assessment (relative value of improvements) =	$	31.00
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	221.00
Improvement value = $100,000.00		
Tier 1 assessment (relative value of improvements) =	$	124.00
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	314.00
Improvement value for O'Reilly Automotive = $226,308.00		
Tier 1 assessment (relative value of improvements) =	$	280.62
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	470.62
Improvement value for McDonalds = $490,130.00		
Tier 1 assessment (relative value of improvements) =	$	607.76
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	797.76
Improvement value for Prosperity Bank = $1,261,838.00		
Tier 1 assessment (relative value of improvements) =	$	1,564.68
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	1,754.68
Improvement value for Wal-Mart = $8,122,624		
Tier 1 assessment (relative value of improvements) =	$	10,072.05
Tier 2 assessment (per parcel) =	$	190.00
Base annual assessment =	$	10,262.05
Improvement value (All Governmentally-owned) = $99,472,213.00		
Tier 1 assessment (relative value of improvements) =	$	123,345.54
Tier 2 assessment (137 parcels) =	$	26,030.00
Base annual assessment =	$	149,375.54
Improvement value (All Institutionally-owned) = $54,598,998.00		
Tier 1 assessment (relative value of improvements) =	$	67,702.76
Tier 2 assessment (111 parcels) =	$	21,090.00
Base annual assessment =	$	88,792.76

[13] Governmentally-owned property cannot be subject to special assessment. The "cost" of exempting governmentally-owned parcels at the Example 2 funding level is approximately $149,376. Institutionally-owned parcels may be exempted as a policy. The "cost" of exempting institutionally-owned parcels at the Example 2 funding level is approximately $88,793. Net revenue, as a result of exempting governmentally and institutionally-owned parcels is $1,152,690 ($1,390,859 - ($149,376 + $ 88,793)). Rounding accounts for some discrepancies in numeric values.

Example 3: Funding Gross Revenue of $1,611,209 (77% of the Fire Service Budget of $2,100,952), resulting in Net Assessment Revenue of approximately $1,360,640.[14]

Amount recovered via Tier 1 of the assessment (relative value of improvements):	$	553,528.56
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	$	1,057,680.00
Total amount recovered through special assessments:	$	

Example 3 Rates:
$1.24 per $1,000 in Relative Value of Improvements
$240.00 per Parcel

"Vacant (Unimproved)" with Improvement value = $0.00		
Tier 1 assessment (relative value of improvements) =	$	0.00
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	240.00
SFR Improvement value = $25,000.00		
Tier 1 assessment (relative value of improvements) =	$	31.00
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	271.00
Improvement value = $100,000.00		
Tier 1 assessment (relative value of improvements) =	$	124.00
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	364.00
Improvement value for O'Reilly Automotive = $226,308.00		
Tier 1 assessment (relative value of improvements) =	$	280.62
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	520.62
Improvement value for McDonalds = $490,130.00		
Tier 1 assessment (relative value of improvements) =	$	607.76
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	847.76
Improvement value for Prosperity Bank = $1,261,838.00		
Tier 1 assessment (relative value of improvements) =	$	1,564.68
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	1,804.68
Improvement value for Wal-Mart = $8,122,624		
Tier 1 assessment (relative value of improvements) =	$	10,072.05
Tier 2 assessment (per parcel) =	$	240.00
Base annual assessment =	$	10,312.05
Improvement value (All Governmentally-owned) = $99,472,213.00		
Tier 1 assessment (relative value of improvements) =	$	123,345.54
Tier 2 assessment (137 parcels) =	$	32,880.00
Base annual assessment =	$	156,225.54
Improvement value (All Institutionally-owned) = $54,598,998.00		
Tier 1 assessment (relative value of improvements) =	$	67,702.76
Tier 2 assessment (111 parcels) =	$	26,640.00
Base annual assessment =	$	94,342.76

[14] Governmentally-owned property cannot be subject to special assessment. The "cost" of exempting governmentally-owned parcels at the Example 3 funding level is approximately $156,226. Institutionally-owned parcels may be exempted as a policy. The "cost" of exempting institutionally-owned parcels at the Example 3 funding level is approximately $94,343. Net revenue, as a result of exempting governmentally and institutionally-owned parcels is $1,130,640 ($1,611,209 - ($156,226 + $ 94,343)). Rounding accounts for some discrepancies in numeric values.

Example 4: Funding Gross Revenue of $1,875,629 (89% of the Fire Service Budget of $2,100,952), resulting in Net Assessment Revenue of approximately $1,610,180.[15]

Amount recovered via Tier 1 of the assessment (relative value of improvements):	$	553,528.56
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	$	1,322,100.00
Total amount recovered through special assessments:	$	1,875,628.56

Example 4 Rates:
$1.24 per $1,000 in Relative Value of Improvements
$300.00 per Parcel

"Vacant (Unimproved)" with Improvement value = $0.00		
Tier 1 assessment (relative value of improvements) =	$	0.00
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	300.00
SFR Improvement value = $25,000.00		
Tier 1 assessment (relative value of improvements) =	$	31.00
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	331.00
Improvement value = $100,000.00		
Tier 1 assessment (relative value of improvements) =	$	124.00
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	424.00
Improvement value for O'Reilly Automotive = $226,308.00		
Tier 1 assessment (relative value of improvements) =	$	280.62
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	580.62
Improvement value for McDonalds = $490,130.00		
Tier 1 assessment (relative value of improvements) =	$	607.76
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	907.76
Improvement value for Prosperity Bank = $1,261,838.00		
Tier 1 assessment (relative value of improvements) =	$	1,564.68
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	1,864.68
Improvement value for Wal-Mart = $8,122,624		
Tier 1 assessment (relative value of improvements) =	$	10,072.05
Tier 2 assessment (per parcel) =	$	300.00
Base annual assessment =	$	10,372.05
Improvement value (All Governmentally-owned) = $99,472,213.00		
Tier 1 assessment (relative value of improvements) =	$	123,345.54
Tier 2 assessment (137 parcels) =	$	41,100.00
Base annual assessment =	$	164,445.54
Improvement value (All Institutionally-owned) = $54,598,998.00		
Tier 1 assessment (relative value of improvements) =	$	67,702.76
Tier 2 assessment (111 parcels) =	$	33,300.00
Base annual assessment =	$	101,002.76

[15] Governmentally-owned property cannot be subject to special assessment. The "cost" of exempting governmentally-owned parcels at the Example 4 funding level is approximately $164,446. Institutionally-owned parcels may be exempted as a policy. The "cost" of exempting institutionally-owned parcels at the Example 4 funding level is approximately $101,003. Net revenue, as a result of exempting governmentally and institutionally-owned parcels is $1,610,180 ($1,875,629 - ($164,446 + $ 101,003)). Rounding accounts for some discrepancies in numeric values.

COMMUNITY SOLUTIONS GROUP

Planning | Urban Design
Landscape Architecture
Economics | Real Estate

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A GAI Consultants Inc. Service Group

June 23, 2015

GAI Project No. A150675.02

Honorable Mayor Terrill L. Hill
City Commission Members
City Hall
201 N 2nd St
Palatka, Florida 32177-3735

Mr. Mark G. Lawson
Mark G. Lawson, P.A.
Post Office Box 14043
Tallahassee, Florida 32317

Addendum No. 1 to Executive Summary Report
Fire Budget and Assessment Review
Palatka, Florida

Dear Honorable Terrill Hill and City Commission members:

This Addendum is supplied to address local insight and direction received as to the distribution of budgetary costs between the two tiers (relative improvement value and per tax parcel) used in the Simplified Fire apportionment analysis paradigm. The information and analysis provided is unique to the Palatka Fire Department (PDF), its budget data, the make-up and array of tax parcels within the City, and local input and analysis conveyed from your City staff, including in particular your acting City administrator, Fire Chief, and City Attorney.

This addendum, and the alternative apportionment rates below, continue to employ the Simplified Fire strategy and to represent a reasoned alternative and equity tool for allocating and sharing all or some portion of benefits, burdens, and budgeted annual cost associated with the availability of PFD's essential services and facilities. Accordingly, this addendum, intended to further carry out your policy intent and direction, is consistent with the Executive Summary Report.

Based upon the shared consensus of local knowledge, public administration objectives, and sense of equitable apportionment, attached is a requested funding example which emphasizes apportionment more reliant on the basis of the value of improvements on each tax parcel relative to the total value of improvements throughout the entire City. This emphasis is rational, because relative value determination still removes the severable underlying land from the calculus and focuses proportionately upon the built or improved environment targeted to be protected by fire services and facilities. The logical base for your determinations in this alternative fairly remains. This alternative continues to present a fair and reasonable approach because, in part, the City continues to use both tiers of the Simplified Fire approach, although the City Commission is reasonably using its local judgment in the process of emphasizing one tier over the other in the Commission's legislative capacity.

Table 1–A, now shows for exemplary purposes a summary of the percentage allocation of the entire budget between the two tiers. We have not otherwise revised the anticipated budget example based upon your direction that the total amount the budget will remain static for these decision-making purposes.

This Table shows comparable treatment and adjustment for advanced life support (ALS) activities, but reflects the alternative cost distribution percentages and dollar amounts as a result of this alternative.

Table 1A: Tier Allocation

	Tier 1	Tier 2	ALS Adjustment	Total
Distribution	**66%**	**34%**	**1.1%**	**100%**
Dollar Amount	**$1,386,628**	**$714,324**	**$23,000**	**$2,100,952**

The funding example attached is provided upon request to further assist the City Commission in decision-making based upon the anticipated budget and more-local knowledge, input, and review of the array of tax parcels affected.

ALTERNATIVE FUNDING SCENARIO

Funding Gross Revenue of $1,533,226 (73% of the Fire Service Budget of $2,100,952), resulting in Net Assessment Revenue of approximately $1,156,805.[1]

Amount recovered via Tier 1 of the assessment (relative value of improvements):	**$ 1,004,385.71**
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	**$ 528,840.00**
Total amount recovered through special assessments:	**$ 1,533,225.71**

Example 1 Rates:
$2.25 per $1,000 in Relative Value of Improvements
$120.00 per Parcel

"Vacant (Unimproved)" with Improvement value = $0.00	
Tier 1 assessment (relative value of improvements) =	**$ 0.00**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 120.00**
SFR improvement value = $25,000.00	
Tier 1 assessment (relative value of improvements) =	**$ 56.25**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 176.25**
Improvement value = $100,000.00	
Tier 1 assessment (relative value of improvements) =	**$ 225.00**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 345.00**
Improvement value for O'Reilly Automotive = $226,308.00	
Tier 1 assessment (relative value of improvements) =	**$ 509.19**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 629.19**
Improvement value for McDonalds = $490,130.00	
Tier 1 assessment (relative value of improvements) =	**$ 1,102.79**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 1,222.79**
Improvement value for Prosperity Bank = $1,261,838.00	
Tier 1 assessment (relative value of improvements) =	**$ 2,839.14**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 2,959.14**
Improvement value for Wal-Mart = $8,122,624	
Tier 1 assessment (relative value of improvements) =	**$ 18,275.90**
Tier 2 assessment (per parcel) =	**$ 120.00**
Base annual assessment =	**$ 18,395.90**
Improvement value (All Governmentally-owned) = $99,472,213.00	
Tier 1 assessment (relative value of improvements) =	**$ 223,812.48**
Tier 2 assessment (137 parcels) =	**$ 16,440.00**
Base annual assessment =	**$ 240,252.48**
Improvement value (All Institutionally-owned) = $54,598,998.00	
Tier 1 assessment (relative value of improvements) =	**$ 122,847.75**
Tier 2 assessment (111 parcels) =	**$ 13,320.00**
Base annual assessment =	**$ 136,167.75**

[1] Governmentally-owned property cannot be subject to special assessment. The "cost" of exempting governmentally-owned parcels at the alternative funding level is approximately $240,252.48. Institutionally-owned parcels may be exempted as a policy. The "cost" of exempting institutionally-owned parcels at the alternative funding level is approximately $136,167.75. Net revenue, as a result of exempting governmentally and institutionally-owned parcels is $1,156,805 ($1,533,226 - ($240,252 + $ 136,168)). Rounding accounts for some discrepancies in numeric values.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING THE EXECUTIVE SUMMARY PERTAINING TO THE APPORTIONMENT OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES AND FACILITIES; AUTHORIZING INITIATION OF THE PROCESS NECESSARY FOR CITY COMMISSION CONSIDERATION OF THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES AND FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of Chapter 166, Florida Statutes, the Municipal Charter of the City (the "Charter"), sections 166.021 and 166.041, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Under an approved Work Order, and direction by the City Commission on April 9, 2015, the City Commission engaged Mark G. Lawson, P.A., and authorized the use of GAI Consultants, Inc. (formerly acting by and through its wholly-owned Real Estate Research Consultants), and Ennead, LLC (collectively, the "Assessment Professionals") to review budget information from the City and prepare an Executive Summary describing an apportionment approach sometimes referred to as 'Simplified Fire' pertaining to special assessments for fire protection services and facilities, and such Executive Summary has been presented to, and received and considered by, the City Commission at a regularly scheduled meeting.

(B) City Commission desires to initiate the process necessary for consideration of the imposition and collection of such assessments, apportioned substantially in accordance with the method set forth in the Executive Summary, in order to provide assessment revenue to fund a portion of the City's fire department budget commencing with Fiscal Year 2015-16.

SECTION 3. DIRECTION.

(A) The Mayor, City Manager or his or her functional administrative equivalent, City Attorney, Fire Chief and other necessary City officials and employees along with the Assessment Professionals are directed and authorized to undertake the actions contemplated by the Work Order to initiate and fully and promptly notice tax parcel specific information on the City's website and the public hearing process necessary for City Commission consideration of a special assessment to fund a portion of the fire protection services related budget in Fiscal Year 2015-16. Such public hearing shall be held if at all possible on July 23, 2015, or shortly thereafter.

(B) The City Manager, City staff, and City Attorney are hereby authorized to assist in such undertaking and to provide such information and assistance as may be necessary in order for the City Commission to promptly consider and determine to fund, and collect at a later date, if the City Commission so determines, a net amount of approximately $_____, through the imposition of such assessments generally apportioned in the manner set forth in the Executive Summary at a rate of $_____ per tax parcel (Tier 2) with the remaining additional amount funded by a rate based upon a relative improvement value (Tier 1), as shown in Example ___ of Appendix B to the Executive Summary.

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

ADOPTED THIS ___ day of _____ 2015.

THE CITY OF PALATKA, FLORIDA

By: _____
Terrill Hill, Mayor
Ex-Officio Chair of the City Commission

ATTEST:

_____
Betsy Diggers, City Clerk

APPROVED AS TO
CORRECTNESS AND FORM:

By: _____
Donald E. Holmes, City Attorney

Palatka, Florida

Fire Assessment Program

Critical Events Schedule – Current Work Order

City Commission meets the 2nd and 4th Thursdays of each month.

	Task	By
1.	Forward draft executive summary report to City for review and comment (allowed rehearing period to run in *Morris*)	By Fri. May 29, 2015
2.	Forward Executive Summary report, critical events overview and directory resolution to City staff for inclusion in agenda package for meeting on June 25, 2015	By Thurs. June 11, 2015
3.	Presentation of Executive Summary report to City Commission; City Commission adopts brief direction resolution scheduling public hearing for July 23, 2015 - assumes direction to proceed	Thurs. June 25, 2015
4.	Draft procedural ordinance, assessment resolution and note resolution are forwarded to City Attorney for review and comment	By Fri. June 26, 2015 (this likely occurs earlier to accommodate notice)
5.	Discuss and determine appropriate capital expenditure to support validation, with City Officials and Fire Chief	By Fri. June 26, 2015
6.	Finalize procedural ordinance, forward to City staff for inclusion in agenda package for City Commission meeting on July 9, 2015	By Fri. June 26, 2015
7.	Publish notice of public hearing to consider adoption of assessment resolution; post assessment roll to City website	By Wed. July 2, 2015
8.	Draft validation complaint, forward to City Attorney for review and comment	By Mon. July 5, 2015
9.	City Commission meeting: first reading of ordinance	July 9, 2015
10.	Finalize assessment resolution and note resolution; forward to City staff prior for inclusion in July 23 agenda package	By July 8, 2015
11.	Publish notice of ordinance adoption	By Mon. July 8, 2015
12.	City Attorney provides comments on assessment resolution, bond resolution and validation complaint	By Thurs. July 8, 2015
13.	Obtain hearing date (subject to court calendaring system)	unknown

	Task	By
14.	Publish first notice of validation	20 days before hearing
15.	Publish second notice of validation hearing	1 week later
16.	Conduct show cause hearing in validation proceeding; obtain rendered final judgment (estimated date)	On or around Aug 26, 2015
17.	Appeal period runs estimate (period runs 30 days after Final Judgment is rendered)	By Sept 26, 2015

This is an estimate only of time and activities involved, and is subject to change. This critical events schedule is provided to give a present context to requirements of due process and public administration of developing and implementing an alternative essential services and capital facilities funding and financing program.

Assuming favorable ruling in validation proceeding; the Assessment Professionals will provide a subsequent critical events schedule for a subsequent Work Order to implement direct billing promptly upon any appeal period running; and a critical events schedule for another concurrent Work Order to transition from the direct billing method for FY 2015/16 to the uniform collection method for FY 2016/17.

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC14-350

L.T. CASE NO. 13-CA-002406

SCOTT MORRIS, ET AL.,

Appellants,

v.

CITY OF CAPE CORAL, ETC.,

Appellee.

On Appeal from the Circuit Court of the Twentieth Judicial Circuit, in and for Lee County, Florida

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AMICI CURIAE BRIEF IN SUPPORT OF NEITHER PARTY of THE CITY OF HAINES CITY, FLORIDA and THE CITY OF SPRINGFIELD, FLORIDA

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Florida Bar Number 103521
Mark G. Lawson
Florida Bar Number 773141
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STATEMENT OF IDENTITY AND INTEREST

The City of Haines City, Florida and the City of Springfield, Florida (together, "Municipalities"), are municipal bodies organized pursuant to Article VIII, Section 2, of the Florida Constitution. Each has adopted a Fire Services Assessment based on a two-tier apportionment methodology, sometimes called "Simplified Fire," adopted and previously validated by the Municipalities, the City of St. Petersburg, and the City of Brooksville, to address essential services and capital improvements and equipment which appears to have been partially copied by consultants for the City of Cape Coral in the assessments at issue here.

While the Municipalities' Fire Services Assessments are distinct from those at issue in this case, the Municipalities apportionment methodology—which uses, in part, the relative value of the improvements on real property or "built-environment" to apportion assessments—has been challenged in this case due to the broad arguments advanced by Appellants and *amicus* Government Services Group ("GSG"). The Municipalities rely in substantial part on funds generated by their Fire Services Assessments to fund fire protection services in their communities, and an adverse decision in this case could call into question—or even render invalid—the Municipalities' Fire Services Assessments. Accordingly, the Municipalities present a strong interest in this matter on behalf of themselves, and other special and general purpose local governments and their citizens throughout Florida.

SUMMARY OF ARGUMENT

This bond validation proceeding has become a test of an apportionment approach. Appellee is lawfully entitled to assure itself that the proceeds of these assessments may be used as pledged revenues to repay capital debts.

Appellee has chosen to apportion its assessments by a two-tiered method. Both tiers are valid exercises of home rule powers, are fairly and reasonably apportioned, and are not unauthorized taxes. Appellants' arguments, like those of GSG, a competing program vendor using a complex and less transparent approach, reflect a misunderstanding of the paradigm of apportionment based on the readiness to provide fire protection service, rather than on that of demand for service. The method that Appellee has chosen is fair and reasonable; arguments based on a belief that assessments must be apportioned based on demand for service are inapposite.

Some of the arguments of Appellants and the *amicus* strike at features of the City of Cape Coral assessment program that are not present in the programs adopted by the Municipalities. If these differences result in reversal here, the issues are curable and should not disturb the well-settled precedent that enables the two-tiered fire assessment approach. Further, procedural errors committed below are harmless.

ARGUMENT

A special assessment program may be designed with any number of apportionment methodologies, so long as that apportionment is fair and reasonable with regard to the special benefit accorded to each assessed parcel by the services and facilities funded through the assessment. Appellee has imposed a conceptually valid special assessment associated with the cost of maintaining continued readiness to provide fire protection to tax parcels. If that assessment is invalid, it is because Appellee has failed to comply with requirements for a valid special assessment that are independent of the legality of the *concept* of a two-tiered fire services assessment.[1] Each tier is designed to pay for the unique benefits, burdens, and costs of maintaining continual readiness to provide fire protection[2] to tax parcels using

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[1] The two-tiered fire assessment methodology was originally developed by Dr. Owen M. Beitsch, who has testified as an expert witness as to apportionment and public budgeting. Dr. Beitsch refers to the method as "Simplified Fire." He produced the concise evidentiary report the City of Haines City relied on to impose its assessments. The report (the "RERC Report") demonstrates why the Simplified Fire method is legally sufficient from a factual standpoint; carefully followed, this report is the gold standard for an efficient, transparent two-tiered fire assessment approach responsive to stewardship needs and strictly complies with Florida law. *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2 (Fla. 10th Cir. Ct. Aug. 9, 2013).

[2] Other methods, and the discussion of fire assessments generally, tend to drive toward "demand-based" apportionment. *See, e.g.*, *Desiderio Corp. v. City of Boynton Beach*, 39 So. 3d 487, 491-92 (Fla. 4th DCA 2010). Demand-based methods are complex, difficult to understand, and require considerable recurring costs to retain legal sufficiency. In this case, the Court should take care not to mix the paradigms of demand-based apportionment with availability-based apportionment—either can be used to apportion benefits to property.

rates derived from the relative value of the built environment of one tax parcel compared to that of all tax parcels to recover fixed and variable costs; and, recovery of functionally fixed costs constantly incurred without regard to physical character, use, or composition.[3]

Appellants primarily challenge the imposition of non-ad valorem assessments forming the revenue stream supporting the repayment of proposed debt. (Init. Br. at 6-8.) This Court applies a three-pronged test to determine whether bonds are valid: (1) whether the public body has the authority to issue the bonds, (2) whether the purpose of the obligation is legal, and (3) whether the bond issuance complies with the requirements of law. *Murphy v. Lee Cnty.*, 763 So. 2d 300, 302 (Fla. 2000). Also, where bonds are supported by a defined pledged revenue stream, the validity of the source of the pledged revenue is not a collateral issue, but instead is a proper subset of the authority prong. *Keys Citizens for Responsible Gov't, Inc. v. Fla. Keys Aqueduct Auth.*, 795 So. 2d 940, 946-47 (Fla. 2001).

An assessment is valid if the properties assessed derive a special benefit and if the assessment is fairly and reasonably apportioned according to the benefits received. *City of Boca Raton v. State*, 595 So. 2d 25, 30 (Fla. 1992). Whether the properties are specially benefitted and whether the assessments are fairly and reasonably apportioned are legislative determinations that "should be upheld unless

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[3] This brief will refer to the tiers by content, rather than number, to avoid confusion.

the determination is arbitrary." *Sarasota Cnty. v. Sarasota Church of Christ, Inc.*, 667 So. 2d 180, 184 (Fla. 1995). It is well established that fire protection services provide a special benefit to real property. *City of N. Lauderdale v. SMM Props., Inc.*, 825 So. 2d 343, 349 (Fla. 2002); *Lake Cnty. v. Water Oak Mgmt. Corp.*, 695 So. 2d 667, 669-70 (Fla. 1997); *Fire Dist. No. 1 of Polk Cnty. v. Jenkins*, 221 So. 2d 740, 741-42 (Fla. 1969); *Desiderio Corp.*, 39 So. 3d at 494-98. Fire protection services also present a budgetary burden evidenced by property and the built environment thereon. *See Sarasota Church of Christ*, 667 So. 2d at 185-86. Appellant's arguments all focus on whether the assessments are fairly and reasonably apportioned. (Init. Br. at 6-8.) The two-tiered methodology discussed herein shares benefits based upon availability of service apportioned by (1) a Relative Improvement Value tier distributing the benefits based on the relative value of improvements to the property and (2) a Per Tax Parcel tier based on sharing what are essentially fixed costs of the constant readiness to serve among all tax parcels, regardless of character, use, or composition. It is a fair and reasoned apportionment method.

I. Does a special assessment for fire protection services which apportions benefits and costs of the continuous readiness to serve, in part, based on the relative value of improvements as one of the "factors in the calculus" of determining the overall amount of the assessment comport with Florida law as announced in *City of Naples v. Moon*, 269 So. 2d 355 (Fla. 1979) and reaffirmed in *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992)?

The assessments imposed by Appellee are apportioned based on a two-tier model that, in concept, fairly and reasonably addresses benefits, burdens, and costs

associated with constant availability for each property, is proportional, and apportions benefits and burdens to not exceed the costs of fire protection services associated therewith. (App. 915-21, 936-38.) The assessments at issue in this case use a method based on two distinct tiers; together, these two tiers present an extraordinarily fair and reasoned method of apportioning the costs of the fire protection services among the properties assessed, with each tier independently capable of sharing a substantial amount of a fire protection budget.

Funding for certain fixed costs of the fire services assessments at issue here are raised through the Per Tax Parcel tier of the assessments. (App. 936-38.) In essence, the Per Tax Parcel tier allocates an equal amount of a part of the overall assessment to each tax parcel within the City of Cape Coral, because all properties are benefited to a similar degree by the availability of fire protection services—the "readiness to serve" of the fire department. (App. 936.)

The Relative Value Tier also raises a substantial amount of funds based on a comparison of the value of the improvements on each tax parcel to the value of all the improvements in the community as a whole. (App. 937.) This relative value substantially removes the underlying land values from consideration; an identically improved tax parcel of beachfront property benefits no more from the availability of fire protection services than an identically improved inland lot. (*See* App. 937.) The removal of the underlying land value from the apportionment calculation renders the

Fire Services Assessment based on a built-environment value, rather than the ad valorem tax-based "total value" or "assessed value". Apportionment on the basis of relative improvement value recognizes the relatively higher benefit accruing to improved properties which face greater potential loss in the event of a fire incident. This Court has approved assessment apportionment methods where property values are "factors in the calculus" of the overall assessment. *City of Naples v. Moon*, 269 So. 2d 355, 358 (Fla. 1972). Indeed, this Court has even approved assessments with apportionment methods based entirely on an ad valorem basis. *City of Boca Raton*, 595 So. 2d at 31 (citing *Richardson v. Hardee*, 96 So. 290 (1923)).

In deciding *City of Boca Raton*, this Court expressly distinguished its holding in *Fisher v. Board of County Commissioners of Dade County*, 84 So. 2d 572 (Fla. 1956). *City of Boca Raton*, 595 So. 2d at 31-32. In *Fisher*, pursuant to a special act, the county levied a special assessment on all real property based entirely on the proportion to the assessed value of such real property in amounts sufficient to repair and maintain streets and provide street lighting. *Fisher*, 84 So. 2d at 574. This Court invalidated the assessment, not because the apportionment method was based on ad valorem valuation, but because there was no credible evidence presented to the trial court showing the amount of the benefit was related to the property value. *Id.* at 577; *see also City of Boca Raton*, 595 So. 2d at 31-32.

Subsequent to *Fisher*, this Court decided *St. Lucie County-Ft. Pierce Fire Prevention & Control District v. Higgs*, 141 So. 2d 744 (Fla. 1962). In *Higgs*, pursuant to a special act, the district levied a "special assessment tax" of an amount not to exceed eight mills on the assessed value of all properties in the district. *Id.* at 745. This Court properly determined that the "special assessment tax" was not a special assessment at all, but instead a general tax because the real property derived no special benefit in proportion to its value from the services provided through the levy. *Id.* at 746. In so holding, this Court cited *Fisher* for the principle that proportionality could "not be inferred from a situation where all property in a district is assessed for the benefit of the whole on the theory that individual parcels are peculiarly benefitted in the ratio that the assessed value of each bears to the total value of all property in the district." *Id.* (emphasis added).

The Municipalities and Appellee have each acted to carefully avoid being overly broad in using this metric—each focusing on the "built-environment" and not the "total value" of each tax parcel. *See City of Haines City v. State*, No. 13-CA-4084, at 17 (Fla. 10th Cir. Ct. Aug. 13, 2013); *see also City of Springfield v. State*, No. 2013-447-CA, Supp. Memo. of Law at 3-8 (Fla. 14th Cir. Ct. Apr. 5, 2013).[4]

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[4] The City of Cape Coral's expert may have poorly communicated the rationale for the Relative Value Tier at the hearing in this case, but the actions of consistently removing the value of the underlying land from the apportionment calculation effectively focuses consideration of this apportionment method proportionately on the built environment logically protected by the City's fire protection services, and

Much like this Court did in *City of Boca Raton*, the instant case can be distinguished from both *Fisher* and *Higgs* in several ways. First, both of those cases were decided prior to the adoption of the 1968 Florida Constitution and the inception of home rule powers. *See City of Boca Raton*, 595 So. 2d at 27-28. As such, in *Higgs* and *Fisher* this Court was bound by the specific language of the special acts authorizing the levies. For instance, in *Higgs*, this Court focused on the Legislature's repeated use of the word "tax" and providing an exemption for homestead properties to determine that the levy was a tax, not a special assessment. *Higgs*, 114 So. 2d at 745-46. Here, and in the fire services assessments imposed by the Municipalities, the assessments are levied using home rule powers under chapter 166, part II, Florida Statutes, not a limited special act of the Legislature, and demonstrate legislative intent to be an assessment, not a tax. Thus, the decisions in *Higgs* and *Fisher* are of limited value in this case.

Second, the assessment methodologies in both *Fisher* and *Higgs* were based on the "assessed value" of the property, that is, the value of the underlying land <u>and</u> the improvements thereon. The methods before this Court logically exclude the value of the land from the calculation, focusing instead on the value of the

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do not implicate "assessed value" or "total value" as a means of taxation. (App. 915-21.) This is competent, substantial evidence showing a rational, logical, and direct relationship to relative value apportionment to fairly share burdens, benefits, and costs used to support one of the City of Cape Coral's apportionment factors.

improvements and structures on the land as a method to differentiate the built environment and substantiate the proportionality of benefits.

Third, the assessment methodology in both *Fisher* and *Higgs* was based entirely on the "assessed value" of the property. Since those decisions, this Court has clearly held on more than one occasion that the use of value may be one of the factors (or, indeed, the only factor) used in a special assessment apportionment methodology. *See City of Boca Raton*, 595 So. 2d at 30 (citing cases).

Finally, in *Fisher*, as recognized in *City of Boca Raton*, this Court's decision did not address the methodology of apportionment, but rather the failure to demonstrate that the benefit received was proportionate to the assessments imposed. Similarly, in *Higgs*, there was no determination that the assessments imposed were invalid, but rather a determination that, given the totality of the circumstances, the "special assessment tax" was more in the nature of a tax than of a special assessment. *Higgs*, 141 So. 2d at 746. Here, Appellee presented evidence benefits were reasonably apportioned among the properties to be assessed. (App. 937.) Based on this evidence, a *Fisher* or *Higgs* objection simply cannot be sustained. *See City of Springfield v. State*, No. 2013-447-CA, at 17-18 (Fla. 14th Cir. Ct. Apr. 8, 2013).[5]

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[5] GSG also argues that the services do not confer a "special or peculiar" benefit to real property in justifying its attack on the Relative Improvement Value portion of the apportionment method. It is difficult to fathom that the *amicus* is doing anything other than taking a second bite at the apple with this argument; as decried by the dissent in *Lake County*, 695 So. 2d at 671-72 (Wells, J., dissenting), that case

II. Does an assessment for fire protection services which apportions benefits and costs of the City's continual readiness to serve property that uses, in part, a per tax parcel apportionment comport with Florida law as announced in *City of Winter Springs v. State*, 776 So. 2d 255 (Fla. 2001)?

Much of the benefits derived and burdens relieved by the provision of fire protection services are realized through a fire department's preparedness to respond to a fire event regardless of whether an emergency call is ever received. (App. 916-21); *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2, at 6-11 (Fla. 10th Cir. Ct. Aug. 9, 2013). A significant portion of the costs of providing fire protection services are associated with those expenditures necessary to maintain the readiness of a fire department and its personnel to respond to distress calls. *Id.* These costs—budget items such as salaries, wages, administrative expenses, and overhead—recur and, from year to year, are typically similar within a fire department regardless of the number of distress calls received. *Id.* By contrast, other fixed and more variable costs, such as the cost of fuel or equipment damage in responding to incidents, are more sporadic and are more closely associated with the relative value of improvements to tax parcels. *Id.* The fixed costs, however, represent a fire department's costs to account for the potential of a fire event, which costs are the predominant requirement for service. *Id.*

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changed the standard from "special and peculiar benefit" to "logical relationship" between the services provided and the benefit to real property. Notably, the *amicus* now argues the opposite from that which its then principals, Nabors, Giblin, & Nickerson, P.A., successfully argued in that ruling.

Because the need for fire protection service is based on assembled capacity to serve, rather than amount of actual services delivered, the provision of fire protection services is different in kind from the provision of other traditional municipal functions, like waste collection or water delivery, which are based on demand for service that is relatively constant (as opposed to the sporadic nature of fire protection services) and can be predicted in advance with relative accuracy. Such other services are rarely required in an emergency circumstance to protect life or property. The fixed costs associated with maintaining the capacity to provide fire protection services logically apply to every tax parcel served by a city's fire department and will be incurred absolutely without regard to the nature of the particular calls the fire department receives and without regard to the physical character, use, or composition of the tax parcel. *Id.* Accordingly, it is fair and reasonable for a city to elect to fund all or part of these fixed costs—which are similar for each tax parcel regardless of its character, use, or composition—by assigning a Per Tax Parcel assessment amount. *Id.*

Per tax parcel apportionment methodology is common in special assessments in Florida, and has been approved by this and other Florida courts. *City of Winter Springs v. State*, 776 So. 2d 255, 260 n.5 (Fla. 2001); *Rushfeldt v. Metro. Dade Cnty.*, 630 So. 2d 643, 645 (Fla. 3d DCA 1994). The mere availability of fire protection services and facilities benefits each parcel of property in a substantially uniform

fashion by relieving the annual capacity burden placed upon fire services and facilities collectively created by individual tax parcels whether a fire event occurs or not. The presence of each tax parcel within the City of Cape Coral creates a comparable and similar requirement to stand ready to serve and continually maintain preparedness to provide fire protection services for all tax parcels. (App. 918.) Appellee's determination that it is fair and reasonable to require each tax parcel to contribute equally toward funding all or a portion of the fixed costs associated with continually standing ready to provide fire protection services and facilities on a per tax parcel basis is supported by competent, substantial evidence.

In evaluating the apportionment methodology employed in a non-ad valorem assessment program, the appellate court defers to the judgment of the local legislative body so long as that judgment is not arbitrary. *Sarasota Church of Christ*, 667 So. 2d at 184. Indeed, "[t]he apportionment of assessments is a legislative function, so if the evidence as to benefits is conflicting . . . and is predicated on the judgment of expert witnesses, the findings of the city officials will not be disturbed." *Workman Enters., Inc. v. Hernando Cnty.*, 790 So. 2d 598, 600 (Fla. 5th DCA 2001). As did the Municipalities in their respective validation proceedings, Appellee presented to the trial court the report of an expert witness who had provided evidence to Appellee regarding the reasoned use of the Per Tax Parcel tier of the assessment apportionment. (App. 916-17.); *City of Haines City v. State*, No. 13-CA-4084, at 18

(Fla. 10th Cir. Ct. Aug. 13, 2013). At the very least, such an expert report is sufficient to demonstrate that reasonable minds could differ on the apportionment methodology, and therefore the determination was not arbitrary.

III. Do potential infirmities in the City of Cape Coral's execution of the two-tiered apportionment methodology render the concept of a two-tiered fire assessment invalid?

For the reasons stated above, the two-tiered approach to apportionment of fire services assessments is legally sufficient and should be embraced by this Court. However, the arguments of Appellants and GSG raise questions regarding the two-tiered methodology that can be most efficiently answered by revealing to the Court the distinctions between the approach taken by Appellee and that taken by the Municipalities. The Court should not read this as an effort to show the Cape Coral approach is incorrect; quite the contrary, Appellee's approach appears to meet the test of legal sufficiency, and this Court should defer to the judgment of city officials on determinations of benefits and apportionment. But, a fire assessment based on a two-tiered approach need not be implemented exactly as Appellee has done. It is the prerogative of any city to transfer demands on its general fund to other legally available revenue sources, including by isolating funds expended on a service and capital program providing a special benefit to real property and funding that program through a tax equity tool, such as a special assessment.

Any apportionment method determined by the local government imposing the assessment to be fair and reasonable will be upheld provided that such a determination is not arbitrary. *Citizens Advocating Responsible Envtl. Solutions, Inc. v. City of Marco Island*, 959 So. 2d 203, 206-07 (Fla. 2007) (citing *City of Winter Springs*, 776 So. 2d at 259; *Sarasota Church of Christ, Inc.*, 667 So. 2d at 184). The Municipalities have identified several points of distinction between the assessment programs they and the two other cities have adopted and the one adopted by Appellee, as outlined below. To the extent this Court determines to reverse on these issues, it should take care to preserve the lawful approach of the Municipalities.

A. Both the City of Cape Coral and the Municipalities' approaches require that only fixed costs be absorbed by the Per Tax Parcel tier, while the Municipalities' approach may better explain the difference between fixed and variable costs, the City of Cape Coral approach essentially does the same by exclusion.

The apportionment method adopted by Appellee attempts to draw a sharp distinction between more fixed costs, which it funds through the Per Tax Parcel tier of its assessments, and variable costs, which it funds through the Relative Improvement Value tier of its assessments. (App. 248-49.) This is well within the discretion of Appellee to determine, though it could be argued that a particular cost has been misclassified one way or the other. To account for costs that are not easily classifiable as fixed or variable, the Municipalities structure their assessments so that some of the fixed costs—including those with less certain classifications—can be

attributed to either the Per Tax Parcel tier or the Relative Improvement Value tier. *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2, at 9 (Fla. 10th Cir. Ct. Aug. 9, 2013).

B. The City of Cape Coral relies upon working data of the county Property Appraiser and generally directs a single official to determine a basis for each tax parcel for calculation of the Relative Improvement Value Tier, while the Municipalities' approach relies exclusively on improvement value data that is certified to the State Department of Revenue each year, making the calculation more transparent.

Appellee relies, in part, in its determination of the amount to be assessed under its Relative Improvement Value tier, on the value of the structures on a tax parcel, which data is produced by the Lee County Property Appraiser. (App. 42.) The data produced by the property appraiser is updated on a sporadic basis, and can vary based on the date the data is accessed. (App. 574.) It relies not on fixed data points certified to the Department of Revenue annually, and there is no fixed date where an official value is established. (App. 574.) There is no clear provision that assures the data is consistently updated or evaluated to ensure accuracy. (App. 581-82.)

Appellee offered competent, substantial evidence that so long as the Appellee provides consistent direction to its Assessment Coordinator, and so long as this data continues to be available to Appellee, and so long as Appellee uses a consistent date to fix its structure values for the purposes of calculating the annual assessment, the method of apportionment is fair and reasonable. (App. 920-21.) Instead, the Municipalities use data that the property appraiser has certified to the Department of

Revenue, meaning the data have been reviewed, certified, and updated "officially" by the Property Appraiser, are fixed and easily ascertainable data points, and remain constant throughout the tax year—these raw data points, unlike those used by Appellee, are the same data set that the Tax Collector uses for ad valorem taxation. *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2, at 7 (Fla. 10th Cir. Ct. Aug. 9, 2013). The Municipalities chose this approach because it is more consistent and reliable and because it ensures that property owners who double-check their assessment amounts against the underlying data will find that the values used for calculation match those submitted to the state. *Id.* Reliance on this type of data as one of the factors in the calculus of determining apportionment of a special assessment is not arbitrary and therefore should be upheld. *City of Naples*, 269 So. 2d at 358.

C. Any inarticulate testimony by the City of Cape Coral's expert is cured by the evidentiary report; analysis to demonstrate the connection between Relative Improvement Value and the benefits of service availability is present in both approaches.

Attacks by Appellants that the testimony of the consultant retained by Appellee does not clearly demonstrate a connection between the building cost values and the benefits of fire protection services, or that the benefits of fire protection services are not rationally connected with the relative value, are effectively cured by the 'remainder funding' provisions and "in addition to" language in the report. (App. 916-17.) It is the availability of service that stands to protect the built environment

that is also being apportioned by this tier. Approaches relying on a report authored by Owen M. Beitsch, PhD, CRE, FAICP,[6] use a slightly different rationale for the apportionment of benefits using relative improvement value. Dr. Beitsch's approach focuses on the relative risk of financial loss in the event of a fire to assess a higher amount to properties that derive a greater benefit from the provision of fire protection services, in other words, those with a greater potential for loss. *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2, at 8 (Fla. 10th Cir. Ct. Aug. 9, 2013). Any inarticulate discussion by Appellee's expert failing to clearly state the nexus between Relative Improvement Value and the continual availability benefits of fire protection services is not material. Such confusion is not present in the RERC Report.

D. The City of Cape Coral approach uses a rounding scheme that differs from the percentage calculation used by the Municipalities.

Appellee relied on the Burton report to conclude that the Relative Improvement Value of each tax parcel should be rounded into $5,000 Equivalent Benefit Units to account for the imprecision in substituting its calculation of structure cost value for the benefit of protection from loss of structures. (App. 937.) The report makes a conclusory statement that the benefit "increases over a larger

[6] Dr. Beitsch is a recognized real estate professional. *See* note 2, *supra*. In addition to a doctoral degree in Public Affairs and a professorship at the University of Central Florida, Dr. Beitsch is a Counselor of Real Estate (awarded by invitation to professionals who have provided meaningful real estate counseling services for at least ten years) and a Fellow of the American Institute of Certified Planners (a model planner who has made significant contributions to planning and to society).

order of magnitude" than the increase in structure cost value, and assigns that order of magnitude as $5,000. (App. 937.) The Municipalities do not choose to round in this way, but instead impose a per-thousand dollar rate that is effectively a percentage applied directly to the Relative Improvement Value without rounding. *City of Haines City v. State*, No. 2013-CA-4084, Tr. Ex. 2, at B2-B6 (Fla. 10th Cir. Ct. Aug. 9, 2013). While the decision by Appellee to use a rounding regime is likely proper, it is certainly not arbitrary to apply a rate directly, without such rounding.

IV. Did the trial court's reliance on excluded evidence which would properly have been the subject of judicial notice amount to harmless error?

Appellant argues confusion by the trial court. This confusion, frustrating as it may have been for the parties, did not prevent Appellants from being heard over the course of a four-day proceeding; Appellants had notice and an opportunity to be heard as required by law. *Keys Citizens for Responsible Gov't*, 795 So. 2d at 948-49. If, after considering the arguments presented, this Court is otherwise inclined to approve the two-tiered assessment method adopted by Appellee, there is no reason to return the case to the trial court for correction of harmless error. This Court is bound to affirm a trial court's decision where the trial court reached the correct result based on incorrect reasoning. *Dade Cnty. Sch. Bd. v. Radio Station WQBA*, 731 So. 2d 638, 644 (Fla. 1999). Ordinances and resolutions of Florida municipalities are proper subjects of judicial notice, and such would be mandatory upon notice. §§

90.202(10), 90.203, Fla. Stat.[7] Even if Appellants' argument related to the reliance on evidence excluded from the hearing is correct, Appellants have failed to demonstrate harmful error.

In addition, any procedural error relating to the validity of the assessments is harmless because the debt itself is valid based on the City of Cape Coral's covenant, in the note resolution, to budget and appropriate additional funds should fire assessment revenues not cover debt service obligations; as such, even if the assessments were invalid, the notes themselves would still be valid. (App. 869.) Accordingly, this Court need not even reach the issue of whether the assessments are valid if the Court deems it proper to decide the issue on more narrow grounds.

CONCLUSION

For the reasons stated herein, this Court should reject the opportunistic invitation of *amicus* GSG to disapprove the two-tiered fire assessment method. To the extent that this Court determines that any of the actions taken by the Appellee did not comply with Florida law governing special assessments, it should exercise caution to ensure both that the City of Cape Coral imposes only valid assessments and that valid assessments imposed and validated before at least four other Circuit Courts by other cities and counties are not unnecessarily called into doubt.

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[7] Though the trial court and Appellee misapprehended the nature of mandatory judicial notice, defendant Talan Corporation did not object to the admission of or judicial notice of City of Cape Coral Resolution Number 56-13.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this *Amici Curiae* Brief in Support of Neither Party has been furnished via electronic mail to Elizabeth W. Nieberger at enieberger@bmolaw.com, Ryan J. Hobbs at bhobbs@bmolaw.com, Chirstopher B. Roe at croe@bmolaw.com, Susan Churuti at schuruti@bmolaw.com, Dolores Menendez at dmenendez@capecoral.net, Anthony Kunasek at akunasek@sao.cjis20.org, Scott Morris at scott@morrislawfirm.org, Larry Barton at lbperf@juno.com, John Cataldi at jcataldi@comcast.net, Major B. Harding at mharding@ausley.com, and Steven M. Hogan at shogan@ausley.com this 28th day of March, 2014.

/s/ James C. Dinkins
James C. Dinkins

CERTIFICATE OF COMPLIANCE

I hereby certify that this Brief is computer-generated in 14-point Times New Roman font in compliance with Florida Rule of Appellate Procedure 9.210(a).

/s/ James C. Dinkins
James C. Dinkins

Agenda Item

5

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:
BAOSHAN, YUNNAN, CHINA DELEGATION & Proposed Official Visit - City Manager Terry Suggs

SUMMARY:
On April 23, 2015 the City Commission took action on several items related to a request regarding a proposed official visit and sister city negotiations received from a delegation of municipal officials from Baoshan, Yunnan, China. The request, back-up information and other correspondence submitted for consideration together with the April 23 Agenda Item Summary follows this page.

Below is a copy of the agenda item and minutes from the April 23rd meeting, showing the actions taken on those request items.

4. **CITIZEN REQUEST** - Baoshan, Yunnan, China Delegation proposed Official Visit – Sharon Buck

a. Request to designate Sharon Buck as special liaison to Baoshan Chinese Delegation
b. Request to execute Official Letter of Invitation to Delegation from Baoshan, Yunnan, China
c. Request to name Baoshan, Yunnan, China as Sister City to Palatka

Sharon Buck, 610 S. 14th Street said this is an opportunity to forge a sister city relationship with a city in China. A delegation from Baoshan, Yunnan wants to come to Palatka to visit General Stillwell's place of birth. These are city officials, commissioners and a Mayor. They will provide their own translator and transportation. This will cost the City nothing. She requests the City Commission name her as Special Liaison to the delegation and authorize execution of the letter inviting them to visit. They will be here for five days.

Commissioner Campbell said he was a student in China for six months and thinks this is a good opportunity to forge relations. As to the benefits of becoming sister city, Ms. Buck said they instigate a dialogue between cities and hopefully it will promote commerce. There is no cost to this. If a delegation from Palatka wants to travel to China to visit Baoshan, they can. Sister cities forge international relationships. Mr. Bush said the Mayor and other Commissioners from Palatka Russia came over to examine Palatka's form of government and they've had some exchange students from Palatka Russia.

Commissioner Norwood moved to approve Item 4 (a), (b) and (c) as requested. Commissioner Campbell seconded the motion, which passed unopposed.

RECOMMENDED ACTION:
Discussion and recommendations for further action.

ATTACHMENTS:

Description	Type
4/23/15 Agenda Summary & Attachments	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/7/2015 - 10:57 AM

Sharon Buck

From: Sharon Buck <sharonbuck1@comcast.net>
Sent: Monday, July 6, 2015 8:03 AM
To: 'thill@palatka-fl.gov'; 'mbrown@palatka-fl.gov'
Subject: Sharon - Letter to Chinese Delegation

Good morning, Mayor Hill:

Per your email that you did not feel comfortable with the letter from the Chinese delegation, here is my email. Please make whatever changes, comments, or suggestions you deem appropriate and I will then email it to them later this afternoon. If you wish to speak or text me about this, my cell is (386) 530-0380.

Dear Ning:

On the upcoming arrival of the Chinese delegation from Baoshan, we have reviewed their letter of intent for Palatka becoming a Sister City. This new letter is quite a bit different from the original one. The new letter states they would like a working relationship with the City of Palatka and for a period of three years.

We are not prepared to sign any type of documentation stating we will engage in an exclusive trade relationship. This is beyond the scope of the original letter and their original intention to visit the city where General Stillwell was born. We will be happy to sign a letter welcoming them to the City of Palatka. We will not sign a letter of intent such as the one they have proposed.

We welcome them to see the National Guard Amory named after General Stillwell. We are speaking with General Stillwell's son and grandson to see if they will be able to attend the luncheon. We will be happy to make the luncheon arrangements as indicated in their email. We will be happy to have the Mayor, city commissioners, and other important representatives to attend the luncheon. The Mayor will make a welcoming speech. We will be happy to show them around Palatka and/or on the beautiful St. Johns River.

Please advise if we should continue making arrangements for their visit on July 16, 2015.

Sincerely,

Sharon Buck
Special Liaison to the City of Palatka

Letter of Intent (LOI) to Establish Sister Cities Relationship between Baoshan Municipality, Yunnan Province, the People's Republic of China and Palatka Municipality, the United States of America

Based on the Communique Principle of Sino-American diplomatic relations, and further developing friendly cooperation between China and America, to enhance understanding and traditional friendship for people that from two nations, the two sides have reached a consensus to establish Sister Cities Relationship after series of friendly negotiations. Build on equally mutual benefit and trust that collectively promote friendly communications and economic and trade contact between the two peoples, the two sides actively initiate exchanges and cooperation in the fields of culture, business, science and technology, sports, health, education and talents etc.

The Letter of Intent (LOI) is signing by using of Chinese and English script in Palatka Municipality, the United States of America, there are two copies of this agreement, with a copy for each party. The LOI takes effect from the date of signing.

The LOI will valid for 3 years, the two parties should respectively complete the approval work of intention content in accordance with their respective due procedures, and sign a formal agreement within the period of validity once the LOI has taken effect. This LOI will be in automatic expiration after signing the formal agreement.

Baoshan Municipality, Yunnan Province, The People's Republic of China	Palatka Municipality, the United States of America

2015— — —

Palatka

— — —

The Foreign Affairs Office of the Baoshan Municipal People's Government **29th June, 2015**

— —

CITY of Palatka FLORIDA

April 23, 2014 Agenda Item Summary

CITY COMMISSION AGENDA ITEM

SUBJECT:

REQUESTS regarding Baoshan, Yunnan, China Delegation's proposed official visit to Palatka - Sharon Buck

a. Request to designate Sharon Buck as special liaison to Baoshan Chinese Delegation

b. Request to execute Official Letter of Invitation to Delegation from Baoshan

b. Request to name Baoshan,. Yunnan, China as Sister City to Palatka

SUMMARY:

Citizens of Baoshan, Yunnan, China have notified the City of their intent to visit Palatka to learn more about General Stillwell. An article concerning General Stilwell, a veteran of WWII, is attached, along with an email written to the City of Palatka on behalf of the Baoshan, Yunnan, China representatives seeking an "official invitation letter" in order to get the travel approved. The request does not state who or what agency approves the travel.

Sharon Buck has approached the City of Palatka and requested to be named as Special Liaison to the Baoshan China delegation, and has requested, on the delegation's behalf, that the City of Palatka designate Baoshan China as a "sister city." She has also requested the City issue an official Letter of Invitation to Baoshan delegation members so that they may obtain permission to travel to the United States.

RECOMMENDED ACTION:

Consider request to designate Sharon Buck as special liaison to Baoshan Chinese Delegation, request to execute a letter of invitation to Baoshan Delegation and request to name Baoshan, Yunnan, China as Sister City to Palatka.

ATTACHMENTS:

	Description	Type
D	Request with correspondence attached	Attachment
D	Request to execute Official Letter of invitation	Attachment
D	Article - General Stiewell	Attachment

4/23/14

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. If you wish to appear on the Palatka City Commission meeting agenda, you should submit this request form, together with any attachments or backup material that would help the Commission to better consider your request, to the City Clerk's office either in person, by mail (201 N. 2nd Street, Palatka 32177), fax (386-329-0199) or e-mail (bdriggers@palatka-fl.gov). Please note that without adequate supporting documentation or information, the Commission may not be in a position to take any action on your request. Materials submitted for the Commission's review during the meeting may not be considered as this does not give the Commission or Staff adequate time to read or consider such material. If you plan to make a PowerPoint presentation, please submit your media (thumb drive, DVD, etc.) to the Clerk's Office in advance.

***Meeting agendas close at* 10:00 a.m. on the Friday two weeks prior to the next regularly scheduled Thursday City Commission meeting.** Please verify the closing date for agenda items with the Clerk's office, as meeting dates are subject to change. Staff will make every attempt to accommodate a request for a specific agenda date, but all requests will be handled on a case-by-case basis and may be assigned to a commission meeting to be held at a future date. *If your request can typically be handled by a City department or staff member, you will be referred to the appropriate department or staff member.*

Name of Individual, Organization and/or Group making presentation or request:

SHARON BUCK

Address: 610 S. 14 ST, PALATKA e-mail SHARONBUCK1@COMCAST.NET

Daytime Phone (386) 328-3743 Other ph (386) 530-0380 Fax

Requested meeting date: April 23, 2015 ***Meeting date assigned:*** ***(For Clerk's Office Use Only)***

✓ Request for Commission Action; OR ____ Presentation Only; no action required

Subject Matter you wish to address: BAOSHAN CHINESE DELEGATION COMING TO PALATKA, NAMING SHARON BUCK AS SPECIAL LIAISON TO THE DELEGATION. PLS SEE ATTACHED INFORMATION **(attach additional sheet if necessary)**

Commission Action Requested, if any: NAME SHARON BUCK AS SPECIAL LIAISON FOR THE CITY OF PALATKA TO THE BAOSHAN CHINESE DELEGATION. NAME BAOSHAN AS AN INT'L SISTER CITY TO PALATKA

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS

4/23/14

Sharon Buck
(386) 328-3743
(386) 530-0380 cell/text

Mayor Hill, City Manager Allen Bush, and City Commissioners:

The Chinese delegation from Baoshan, China is requesting to visit Palatka and name Palatka as a sister city to them.

Per my conversation with Mr. Bush, I have volunteered to be the liaison between the delegation and the City of Palatka. As I promised Mr. Bush, there will be absolutely no cost incurred by the City of Palatka. I have already secured local businesspeople to help bring about this opportunity for our City.

They would like to visit Palatka in May and I am encouraging them to come during the Blue Crab Festival. They are very interested in learning more about General Stillwell and our area.

I will prepare an itinerary for their two day visit. This will include a tour of the City, the National Guard Amory (because of General Stillwell), and other positive aspects of Palatka.

I will also ensure publicity with the media outlets in Northeast Florida as well as social media.

This will definitely help to enhance the new change and the new vision for our City as well as developing international opportunities between our two countries. Again, there will no costs incurred by the City of Palatka.

Sincerely,

Sharon Buck

4/23/14

April 14, 2015
Mr. Li Zhengning
Vice Mayor
Baoshan Municipal People's Government

Dear Mr. Li Zhengning

I am pleased to invite you and your delegation of six members to visit the City of Palatka, Florida during May to July, 2015 as part of your five-day trip to America.

I am convinced that your delegation members will definitely receive a warm welcome in the City of Palatka, Florida. We believe the meeting between your delegation and our officials would be beneficial to the purpose of your visit to America, which as I understand, is to collect historical material about General Stilwell and the American Volunteer Group for your oncoming ceremony of the 70th Anniversary of the Dianxi Second Sino-Japanese War and also to build a sister city relationship between Baoshan and Palatka. We understand you would also like to meet with the US Army Veterans, visit family members and offspring of American Volunteer Group.

This invitation letter is specifically for the following delegation members:

No	Name	Gender	D.O.B	Unit	Position
1	Li Zhengning	M	1968.12.30	Baoshan Municipal People's Government	Vice Mayor
2	Ai Huaisen	M	1968.05.16	Baoshan Municipal Bureau of Culture, Radio, Television, Press and Publication	Director General
3	Zhang Jie	F	1970.03.01	The Foreign Affairs Office of Baoshan Municipality	Deputy Director
4	Xin Kaichun	M	1965.03.08	Baoshan Radio and Television	Deputy Director & Senior Editor
5	Cun Wei	M	1968.07.21	Tengchong County People's Government of Baoshan Municipality	Deputy County Magistrate
6	Yang Xinjin	F	1978.11.29	Longling County People's Government of Baoshan Municipality	Deputy County Magistrate

The itinerary of delegation will be like this:

Day 1 Arrive USA

4/23/14

Afternoon, meeting with Palatka officials

1、Introduce City of Baoshan;

2、Introduce City of Palatka, Florida;

3、Introduce Baoshan history of Second Sino-Japanese War and current cultural development.

Day 2 Meeting with Palatka officials

1、Collect historical materials of General Stilwell;

2、Detailed discussion about build sister city relationship between Baoshan and Palatka;

3、Sign letter of intent for sister city relationship between City of Baoshan and Palatka.

Day 3 Visit Kennedy Space Center, introduce Tenchong Dianxi Second Sino-Japanese War Museum, exchange and collect historical material of American Volunteer Group and the Hump Airline.

Day 4 Meeting with the US Army Veterans, visit family members and offspring of American Volunteer Group.

Day 5 Depart from USA

It is our understanding that you and your delegation will be responsible for your own transportation and other expenses while in the USA. If you have any questions, please feel to contact Sharon Buck, Special Liaison for the City of Palatka for your visit. Her contact information has been provided to Zou Ning.

We look forward to meeting you.

Best Regards.

Sincerely yours,

Allen Bush
Interim City Manager
City Hall
201 N. 2nd St.
Palatka, FL 32177
Phone: 386-329-0100, ext. 230
Fax: 386-329-0106

4/23/14

Betsy Driggers

From: Allen Bush
Sent: Wednesday, April 15, 2015 4:44 PM
To: Betsy Driggers
Subject: FW: Sharon - Chinese Delegation
Attachments: Draft invitation letter.docx

Importance: High

From: Sharon Buck [mailto:sharonbuck1@comcast.net]
Sent: Tuesday, April 14, 2015 6:19 AM
To: Allen Bush
Cc: Terill Hill; Mary Brown; Justin Campbell; Rufus Borom; James Norwood
Subject: Sharon - Chinese Delegation
Importance: High

Good morning:

Per my conversation with you last week, I am pleased to coordinate and be the special liaison between our City and the Baoshan delegation. As I mentioned to you, Al, I will ensure that they will be absolutely no costs incurred by the City for this visit. I have already secured private funding for meals and transportation.

Attached is a letter that Zou Ning needs to have signed and emailed back to me (or I can come by and pick it up today). This is an invitation letter from our City to the Baoshan officials. They need the letter so they can obtain visas to come to the United States.

After a brief discussion with Mr. Campbell prior to the last City Commission meeting, he suggested we try to get them here for the Blue Crab Festival. I have suggested that to Mr. Zou and he stated he will try to get them to come here for the festival.

While they have a suggested itinerary, we can change that and I think a tour of our City should be included, along with them seeing the golf course, the airport, the riverfront, and the water taxis. As I mentioned above, I have already spoken with several restaurant owners and meals can be provided for them.

I have already submitted a request to be on the agenda for the next City Commission meeting on April 23rd to be officially named as the Special Liaison for the City of Palatka to the Baoshan delegation.

This is a wonderful opportunity for our City to establish an international symbiotic sister city relationship with Baoshan. I will ensure we receive local and Northeast Florida media coverage for this event. While the City Manager, the Mayor, and City Commissioners may not be able to attend everything, I will make you aware of the best photo ops so we can present you, the leaders of our community, in the best light possible for the best media coverage possible.

If you have any questions, suggestions, or comments, feel free to let me know. Let's make this happen for our City!

Have an amazing day!

Sharon
Sharon Buck
(386) 328-3734

(386) 530-0380 cell/text

4/23/14

Betsy Driggers

Subject: FW: Proposed visit to City of Palatka

From: Vicki Young
Sent: Tuesday, March 31, 2015 8:40 AM
To: Betsy Driggers
Subject: FW: Proposed visit to City of Palatka.

From: Zou Ning [mailto:zou_n@hotmail.com]
Sent: Friday, March 27, 2015 5:27 PM
To: Vicki Young
Cc: Michael J. Czymbor
Subject: Proposed visit to City of Palatka.

Hello Vicki,

City of Baoshan, Yunnan, China would like to send a delegation to visit City of Palatka - General Joseph Stilwell's hometown sometime during this May and July. The primary goal of the proposed 5-day visit is to seek for possibility of building sister city relationship with City of Palatka.

General Stilwell served as commander of the China Burma India Theater during WW II during 1942-1945. His great contribution to Chinese people has never been forgotten. During the proposed visit they plan to meet with your city officials and introduce to each other, collect some information abut General Stilwell. Discuss about the possibility of building sister city relationship with City of Palatka.

In order to get the proposed travel approved an official invitation letter is needed from City of Palatka. And I can help to prepare the draft of it for your revision.

Your kind help is highly appreciated.

Sincerely,

Ning Zou, Ph. D., P. E.
Transportation Engineering Manager
Public Services - Transportation
630 East Hopkins
San Marcos, Texas 78666
Office : 512.393.8034
Mobile: 512.739.8306

Agenda Item

6

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT:
POLICE CHIEF SEARCH - City Manager Terry Suggs

SUMMARY:
Attached is a proposed document which was drawn up in February outlining the process for and containing information regarding a proposed Police Chief Search. Obviously the dates on the timeline have passed, but this is for information only.

RECOMMENDED ACTION:
Discussion and possible action concerning commencement of a Police Chief Search.

ATTACHMENTS:

Description	Type
Police Chief Search document	Discussion

REVIEWERS:

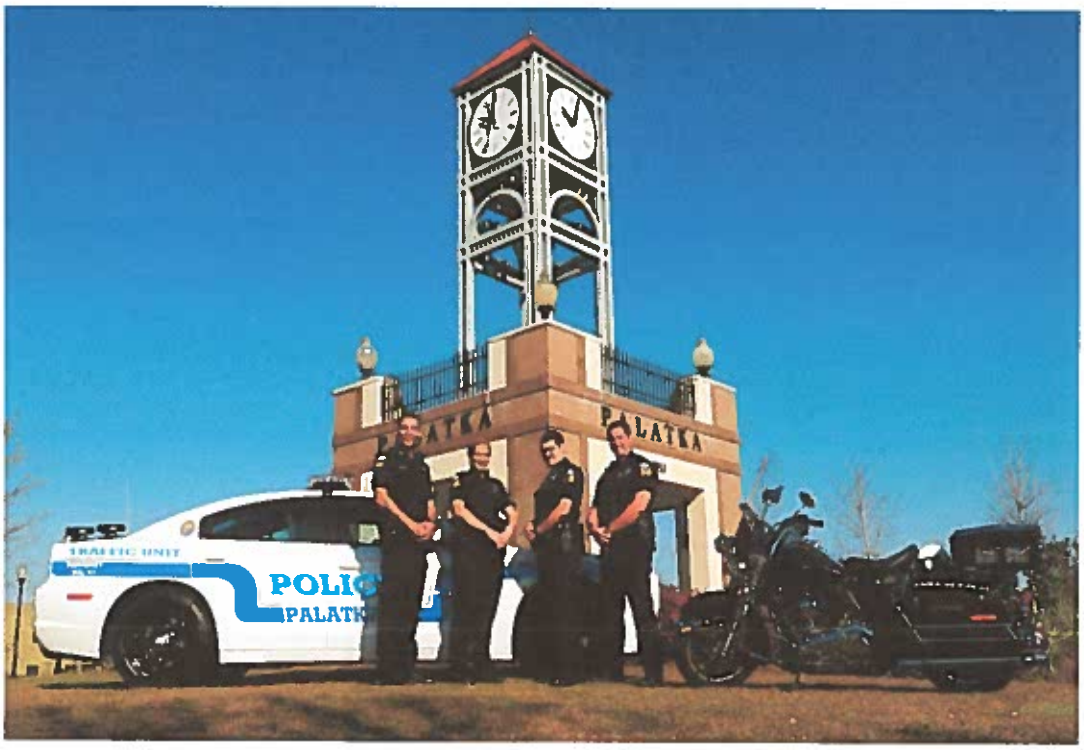
Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/7/2015 - 11:45 AM

POLICE CHIEF SEARCH PROCESS
TIMELINE

*DATE	ACTIVITY
March 1, 2015	Search Process Commences
March 2015	City Manager Appoints Selection Committee to Assist City Manager with Search
April 2015	Selection Committee Begins Initial Review of Applications
May 1-30, 2015	Selection Committee Interviews Chosen Group of Applicants and Authors Report to City Manager on Applicants
June 1, 2015	City Manager Reviews Reports, Selects Applicants for Further Consideration, Interviews, Background and Reference Checks
June 25, 2015	City Manager Presents Appointment to City Commission and Seeks Confirmation of Selected Candidate
August 1, 2015	New Police Chief Begins Work

* Dates are Tentative

City of Palatka, Florida
Police Department



Police Chief Search

Palatka Police Department

Vision

The Palatka Police Department in cooperation with the citizens of Palatka is dedicated to making our community safe and free of crime.

Mission

The Palatka Police Department will develop partnerships with our citizens to solve problems, reduce crime, the fear of crime and enhance the quality of life, always treating everyone with fairness and respect.

Values

Service: Providing quality service and protection to all people in an efficient, competent and courteous manner. Responsiveness to the needs of the community.

Integrity: Honesty in all our actions to foster an atmosphere of mutual trust, cooperation and accountability.

Respect: Treating all persons in a fair and equal manner, upholding the rights of all.

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

Police Chief
Palatka, Florida

Posted: March 1, 2015
End Date: Open Until Filled

The City of Palatka, Florida, which is located in Northeast Florida on the beautiful St. Johns River and is the county seat of Putnam County, is searching for its next Police Chief. Palatka was incorporated in 1853 and has a rich history and it celebrates its 162nd birthday this year.

The City is recruiting an experienced law enforcement professional to manage the operation of the department that has thirty-six (36) sworn officers, one (1) Code Enforcement Officer, and eight (8) administrative, technical and maintenance personnel. The FY 2015 Department Budget is $4.4 million and is divided into two main divisions: Operation Bureau and Support Services Bureau. The department has been State Accredited since 1999.

The Police Chief will be responsible for directing the Department's short and long term planning, resource allocation, and operation coordination for all law enforcement activity in the City. The Chief prepares and maintains oversight over the Department's budget and purchasing. The Chief will make presentations and recommendations to the City Manager and Mayor and City Commissioners regarding Public Safety Matters. The Chief will report to the City Manager.

Minimum Qualifications: Bachelor's Degree from an accredited University in Criminal Justice or Public Administration, or closely related field. Must have a valid Law Enforcement Certification from the state of residence and be able to obtain one from the State of Florida. A minimum of ten years of progressive experience in law enforcement with at least five of those years at a Sergeant or higher rank. Must possess a valid driver's license and a satisfactory motor vehicle record. Any combination of education, experience, and training that meets the minimum qualification will be considered.

The City offers a competitive benefit package and salary, estimated starting salary range is $80,000.00 – 85,000.00.

The position is considered open until filled; first review of resumes will be in April. Please send your resume and cover letter to: Michael J. Czymbor, City Manager, 201 North Second Street, Palatka, Florida 32177.

201 N. 2ND STREET • PALATKA, FLORIDA 32177
www.palatka-fl.gov
PHONE: (386) 329-0100
FAX: (386) 329-0106

CITY OF PALATKA HISTORICAL FACTS

Palatka has long been an integral part of the history of the State of Florida, from its early Native American inhabitants to the European settlement of East Florida, and later through the expansion of territorial days and statehood. When the US Army established a military outpost at a strategic location on the St. Johns River known as Ft. Shannon, or Fort Number 5, during the Seminole Wars, citizens began to move in and establish homes, businesses, roads and a post office to benefit incoming residents and assist in the improvement of the territory and State.

The Town of Palatka was first chartered and established as the County Seat of newly chartered Putnam County by the Florida Legislature on January 13, 1849. Many of its founding fathers were Supreme Court Justices, a Governor, lawyers, statesmen, civic leaders and entrepreneurs, and were instrumental in the political history of the State. The community prospered until the outbreak of Civil War, when progress of the settlement was halted. Following the War, Colonel Hubbard L. Hart made the area a tourist destination by promoting the steamboat industry for the next sixty years. Palatka became known as "the Gem City of the St. Johns" because of its charm and beauty.

On January 8, 1853, the Town was officially re-chartered as the City of Palatka by the State Legislature for the purpose of providing a local government to its citizens. The charter provided for an elected Mayor and City Aldermen until January 27, 1924, when a new charter was adopted that provided for the establishment of a more modern form of government, with an elected five-member city commission consisting of one Mayor/Commissioner and four at large Commissioners, which exists to this day.

Palatka suffered a devastating fire on November 7, 1884, with great loss, but the citizens rebuilt the Town from the ashes as a more modern masonry town of the 1880's, and it became known as a "tourist mecca" of the south, being one of the few communities in Florida to have a "mass transit" system of mule drawn trolleys. Industries such as the Wilson Cypress Company, which shipped lumber all over the world, were established.

Palatka has a population of approximately 10,500 according to a 2010 University of Florida State population estimate. It has a land area of approximately 8.5 square miles. It is located in Northeast Florida on the St. Johns River approximately 50 miles south of Jacksonville, 30 miles southwest of St. Augustine, 50 miles east of Gainesville, and 50 miles northwest of Daytona Beach.

The form of government of the City of Palatka is known as the "Commission-Manager Plan," or sometimes referred to as "Council-Manager Plan." The City Commission consists of five persons, elected at large, one of which is a mayor/commissioner. The Mayor-Commissioner and four Commissioners are elected by registered voters living within the city limits of Palatka for four-year terms. Elections are held every even year. The Commission is a policy-making body.

Current elected officials are: Mayor/Commissioner Terrill L. Hill, Vice-Mayor/Commissioner Mary Lawson Brown, Commissioner Rufus Borom, Commissioner Justin Campbell and Commissioner James Norwood, Jr.

Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. at City Hall, unless otherwise specified.

There are six appointed officials: City Manager Michael J. Czymbor; City Clerk Betsy Driggers; Finance Director Matthew Reynolds; City Attorney Donald E. Holmes, Esquire; Police Chief James Griffith (Interim); and Fire Chief Michael Lambert.

The City Manager is the administrative head of the city, and is appointed by the City Commission. The other appointed officials are hired by the City Manager and his/her appointment must receive concurrence from the City Commission.

In addition to the administrative offices and water/sewer/sanitation utilities departments at City Hall, the City has a Planning & Building Department, Police Department, Fire Department, Water Distribution and Sewer Collection Department, Sanitation Department, Water Plant, Sewer Plant, Golf Course, Parks & Cemeteries Department, Municipal Airport, and Main Street Program.

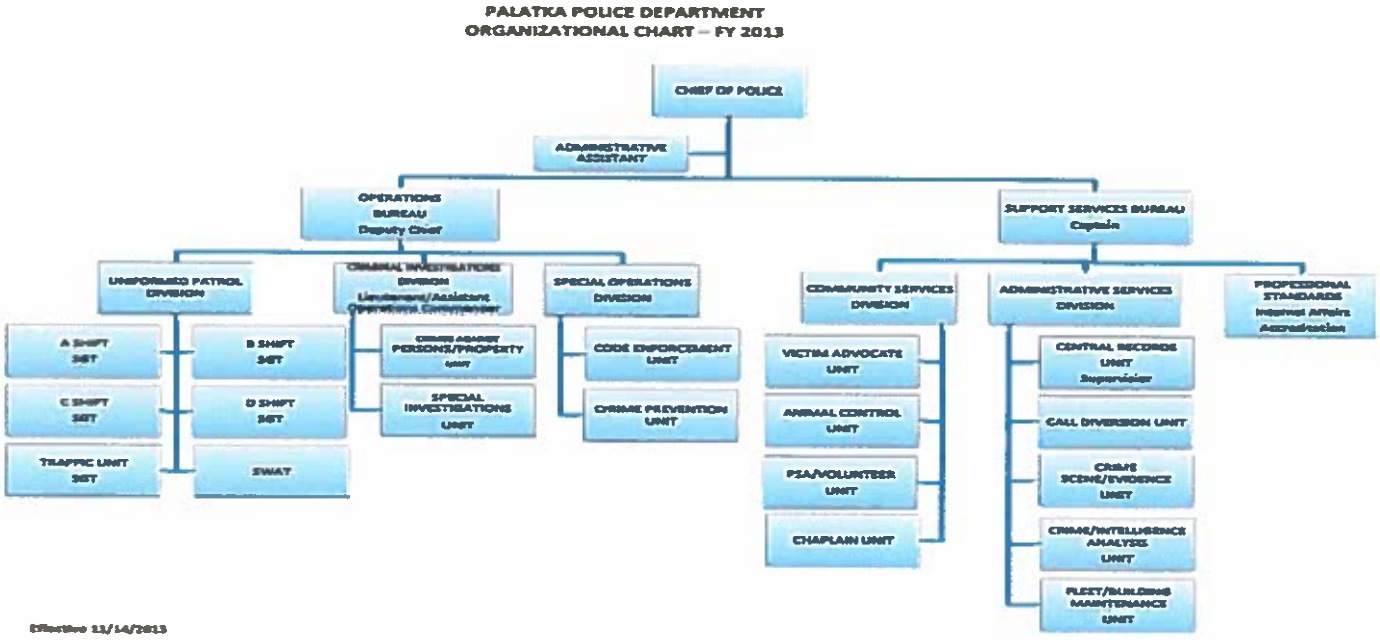
Police Department Personnel Facts

Authorized Positions Law Enforcement Officers		FY 2014/2015
	Chief of Police	1
	Deputy Chief	1
	Captain	1
	Lieutenant	1
	Sergeant	5
	Corporal	3
	Patrol Officers	20
	Detectives	4
	Police Total	36
Civilian		
	Administrative Assistant	1
	Records Division	2
	Duty Desk	1
	Animal Control	1
	Victim Advocate	1
	Administrative Clerk – part time	1
	Maintenance – part time	1
	Civilian Total	**8**

The Palatka Police Department is a full service police department employing high-tech equipment and well trained personnel. We have a total of forty-four authorized positions and provide law enforcement services to a full time population of 10,522 and a daily population of around 60,000.

Past Police Chiefs:
Gary S. Getchell, 2001-2014
Richard Schauland, 2001 (January-June)
Bill Dolinski, 1995-2001
Dan Ties, 1988-1998
Jim Hill, 1975-1988

Brief History of Police Department:
First Full-Time Police Chief – 1905
First formal budget presented to Commission for approval – 1915
Accredited with Commission of Florida Accreditation Since 1999
45 Total Positions – 36 LEO's and 7 Full-Time Civilians and 2 Part-Time Civilians



Operations Bureau

The Operations Bureau is commanded by the Deputy Chief. It is the largest bureau in the police department. It consists of the Uniformed Patrol Division, Traffic Unit, Criminal Investigations, and Special Operations Division, which includes Code Enforcement and Crime Prevention.

Uniformed Patrol Division

The Uniformed Patrol Division is the backbone of the police department delivering emergency and non-emergency services to the public 24 hours a day, 365 days a year. The division is comprised of four patrol shifts which work in twelve-hour increments. Each shift is directly supervised by a sergeant and corporal with four to five officers completing the shift. To better handle the unique demands on modern-day law enforcement, the Patrol Division is enhanced by several specialized units. They consist of the Traffic Unit, CRT Team, and K-9 Team.

The Patrol Division conducts preliminary and follow up investigations, enforce traffic laws, and make arrests as necessary to protect and serve the citizens of this community. They patrol geographic zones to prevent and detect crime and respond to, or initiate calls for service.

The Patrol Division also helps prevent crime and provides a visible presence to the public, instilling confidence and security within the community. These officers are the first responders who take charge of situations that require immediate action to resolve or mitigate safety issues or concerns. Our community partnerships, flexibility, and use of intelligence data

remain vital to the Patrol Division's relentless crime fighting activities. Being proactive remains the key to successful law enforcement in our community.

During 2013, Patrol Division personnel logged 363,381 miles patrolling the City and answered 32,300 calls for service. Every time an officer interacts with a person or property in an official capacity, we document that activity in a computerized log. Each of these logs is referred to as a call for service, even if it doesn't come from a call at all. Activities such as traffic stops, business checks, and citizen contacts are included in this category just as 911 calls for emergency response.

The Patrol Division personnel are highly trained and receive in-service training in various patrol techniques and disciplines on a regular basis. This training helps personnel keep abreast of current crime trends, crime reduction techniques, and also ensures compliance with all Florida Police Standards Commission and Accreditation requirements. A well trained police department is essential to providing quality law enforcement service to the community.

Crime Statistics

The Palatka Police Department has always strived to represent excellence. One way we do this is by staying one step ahead of the criminals. We strive to anticipate trends so we can be proactive in all areas, and take action before we have to react to a crisis. One way to do this is by utilizing crime data, community information, and systematic analysis to provide timely information on crime trends and patterns. The police department utilizes an intelligence lead analysis to provide direction for deployment of resources.

Traffic Unit

The Traffic Unit is made up of one sergeant and one corporal who are specifically assigned to work selective traffic enforcement and investigate traffic crashes.

This specialized unit utilizes two 2011 Harley Davidson Motorcycles and conducts both routine and directed traffic enforcement. These officers focus on reducing the rate and severity of traffic collisions by concentrating efforts on speed reduction, high-risk violation enforcement, impaired drivers, and the monitoring of traffic around critical intersections.

For the benefit of those using our public roadways, Palatka officers take an aggressive stance against traffic violators. We employ several tools in this effort, including unmarked patrol cars, RADAR and various laser speed measuring devices, regular enforcement details, photo enforcement technology, and public education campaigns.

The City currently has six intersections which are photo enforced. These intersections have seen an overall decrease in traffic crashes since the cameras have been installed. Currently there are no specific plans to increase the number of intersections which are photo enforced.

K-9 Unit

The K-9 Unit is a valuable resource to all the officers in the field because of their ability to search buildings and track areas more effectively for persons suspected of committing a crime. The canine is trained to use his keen sense of smell to detect narcotics in vehicles and buildings.

In October 2013, K-9 Lucky was retired due to health issues. He was first placed into service in July 2007. Lucky served not only the Palatka Police Department, but the Putnam County Sheriff's Office and the Florida Department of Law Enforcement during his career with the Palatka Police Department. He was utilized as a drug detection dog, a tracking dog and a protection dog. In December 2013, through donations from the community, K-9 Wilson was purchased and placed into service.

Criminal Investigations Division

The Criminal Investigations Division is directly supervised by a Lieutenant with two detectives investigating crimes against persons and property, two detectives investigating drugs and vice crimes, and one evidence technician. This division reports directly to the Operations Bureau Deputy Chief.

Reports generated by the Patrol Division are forwarded to the Detective Division and assigned according to State Statute and PPD policy. Once the case is assigned for follow-up, investigators pursue all leads to increase the likelihood of bringing each case to a successful conclusion. The Detective Division investigates both misdemeanor and felony crimes ranging from petty theft and trespassing to burglary and homicide.

The evidence technician is responsible for receiving, logging, storing, retrieving and disposing of property and other materials collected as evidence in police investigations. Subpoenas are frequently served on this position to bring evidence to court and to testify as needed.

Code Enforcement

In February 2013, the City of Palatka moved the Code Enforcement functions from the Building and Zoning Department to the Police Department. This decision was based on a need to assign more personnel to code enforcement activities and an opportunity to utilize the Police Department's visibility and expertise in solving problems through the use of 'Community Policing," "Problem-Oriented-Policing" and "Broken Windows Theory" models.

Officers are already out in the field so with additional training on how to respond to and investigate code violations, the City is provided a more cost effective means of strengthening the code enforcement activities by adding more personnel at the lowest possible cost.

Support Services Bureau

The Support Services Bureau in under the command of the Support Services Captain. He oversees the functions of the Victim Advocate, Animal Control, Records Division, Crime and Intelligence Analysis, Professional Standards and the Volunteer Program.

Victim Advocate Services

The Victim Advocate program provides crisis intervention to victims of all violent crime, including domestic violence, battery, and homicide. This program helps victims with the ability to make significant changes and solve problems, increase a victim's ability to make a successful transition from victimization to independence and to connect the victim to both short and long-term community resources that provide support, encouragement and assistance. Domestic violence can happen to anyone and in most cases, goes unreported.

Funding for this program is provided through a grant by Florida's Office of the Attorney General with federal Victims of Crime Act (VOCA) dollars. VOCA funds are secured from criminal fines, forfeited bail bonds, penalty fees and special assessments on offenders, NOT from taxpayers' dollars.

In 2013 our victim advocate assisted 1,336 victims with the crimes that affected their lives. Crisis counseling, criminal justice support, emergency legal advocacy, and safety planning services were also provided. Our victim advocate is on call 24 hours-a-day to provide immediate on scene crisis intervention and support and works closely with officers and detectives to care for victims of crime.

This program relies heavily on volunteers from the community to help provide assistance to those in need. Almost 600 volunteer hours were utilized to help provide service to those who were victims of crime in our community in 2013.

Animal Control

The Animal Control Unit is comprised of one full time animal control officer and provides essential information and services to the citizens in reference to animal complaints and animal care. Within the year of 2013, the Animal Control Unit received 1,777 calls for service of which 26 were bite related. The total amount of fees collected was $1,482. There were 249 dogs impounded and 349 cats impounded.

Records Division

The Records Division consists of two full time civilian clerks who respond to a broad range of questions and requests for information and assistance from members of the Police Department, City government, citizens and other agencies. They serve as the central repository for all police reports and maintain strict accountability not only for all police reports, but accident reports, citations and other law enforcement records as well. They are responsible for ensuring these records are retained and disseminated in accordance with state and federal laws.

Vehicle files, including maintenance records, speedometer calibrations and vehicle registrations are also maintained by this office. This department also maintains and processes all purchase order requests.

Alarm Statistics

As part of the Police Department call-reduction program, the City of Palatka implemented Ordinance No. 04-1 (Alarm Systems) in 2004 in an effort to reduce the high volume of false alarm calls for service. The ordinance requires all businesses and citizens to register their security alarm systems and establishes duties and responsibilities of alarm users and alarm companies. It also imposes fines for false alarms and other violations after three false alarms per year. This has proven to be a useful tool in reducing the false alarm calls for service. Officers responded to 1,131 false alarm calls in 2013 or an equivalent of 258 man hours on these types of calls.

Professional Standards

The Office of Professional Standards ensures the department operates within the boundaries and guidelines of public trust and confidence. They are responsible for investigating

allegations of misconduct against the department or any of its members. Complaints on employees of the Palatka Police Department were consistent for the last two years. Out of a total of twenty-three complaints, fourteen were citizen generated and nine were generated internally. Only four complaints were founded and resulted in disciplinary action.

Accreditation

An accreditation program has long been recognized as a means of maintaining the highest standards of professionalism. Accreditation is the certification by an independent reviewing authority that an entity has met specific requirements and prescribed standards. In 1993, Florida Statute 943.125 directed that the Florida Sheriffs Association and the Florida Police Chiefs Association create a voluntary law enforcement accreditation program.

Representatives from these Associations developed a process for accreditation which required compliance with more than 250 professional standards designed specifically for Florida law enforcement agencies.

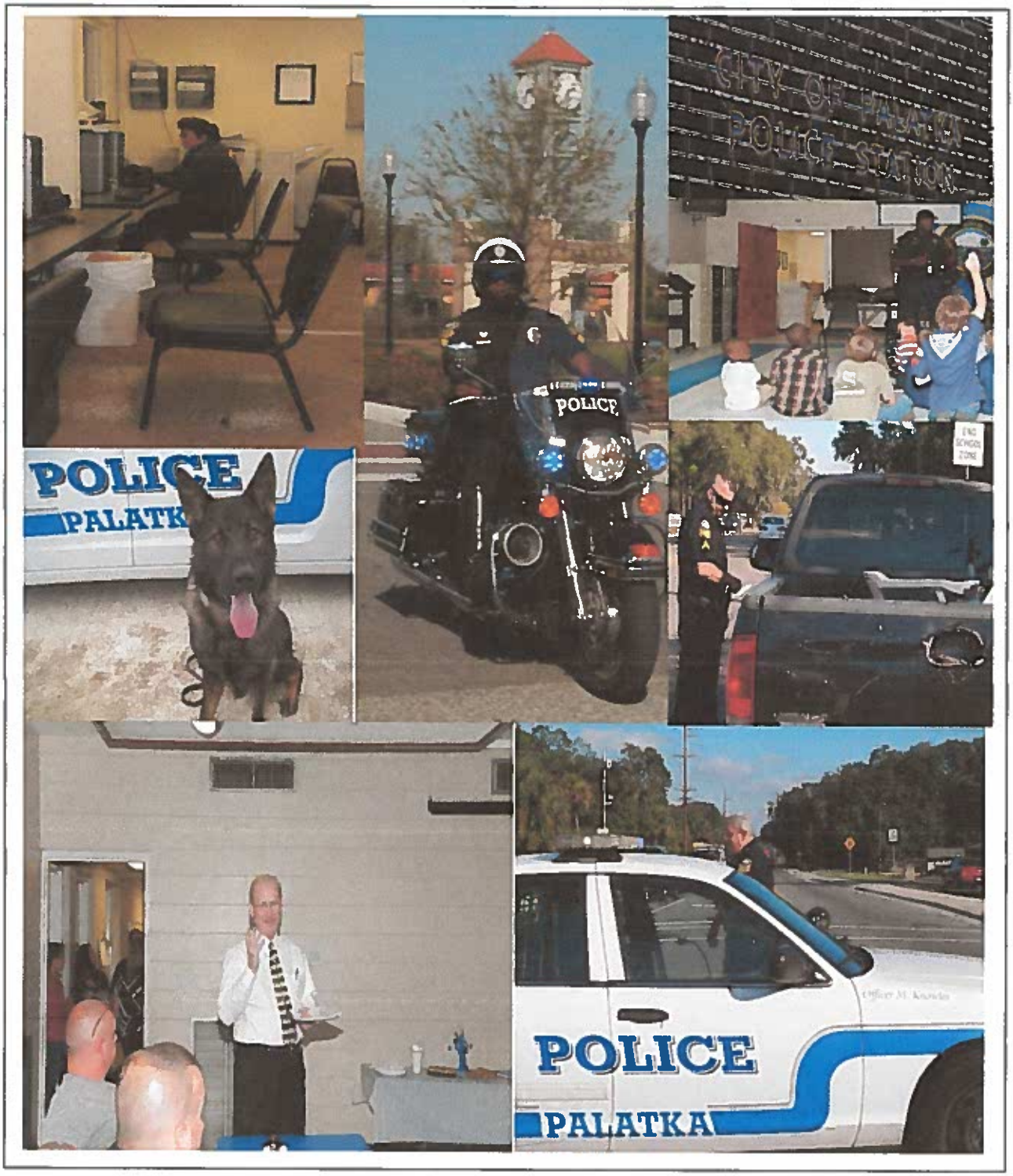
Our department first achieved accreditation by the Commission for Florida Law Enforcement Accreditation in 1999. A thorough assessment is required by the commission every three years and we were reaccredited in 2003, 2006, 2009, and 2012. Our next reaccreditation will be in 2015.

Volunteer Program

The generous contribution of volunteer services plays an important role in the overall operation of the Palatka Police Department. Their duties will vary from routine paperwork to business checks and routine neighborhood patrols depending upon the amount of training each individual has had.

PSA's or Police Service Aides, are required to complete a four week field training evaluation program before being allowed to perform any type of patrol duty. They also assist the department with community events such as National Night Out, gun safety classes and women's self-defense classes.

In 2013, the volunteers provided over 1,100 hours of service. These service hours have saved thousands of dollars in both time and money to the citizens of Palatka. It is through the support from volunteers who unselfishly give of their time that we are able to make a significant impact in the community.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TAKE A BITE OUT CRIME

By
Gary Getchell, Chief of Police
City of Palatka

The most overlooked social and economic trend of the past 20 years is the fact crime on the local, state, and federal levels is plunging downward.

The FBI is reporting crime across our country has dropped to a 40-year low, and the Florida Department of Law Enforcement (FDLE) has announced Florida is at a 43-year low in crime.

While some skeptics will scoff at this news and say, 'crime is out-of-control, and others will find fault with the data, the facts overwhelmingly convey that crime has dropped, and our Country, State, and City has not seen these crime numbers since the 1970s.

A review of the Uniform Crime Reports (UCR) for the period 1991 to 2013 indicates Palatka's crime numbers have dropped in all categories. Murders dropped, forcible rapes -- down 58%, robberies -- down 73%, aggravated assaults -- down 71%, burglaries -- down 64%, and larcenies -- down 57%. Even better news is the fact Palatka's overall crime rate dropped from an all-time high of 20,173 crimes per 100,000 population to 7,820. Also, crime is down in Crescent City, Interlachen and the unincorporated area of Putnam County.

Truly, this achievement was a community effort, even in the face of tough economic times brought on by the recent recession.

While experts study, debate, and attempt to reach a consensus on why crime has dropped since the 1990's, here are 7 common sense explanations:

- Policing has become more effective through advanced technology to map crime, identify hotspots and criminals, process crime scenes, and respond to crime trends.
- There are more cops on the street today than 30 years ago.
- As part of community policing initiatives, law enforcement developed collaborative partnerships with citizens, businesses, churches, and other institutions to improve relationships and jointly work on quality of life issues.
- Crime reached its highest numbers during the crack cocaine years of 1980's – 1990's, fortunately the crack cocaine epidemic has burnt out.
- While it is a politically and socially sensitive issue, the imposition of stiffer prison sentences since the early 1980's has seen career criminals incarcerated.
- Our society is aging. Crime is largely a young man's game. For most offenses, crime and arrests peak in the late teen years and early twenties, declining quickly thereafter. During the 1960s and 1970s, the large number of teens and young adults in the Baby Boomer generation drove crime rates higher.

- A constant exposure to murder and mayhem streamed live into our homes and smartphones has created a higher level of fear toward crime; thereby, many people practice better crime prevention practices than 30 years ago.

This is a time to celebrate and give sincere gratitude to those people and institutions that helped reach this milestone.

Congratulations and thank you to all law enforcement officers, public officials, prosecutors, judges, concerned citizens, business owners, parents that raised wonderful law abiding children, churches, and especially the new generation of children that choose to turn away from crime, you are a blessing.

"TOGETHER, WE REALLY DID MAKE A DIFFERENCE!

City of Palatka
Police Department
Job Description

JOB TITLE:	Chief of Police
SUPERVISION RECEIVED:	The Chief of Police operates under the general supervision of the City Manager
SUPERVISION EXERCISED:	Exercises limited to the general supervision over Administrative and Operations Supervisory personnel
LAST MODIFIED:	02/10/2015

PURPOSE OF JOB:
This is a highly responsible supervisory and administrative work in directing all employees, functions and operations of the Police Department.

LEVEL OF AUTHORITY:
Exercises command over all Police Department staff. Decision making authority for routine, emergency and non-emergency situations involving public safety. Latitude given in selection of the methods procedures to carry out the assigned responsibilities; work is reviewed through conferences, reports and achievement of desired results.

WORK ENVIRONMENT:
Work is performed mostly indoors and involves sitting for long periods of time. Verbal communication is conducted face to face, on the telephone, and in a classroom setting. A computer keyboard is used to enter and retrieve data and requires continuous or repetitive arm-hand movements. Some assignments may include evening and weekend work and field observations which may result in exposure to dirt, dust, pollen, odors, wetness, humidity, rain, fumes, temperature and noise extremes, machinery, vibrations, electric currents, traffic hazards, animals/wildlife, toxic/poisonous agents, violence, disease or pathogenic substance.

ESSENTIAL JOB FUNCTIONS:

1. Plans, organizes, supervises and directs the operations and activities of the Police Department
2. Develops, modifies, implements and evaluates effectiveness of police programs and services
3. Develops and implements policies, procedures, regulations and rules for all departmental activities
4. Plans, coordinates, schedules and conducts training activities and programs
5. Writes general orders and insures adherence to standards
6. Plans, schedules and assigns work activities
7. Administers discipline, rates job performance and settles grievances
8. Develops budget requests and controls and accounts for all expenditures
9. Maintains liaison with other City Departments, other law enforcement and emergency assistance agencies and community groups
10. Assist in resolving problems and conducting joint activities and operations

11. Attends Commission and management staff meetings and discusses programs and problems
12. Participates in patrol, investigations and communications and all other police department activities, as necessary
13. May assist with and come in contact with the suspects, witnesses and victims of crimes
14. Assists in traffic control activities
15. Schedules and coordinates facility and equipment maintenance and repair activities
16. Receives and resolves citizen complaints
17. Prepares and delivers instruction speeches and talks
18. Prepares news releases and meets with reporters and newscasters
19. Writes correspondence and prepares reports
20. Uses a variety of weapons and other types of law enforcement equipment including firearms
21. Performs work as necessary to include criminal investigations, internal affairs and other law enforcement duties

QUALIFICATIONS:

Education and Experience

1. 21 years of age or older
2. High School education or equivalency
3. Completion of minimum standards training as required by State of Florida for Certified Law Enforcement Officer
4. Bachelor's Degree with course work in administration, criminology or a closely related field (Master's Degree preferred; Law Enforcement Executive Training preferred)
5. A minimum of ten (10) years' experience in police work which includes considerable experience, at least five (5) years at or above the level of Police Sergeant (or) equivalent combination of training and experience that provides the necessary knowledge, skills and ability
6. Extensive knowledge of Police Administration and Law Enforcement principles, practices, methods and equipment
7. Intensive knowledge of departmental policies, procedures, rules and regulations
8. Extensive knowledge of laws, ordinances, applicable court decisions and legal processes
9. Thorough knowledge of the geography of the City and surrounding area and of resources available for providing emergency assistance
10. Considerable knowledge of the organization and functions of the county, state and federal law enforcement and regulatory agencies
11. Thorough knowledge of the police record maintenance and reporting requirements.
12. Knowledge of the budgeting and fiscal control techniques and practices.
13. Ability to communicate effectively orally and in writing.
14. Ability to implement and administer personnel policies and procedures in a fair and impartial manner.
15. Ability to plan, schedule, direct and supervise the operations and employees of the department.
16. Ability to prepare and coordinate or conduct law enforcement training programs.
17. Skill in the use of law enforcement weapons.

18. Ability to establish effective working relationships with other public and law enforcement officials and employees and the public.
19. Must be honest and exhibit integrity and courage in the performance of duties.

Physical

1. Ability to stand, walk and safely operate police department vehicles
2. Ability to physically handle exertion from suspect apprehension
3. Ability to communicate effectively with diverse and sometimes irate individuals and to handle calmly situations ranging from routine to emergency

Technical/Other

1. Ability to communicate effectively orally as well as in writing
2. Ability to act decisively and calmly in emergency situations
3. Ability to enforce laws in a firm, impartial manner and draw valid conclusions from sometimes incomplete data
4. Possess a valid Florida Driver's License

USE OF TOOLS AND EQUIPMENT:

Two-way radio, personal computer, fax machine, assigned firearm, non-deadly weapons (OC, baton, Taser), and other items deemed necessary by the Palatka Police Department.

OTHER:

1. Undergo a comprehensive background investigation
2. As an absolute condition of employment, employees are required upon hire to sign a drug-free workplace agreement
3. The statements contained in this job description reflect general details as necessary to describe the principle functions of this job, the level of knowledge and skill typically required and the scope of responsibility. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absences or provide relief, to equalize peak work periods or otherwise to balance the workload
4. Following an offer of employment, and prior to starting work, individuals may be required to have a pre-employment physical examination by a physician designated by the City and a drug screening. The examination will be paid for by the City. Satisfactory clearance to perform essential job functions will be required for employment