VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
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.

AGENDA
CITY OF PALATKA
May 9, 2013

CALL TO ORDER:
a. Invocation – The Reverend Chad Perry, Pastor; The River Community Church
b. Pledge of Allegiance
c. Roll Call

APPROVAL OF MINUTES – 4/25/13; 5/2/13 Called Meeting

1. **PUBLIC RECOGNITION/PRESENTATIONS:**
   a. **PROCLAMATION** – Kids to Parks Day – May 18, 2013 – Parks & Cemeteries Staff
   b. **PROCLAMATION** - National Public Works Week – May 19 – 25, 2013 – Public Works Staff
   c. **PROCLAMATION** – National Safe Boating Week – May 18 – 24, 2013 – US Coast Guard Auxiliary

2. **PUBLIC COMMENTS** - (Speakers limited to three minutes – no action taken on items)

3. **CONSENT AGENDA:**
   *a. **Adopt Resolution No. 2013-9-109** authorizing the City Manager to enter into a contract with the State of Florida for State Highway System Lighting, Maintenance, and Compensation program FY 2013-14;
   *b. **Adopt Resolution No. 2013-9-110** approving the short list of qualified Engineering, Architectural, Geo-technical, Landscape Architectural and water quality control consultants, and authorizing negotiation of continuing services contract with short-listed respondents in ranked categories;
   *c. **Appoint Randy Porter to the Palatka Firefighters' Pension Board** as one of two City Commission Appointees for the remainder of a two-year term to expire January, 2015

* 4. **BOARD AND COMMITTEE UPDATE** - Staff Presentation

5. **CITY MANAGER & ADMINISTRATIVE REPORTS**

6. **COMMISSIONER COMMENTS**

7. **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.

Upcoming Events:
May 24 thru 27 – Blue Crab Festival
May 27 – City Offices closed to observe Memorial Day Holiday
July 4 – City offices closed to observe Independence Day Holiday
Aug. 15 thru 17 – FLC Conference, Orlando FL
Sept. 2 – City offices closed to observe Labor Day Holiday

Board Openings:
Code Enforcement Board: 3 Vac. (RE, Arch.& Sub Contr.)

CITY OF PALATKA

Proclamation

WHEREAS, May 18th, 2013 is the third National Kids to Parks Day, organized and launched by the National Park Trust; and

WHEREAS, National Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, National Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, National Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

WHEREAS, Palatka and Putnam County are home to some of the most beautiful parks and recreation areas in the State of Florida, boasts the State's first designated Blueway paddling trail, and today dedicated and opened a portion of the Palatka-to-St. Augustine State Trail as part of the East Coast Greenway.

NOW THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby endorse and proclaim May 18, 2013 as

NATIONAL KIDS TO PARKS DAY

in the City of Palatka, and we urge all citizens to make time on Saturday, May 18th, to take the children in their lives to a neighborhood, state or national park, trail or blueway.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 9th day of May, in the Year of Our Lord Two Thousand and Thirteen

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: _____
Vernon Myers, MAYOR

CITY OF PALATKA

Proclamation

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, storm water management, fleet management, and parks & cemeteries maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services. The quality and effectiveness of these facilities, as well as their planning, design, construction and reliability, is vitally dependent upon the efforts and skill of public works officials as well as employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, National Public Works Week (NPWW) is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works, and we celebrate the hard work and dedication of the many public works professional throughout the world. This year's theme, **"Because of Public Works. . . ."** is a tribute to all Public Works employees who create the foundation of a stronger, more livable community.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby proclaim the week of May 19 through May 25, 2013 as

NATIONAL PUBLIC WORKS WEEK

in the City of Palatka, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works, and to recognize the contributions which public works officials and employees make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 9th day of May, in the Year of Our Lord Two Thousand Thirteen.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR

CITY OF PALATKA

Proclamation

WHEREAS, the State of Florida offers unique water-related recreational activities to its residents and visitors from around the world, and boating is one of the State's leading outdoor activities. With more than a million residents participating in this pastime, Florida is known as the "Boating Capital of the World;" and

WHEREAS, each year for National Safe Boating Week, the United States Coast Guard partners with boating organizations to raise awareness on the importance of taking proper precautions while boating. By embracing responsible boating practices, Americans can avoid preventable injuries and enjoy the majesty of our Nation's waterways; and

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning. The vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public; and

WHEREAS, the Palatka City Commission supports the goals of the North American Safe Boating Campaign, and wishes to promote safe boating in Putnam County, which is known as The Bass Capital due to its bountiful recreational fishing opportunities, where boating is part of our culture.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby endorse and proclaim May 18 – 24, 2013 as

NATIONAL SAFE BOATING WEEK

In the City of Palatka, and we encourage all citizens who participate in boating activities to "Wear It" and to learn about and practice all safe boating habits.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 9th day of May, in the Year of Our Lord Two Thousand Th[illegible]

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR

Agenda Item

3a

CITY COMMISSION AGENDA ITEM

SUBJECT: Resolution 2013-9-109: A Resolution of the City of Palatka, Florida which authorizes the City Manager to enter into a contract with the State of Florida for State Highway System Lighting, Maintenance, and Compensation program.

DEPARTMENT: City Manager's Office

ATTACHMENTS: ___ Ordinance X Resolution ___ Motion
__X__ Support Documents ___ Other

SUMMARY: The City of Palatka has for many years has cooperatively worked with the State of Florida to maintain the street lights on State roads which traverse through the City limits (SR 15,19 and 20). The City agrees to maintain 192 of these street lights, pay for monthly electrical costs, and assume the cost of general maintenance(bulb replacement) and have ninety percent(90%) of the lights in operation on a regular basis. The City is then compensated at an annual rate $244 per fixture. The 2013-14 contract totals $42,163.00. A previous contract is attached.

RECOMMENDED ACTION: Adopt Resolution 2013-9-109, which accepts the contract with the FDOT for Highway System Lighting, Maintenance, and Compensation program, and authorizes the City Manager to execute it on behalf of the City.

DEPARTMENT HEAD	Submitted: Michael J. Czymbor	Date: 05-01-13
	Requested Agenda Consent	Date: 05-09-13
FINANCE DEPARTMENT	Budgeted ___Yes ___No __N/A	Date:
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 05/01/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

RESOLUTION No. 2013-9-109

Entitled

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST THE "2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT 'EXHIBIT A' FOR CONTRACT #AN582" WITH THE FLORIDA DEPARTMENT OF TRANSPORTION

WHEREAS, the **City of Palatka,** hereinafter referred to as the **"Maintaining Agency,"** first entered into a **State Highway System Lighting, Maintenance and Compensation Agreement** with the **State of Florida Department of Transportation,** hereinafter referred to as "the **FDOT,"** on May 19, 2003; and

WHEREAS, the **FDOT** finds it is necessary for the **"Maintaining Agency"** to execute and deliver to the **FDOT** the Agreement identified as **"2013/14 State Highway System Lighting, Maintenance and Compensation Agreement Exhibit A for Contract No. AN582,"** hereinafter referred to as **'Exhibit A,' together with Exhibits "B" and "C"** as attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida (**the "Maintaining Agency"**) as follows:

1. That **Michael J. Czymbor**, City Manager of the City of Palatka, Florida, be hereby authorized and directed to execute and deliver **Exhibit A,** attached hereto and incorporated herein, to the **Florida Department of Transportation (FDOT);**
2. That **Betsy J. Driggers**, City Clerk of the City of Palatka, Florida, be hereby authorized and directed to attest **Exhibit A;** and
3. That a certified copy of this Resolution be forwarded to **FDOT** along with the executed **Exhibit A,** together with Exhibits "B" and "C" as attached hereto and incorporated herein.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, as the Maintaining Agency, this **9th day of May, 2013.**

CITY OF PALATKA

By:_____
Its MAYOR

ATTEST:

EXHIBIT "A"

Contract #AN582

Maintaining Agency:	City of Palatka
Contact Person:	Michael J. Czymbor
Contact Number & Email:	386-329-0100 ext. 214
	mczymbor@palatka-fl.gov

Current Approved Amount for 2013/2014: $ 42,163.20

Maintaining Agency Signature _____ Date _____

Michael J. Czymbor **CITY MANAGER**
Typed Name Typed Title

ATTEST for Maintaining Agency:

_____
CITY CLERK

District Utilities Administrator _____ Date _____

Director of Transportation Operations _____ Date _____

EXHIBIT B

STATE HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT

1.0 PURPOSE

This exhibit defines the method and limits of compensation to be made to the **Maintaining Agency** for the services described in this Agreement and Method by which payments will be made.

2.0 COMPENSATION

For the satisfactory completion of all services detailed in this Agreement, the Department will pay the **Maintaining Agency** the Total Lump Sum as indicated in Section 2 of the Agreement. The **Maintaining Agency** will receive one lump sum payment at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum Amount for each Fiscal Year is calculated by taking all of the actual number of qualifying lights times 90% times the FY Unit Rate.

Example: 330 lights x 0.90 x $201.58 = $59,869.26

FY	12-13	$201.58
	13-14	$244.00
	14-15	$251.32

Beginning FY 14-15, the Unit Rate for each fiscal year will be 3% more than the Unit Rate from the previous fiscal year, unless otherwise specified in an amendment to this Agreement or changed through an update of this exhibit.

Exhibit C
Street Lighting Inventory Report

STATE HIGHWAYSYSTEM LIGHTING, MAINTENANCE, AND COMPENSATION PROGRAM

Name of Maintaining Agency: City of Palatka
Maintaining Agency Contact person: Woody Boynton
Contact phone number: 386-329-0104

State Road	From	To	# of Street Lights	Budget Amount
SR-15	East Side Memorial Br.	West Side Memorial Br.	16 ✓	16 x.0.9 x 195.71 = $2,818.22
SR-15	West Side Memorial Br.	SR-100	~~83~~ 87	83 x.0.9 x 195.71 = $14,619.54
SR-15	SR-100	SR-19	~~9~~ 7	9 x.0.9 x 195.71 = $1,585.25
SR-20	SR-15	SR-19	~~24~~ 18	24 x.0.9 x 195.71 = $4,227.34

Exhibit C
Street Lighting Inventory Report

STATE HIGHWAYSYSTEM LIGHTING, MAINTENANCE, AND COMPENSATION PROGRAM

Name of Maintaining Agency: City of Palatka
Maintaining Agency Contact person: Woody Boynton
Contact phone number: 386-329-0104

	State Road	From	To	# of Street Lights	Budget Amount
*	SR-15	East Side Memorial Br.	West Side Memorial Br.	16	16 x.0.9 x 195.71 = $2,818.22
	SR-15	West Side Memorial Br.	SR-100	~~83~~ 87	83 x.0.9 x 195.71 = $14,619.54
	SR-15	SR-100	SR-19	~~9~~ 7	9 x.0.9 x 195.71 = $1,585.25
	SR-20	SR-15	SR-19	~~24~~ 18	24 x.0.9 x 195.71 = $4,227.34
**	SR 19	US 17	Moody Rd	64	

* Total of 32. Lights are split between City of Palatka and Putnam Co.

** Total of 128. Lights are split between City of Palatka and Putnam Co.

Damage and Outage Report

STATE HIGHWAYSYSTEM LIGHTING, MAINTENANCE, AND COMPENSATION PROGRAM

Name of Maintaining Agency: City of Palatka

Maintaining Agency Contact person: ____________________

Contact phone number & email: ____________________

State Road	From	To	Date Reported	To Whom

STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT

THIS AGREEMENT, entered into this 19th day of May, year of 2003, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the "**FDOT**", and City of Palatka, hereinafter referred to as the "**MAINTAINING AGENCY**";

WITNESSETH:

WHEREAS, the **MAINTAINING AGENCY** has the authority to enter into this Agreement and to undertake the maintenance and operation of lighting on the State Highway System, and the **FDOT** is authorized under Sections 334.044, Florida Statutes and 335.055, Florida Statutes to enter into this Agreement; and

WHEREAS, the **MAINTAINING AGENCY** has authorized its undersigned officers to enter into and execute this Agreement,

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the **FDOT** and the **MAINTAINING AGENCY** hereby agree as follows:

1. **Maintenance of Facilities**

a. The **MAINTAINING AGENCY** shall maintain all the lighting now or hereafter located on the State Highway System within the jurisdictional boundaries of the **MAINTAINING AGENCY,** hereinafter referred to as the "Facilities," throughout its expected useful life. For the purposes of this Agreement, the term Facilities shall be deemed to include, but not necessarily be limited to, lighting for roadways, as well as park and ride, pedestrian overpasses, and recreational areas owned by or located on the property of the **FDOT**, but shall exclude those systems listed in Exhibit "A" attached hereto and by this reference made a part hereof, and shall exclude lighting located in weigh stations, rest areas, or on Interstate highways.

b. In maintaining the Facilities, the **MAINTAINING AGENCY** shall perform all activities necessary to keep the Facilities fully operating, properly functioning, with a minimum of 90% of the lights burning for any lighting type (ex. high mast, standard, underdeck, sign) or roadway system at all times for their normal expected useful life in accordance with the original design thereof, whether necessitated by normal wear and tear, accidental or intentional damage, or acts of nature. Said maintenance shall include, but shall not be limited to, providing electrical power and paying all charges associated therewith, routine inspection and testing, preventative maintenance, emergency maintenance, replacement of any component parts of the Facilities (including the poles and any and all other component parts installed as part of the Facilities), and locating (both vertically and horizontally) the Facilities, as may be necessary.

c. All maintenance shall be in accordance with the provisions of the following:

(1) Manual of Uniform Traffic Control Devices; and,

(2) All other applicable local, state, or federal laws, rules, resolutions, or ordinances, and **FDOT** procedures.

d. For lighting installed as part of an **FDOT** project, the **MAINTAINING AGENCY's** obligation to maintain shall commence upon the **MAINTAINING AGENCY's** receipt of notification from the **FDOT** that the **FDOT** has finally accepted the project, except for the obligation to provide for electrical power, which obligation to provide for electrical power shall commence at such time as the lighting system is ready to be energized; provided, however, that the **MAINTAINING AGENCY** shall not be required to perform any activities which are the responsibilities of **FDOT's** contractor.

e. The continuing obligations under this paragraph 1 beyond the first fiscal year hereof are subject to the voluntary negotiation of the amount to be paid as set forth in subparagraph 2b hereof.

2. Compensation and Payment

a. The **FDOT** agrees to pay to the **MAINTAINING AGENCY** a lump sum of $ 6,094.00 for the fiscal year in which this Agreement is signed (fiscal year as referenced in this Agreement shall be **FDOT's** fiscal year).

b. For each future fiscal year, the **FDOT** and the **MAINTAINING AGENCY** shall agree on the amount to be paid prior to the fiscal year beginning. The **FDOT** will issue a work order confirming the amount and authorizing the performance of maintenance for each new fiscal year.

c. Invoices may be submitted anytime after May 19th of the fiscal year in which the services were provided, but no later than 180 days after the end of said fiscal year. Payment shall be made in one lump sum as provided in paragraph 4 hereof.

d. Payment shall be made in accordance with Section 215.422, Florida Statutes.

e. Bills for fees or other compensation for services or expenses shall be submitted in a format acceptable to the **FDOT** and in detail sufficient for a proper pre-audit and post-audit thereof.

3. Record Keeping

The **MAINTAINING AGENCY** shall keep records of all activities performed pursuant to this Agreement. The records shall be kept in a format approved by the **FDOT**.

Records shall be maintained and made available upon request to the **FDOT** at all times during the period of this Agreement and for three (3) years after final payment for the work pursuant to this Agreement is made. Copies of these documents and records shall be furnished to the **FDOT** upon request.

4. Invoicing

Upon receipt, the **FDOT** has five (5) working days to inspect and approve the goods and services. The **FDOT** has twenty (20) days to deliver a request for payment (voucher) to the Department of Financial Services. The twenty (20) days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

If a payment is not available within forty (40) days, a separate interest penalty at a rate as established pursuant to Section 215.422, Florida Statutes, shall be due and payable, in addition to the invoice amount, to the **MAINTAINING AGENCY**. Interest penalties of less than one (1) dollar shall not be enforced unless the **MAINTAINING AGENCY** requests payment. Invoices returned to a **MAINTAINING AGENCY** because of **MAINTAINING AGENCY** preparation errors shall result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the **FDOT**.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 410-9724 or by calling the Chief Financial Officer's Hotline, 1-800-848-3792.

The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. In the event this Agreement is in excess of $25,000 and has a term for a period of more than one (1) year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

The **FDOT**, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during suchfiscal year. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money may be paid on such contract. The **FDOT** shall require a statement from the Comptroller of the **FDOT** that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the FDOT which are for an amount in excess of $25,000 and which have a term for a period of more than one (1) year.

The **FDOT** will provide a copy of the statement referenced above to the **MAINTAINING AGENCY**.

5. Default

In the event that the **MAINTAINING AGENCY** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in this Agreement, the **FDOT** may exercise one or more of the following options, provided that at no time shall the **FDOT** be entitled to receive double recovery of damages:

a. Pursue a claim for damages suffered by the **FDOT** or the public.

b. Pursue any other remedies legally available.

c. As to any work not performed by the **MAINTAINING AGENCY**, perform such work with its own forces or through contractors and seek reimbursement for the cost thereof from the **MAINTAINING AGENCY if the MAINTAINING AGENCY** fails to cure the non-performance within fourteen (14) days after written notice from the **FDOT** of the non-performance; provided, however, that advance notice and cure shall not be preconditions in the event of an emergency.

6. Indemnification

The **MAINTAINING AGENCY**, to the extent allowed by Section 768.28, Florida Statutes, shall indemnify, defend, save, and hold harmless, the State, the **FDOT**, and all of their officers, agents, and employees from all suits, actions, claims, demands, and liabilities of any nature whatsoever arising out of, because of, or due to breach of this Agreement by the **MAINTAINING AGENCY**, its subcontractors, agents, or employees or due to any act or occurrence of omission or commission of the **MAINTAINING AGENCY**, its subcontractors, agents, or employees.

7. Force Majeure

Neither the **MAINTAINING AGENCY** nor the **FDOT** shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by an act of God, war, riots, natural catastrophe, or other event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence; provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimate duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible.

8. Miscellaneous

a. The **FDOT** shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.

b. The **MAINTAINING AGENCY** shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **MAINTAINING AGENCY** in conjunction with this Agreement. Failure by the **MAINTAINING AGENCY** to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the **FDOT**.

c. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or negotiations with respect thereto.

d. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining provisions hereof.

e. Time is of the essence in the performance of all obligations under this Agreement.

f. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, or express mail and shall be deemed to have been received by the end of five (5) business days from the proper sending thereof unless proof of prior actual receipt is provided. The **MAINTAINING AGENCY** shall have a continuing obligation to notify each District of the **FDOT** of the appropriate persons for notices to be sent pursuant to this Agreement. Unless otherwise notified in writing, notices shall be sent to the following addresses:

MAINTAINING AGENCY:
City of Palatka
201 N. 2nd Street
Palatka, Florida 32177

FDOT:

H. Vince Camp
1109 South Marion Ave - MS 2024
Lake City, FL 32025-5874

g. **PUBLIC ENTITY CRIME INFORMATION STATEMENT**: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for **CATEGORY TWO for a period of thirty six (36) months from the date of being placed on the convicted vendor list.**

h. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

i. Nothing herein shall be construed as a waiver of either party's sovereign immunity.

STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT

9. Certification

This document is a printout of an **FDOT** form maintained in an electronic format and all revisions thereto by the **Maintaining Agency** in the form of additions, deletions or substitutions are reflected only in an Appendix "Changes To Form Document" and no change is made in the text of the document itself. Hand notations on affected portions of this document may refer to changes reflected in the above-named Appendix but are for reference purposes only and do not change the terms of the document. By signing this document, the **Maintaining Agency** hereby represents that no change has been made to the text of this document except through the terms of the Appendix entitled "Changes To Form Document."

You MUST signify by selecting or checking which of the following applies:

- (●) No changes have been made to this Forms Document and no Appendix entitled "Changes To Form Document" is attached.
- ( ) No changes have been made to this Form Document, but changes are included on the attached Appendix entitled "Changes to Forms Document."

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first written.

MAINTAINING AGENCY

BY: (Signature) Karl N. Flagg **DATE:** 2-14-03

(Typed Name: Karl N. Flagg, Mayor)

Attest: Betsy J. Driggers, City Clerk

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

BY: (Signature) _____ **DATE:** 5-19-03

(Typed Name: Jim MacLaughlin)

(Typed Title: Director of Operations)

FDOT Legal Review

BY: (Signature) _____ **DATE:** 5/16/03

for **District Counsel**

(Typed Name: E. L. NOWAK)

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

1109 South Marion Avenue
Lake City, Florida 32025-5874
vince.camp@dot.state.fl.us

STEPHANIE C. KOPELOUSOS
SECRETARY

March 30, 2010

Subject: Maintenance Work Order
State Highway System Lighting, Maintenance and Compensation Agreement

Dear Maintaining Agency:

The Department of Transportation is finalizing its review of the proposed budget for the upcoming fiscal year (July 2010/June 2011) under the STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION program. The lump sum dollar amount that the Department has determined that you are currently eligible for under this program for the next fiscal year is reflected on the previously sent work order which **includes a 3% increase for maintenance and operational costs.**

You are responsible for reviewing and understanding the terms of your previously executed agreement with the Department. This program has been underway for almost six years. I would like to highlight and remind you of two very important aspects of this program. The first is section one of your agreement with the FDOT as stated below:

Maintenance of Facilities:

In maintaining the Facilities, the **MAINTAINING AGENCY** shall perform all activities necessary to keep the Facilities fully operating, properly functioning, with a minimum of 90% of the lights burning for any lighting type (ex. high mast, standard, underdeck, sign) or roadway system at all times for their normal expected useful life in accordance with the original design thereof, whether necessitated by normal wear and tear, accidental or intentional damage, or acts of nature. Said maintenance shall include, but shall not be limited to, providing electrical power and paying all charges associated therewith, routine inspection and testing, preventative maintenance, emergency maintenance, replacement of any component parts of the Facilities (including the poles and any and all other component parts installed as part of the Facilities), and locating (both vertically and horizontally) the Facilities, as may be necessary.

The second area of responsibility is as stated below:

Record Keeping

The **MAINTAINING AGENCY** shall keep records of all activities performed pursuant to this Agreement. The records shall be kept in a format approved by the **FDOT**.

Records shall be maintained and made available upon request to the **FDOT** at all times during the period of this Agreement and for three (3) years after final payment for the work pursuant to this Agreement is made. Copies of these documents and records shall be furnished to the **FDOT** upon request.

The compensation program is intended to compensate you for the cost associated with maintaining the roadway light only, not traffic signals, which are handled on a separate agreement with our Traffic Operations sections.

In addition, it is your responsibility that the street lights are maintained, operated and the energy bill is paid under the terms of your agreement with the above specific paragraphs in mind. You should not expect to be over compensated under this program. It is imperative that you continue to review last years cost and next years projected cost and agree that payment for last years work order and next years work order is fair and reasonable to both parties.

Finally, once again I am requesting that this year you spend the time to field review each lighting system and report outages and damages to your system to your maintenance department using the attached form. In the case that your local power company is the maintenance provider, you should provide written notice to them and provide a copy of the form to my attention. This needs to be complete by **May 19, 2010**.

If you should have any questions, please feel free to contact me at 1-800-749-2967 ext. 3732.

Sincerely,

H. Vince Camp

H. Vince Camp
District 2 Utility Administrator

Ms. Liz Yates, District Maintenance
File

From: Keene, Patricia
Sent: Monday, March 18, 2013 4:09 PM
To: Butler, Lisa
Subject: FW: City of Palatka - 2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION

Pat Keene
FDOT District 2 Utilities
1109 S. Marion Avenue - MS2024
Lake City, FL 32024-5874
Office - (386) 758-3733
Fax - (386) 758-3736
patricia.keene@dot.state.fl.us

From: Keene, Patricia
Sent: Tuesday, March 05, 2013 7:55 AM
To: 'mczymbor@palatka-fl.gov'
Subject: City of Palatka - 2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION

Maintaining Agency:

The Department of Transportation has reviewed the proposed budget allocation for the upcoming fiscal year which runs from July 2013 through June 2014 for the STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION program. The Department has determined that you are currently eligible for 192 street lights x .9 x $244.00) = **$42,163.20** under this program for the next fiscal year (see Exhibit B). The 90% multiplier used in the new formula shown in Exhibit B comes from paragraph 1. b. in your agreement which states that a minimum of 90% of the lights shall be operating and properly functional.

In order for timely processing, the Department requires that you return Exhibit "A" and Damage and Outage Report for the street lights that you are maintaining on the state highway system on or before **April 13, 2013**.

Please sign and date Exhibit "A" and return original signature to:

Mr. John P. McCarthy
FLORIDA DEPARTMENT OF TRANSPORTATION
1109 South Marion Avenue – MS 2024
Lake City, FL 32024

If the Department does not receive the Exhibit "A", fully executed, and the Damage and Outage Report you will not be eligible for reimbursement of your cost for the period from July 1, 2013 to June 30, 2014.

REMINDER: Your fiscal year 2012/13 invoice may be submitted on or after May 19, 2013.

If you should have any questions, please feel free to contact Pat Keene at 1-800-749-2967, ext 3733.

John P. McCarthy
FDOT District 2 Utilities Administrator
1109 S. Marion Ave. - MS 2024
Lake City, Florida 32025-5874
office-(386)-961-7452
fax-386-758-3736

STREET LIGHTING

RATE SCHEDULE: SL-1

AVAILABLE:

In all territory served.

APPLICATION:

For lighting streets and roadways, whether public or private, which are thoroughfares for normal flow of vehicular traffic. Lighting for other applications such as: municipally and privately-owned parking lots; parks and recreational areas; or any other area not expressly defined above, is not permitted under this schedule.

TYPE OF INSTALLATION:

FPL-owned fixtures normally will be mounted on poles of FPL's existing distribution system and served from overhead wires. On request of the Customer, FPL will provide special poles or underground wires at the charges specified below. Customer-owned systems will be of a standard type and design, permitting service and lamp replacement at no abnormal cost to FPL.

SERVICE:

Service includes lamp renewals, patrol, energy from dusk each day until dawn the following day and maintenance of FPL-owned Street Lighting Systems.

LIMITATION OF SERVICE:

For Mercury Vapor, Fluorescent and Incandescent luminaires, no additions or changes in specified lumen output on existing installations will be permitted under this schedule after October 4, 1981 except where such additional lights are required in order to match existing installations.

Stand-by or resale service is not permitted hereunder.

CUSTOMER CONTRIBUTIONS:

A Contribution-in-Aid-of-Construction (CIAC) will be required for:

a) the differential cost between employing rapid construction techniques in trenching, backfilling and pole installation work where no obstructions exist, and the added cost to overcome obstructions such as sprinkler systems, paved surfaces (such as sidewalks, curbs, gutters, and roadways), landscaping, sodding and other obstructions encountered along the Street Light System installation route, including repair and replacement. If the Customer elects to perform work such as trenching and restoration, they will be reimbursed by FPL with a credit (not to exceed the total CIAC cost) for the value of this work as determined by FPL;

b) the installation cost of any new overhead distribution facilities and/or the cost of alterations to existing distribution facilities which are required in order to serve the Street Lighting System less four (4) times the additional annual non-fuel energy revenue generated by the installation or alteration of the Street Lighting System, plus where underground facilities are installed, the differential installation cost between underground and overhead distribution facilities.

These costs shall be paid by the Customer prior to the initiation of any construction work by FPL. The Customer shall also pay any additional costs associated with design modifications requested after the original estimate has been made.

(Continued on Sheet No. 8.716)

(Continued from Sheet No. 8.715)

REMOVAL OF FACILITIES:

If Street Lighting facilities are removed either by Customer request or termination or breach of the agreement, the Customer shall pay FPL an amount equal to the original installed cost of the removed facilities less any salvage value and any depreciation (based on current depreciation rates as approved by the Florida Public Service Commission) plus removal cost.

MONTHLY RATE:

Luminaire Type		Lamp Size Initial Lumens	Watts	kWh/Mo. Estimate	Charge for FPL-Owned Unit ($) Fixtures	Maintenance	Energy Non-Fuel **	Total ***	Charge for Customer-Owned Unit $) Relamping/ Energy ****	Energy Only
High Pressure Sodium Vapor		6,300	70	29	$3.46	1.62	0.70	5.78	2.35	0.70
" "		9,500	100	41	$3.52	1.63	0.99	6.14	2.65	0.99
" "		16,000	150	60	$3.63	1.66	1.44	6.73	3.13	1.44
" "		22,000	200	88	$5.50	2.12	2.12	9.74	4.25	2.12
" "		50,000	400	168	$5.56	2.13	4.05	11.74	6.19	4.05
	*	12,800	150	60	$3.78	1.86	1.44	7.08	3.30	1.44
" "	*	27,500	250	116	$5.85	2.31	2.79	10.95	5.10	2.79
" "	*	140,000	1,000	411	$8.80	4.14	9.90	22.84	14.12	9.90
Mercury Vapor	*	6,000	140	62	$2.73	1.46	1.49	5.68	2.98	1.49
" "	*	8,600	175	77	$2.77	1.46	1.85	6.08	3.34	1.85
" "	*	11,500	250	104	$4.63	2.11	2.50	9.24	4.65	2.50
" "	*	21,500	400	160	$4.61	2.07	3.85	10.53	5.96	3.85
" "	*	39,500	700	272	$6.52	3.52	6.55	16.59	10.07	6.55
" "	*	60,000	1,000	385	$6.67	3.44	9.27	19.38	12.77	9.27
Incandescent	*	1,000	103	36				6.91	4.17	0.87
"	*	2,500	202	71				7.32	5.03	1.71
"	*	4,000	327	116				8.76	6.21	2.79
Fluorescent	*	19,800	300	122				-	4.70	2.94

* These units are closed to new FPL installations.
** The non-fuel energy charge is 2.408¢ per kWh.
*** Bills rendered based on "Total" charge. Unbundling of charges is not permitted.
**** New Customer installations of those units closed to FPL installations cannot receive relamping service.

Charges for other FPL-owned facilities:

Wood pole used only for the street lighting system	$4.19
Concrete pole used only for the street lighting system	$5.76
Fiberglass pole used only for the street lighting system	$6.81
Steel pole used only for the street lighting system *	$5.76
Underground conductors not under paving	3.29¢ per foot
Underground conductors under paving	8.05¢ per foot

The Underground conductors under paving charge will not apply where a CIAC is paid pursuant to section "a)" under "Customer Contributions." The Underground conductors not under paving charge will apply in these situations.

(Continued on Sheet No. 8.717)

(Continued from Sheet No. 8.716)

On Customer-owned Street Lighting Systems, where Customer contracts to relamp at no cost to FPL, the Monthly Rate for non-fuel energy shall be 2.408¢ per kWh of estimated usage of each unit plus adjustments. On Street Lighting Systems, where the Customer elects to install Customer-owned monitoring systems, the Monthly Rate for non-fuel energy shall be 2.408¢ per kWh of estimated usage of each monitoring unit plus adjustments. The minimum monthly kWh per monitoring device will be 1 kilowatt-hour per month, and the maximum monthly kWh per monitoring device will be 5 kilowatt-hours per month.

During the initial installation period:
Facilities in service for 15 days or less will not be billed;
Facilities in service for 16 days or more will be billed for a full month.

WILLFUL DAMAGE:

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

a) Replace the fixture with a shielded cutoff cobrahead. The Customer shall pay $280.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed after the first occurrence, the Customer shall only pay the $280.00 cost of the shield; or

b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the costs specified under "Removal of Facilities"; or

c) Terminate service to the fixture.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

Conservation Charge	See Sheet No. 8.030.1
Capacity Payment Charge	See Sheet No. 8.030.1
Environmental Charge	See Sheet No. 8.030.1
Fuel Charge	See Sheet No. 8.030.1
Storm Charge	See Sheet No. 8.040
Franchise Fee	See Sheet No. 8.031
Tax Clause	See Sheet No. 8.031

SPECIAL CONDITIONS:

Customers whose lights are turned off during sea turtle nesting season will receive a credit equal to the fuel charges associated with the fixtures that are turned off.

TERM OF SERVICE:

Initial term of ten (10) years with automatic, successive five (5) year extensions unless terminated in writing by either FPL or the Customer at least ninety (90) days prior to the current term's expiration.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.

(Continued from Sheet No. 8.030)

BILLING ADJUSTMENTS (Continued)

RATE SCHEDULE	FUEL ¢/kWh Levelized	FUEL ¢/kWh On-Peak	FUEL ¢/kWh Off-Peak	CONSERVATION ¢/kWh	CONSERVATION $/kW		CAPACITY ¢/kWh	CAPACITY $/kW		ENVIRON-MENTAL ¢/kWh
GSLD-2, CS-2	3.076				0.95			3.05		0.166
GSLD-2 w/SDTR (Jan-May & Oct-Dec)	3.076				0.95			3.05		0.166
GSLD-2 w/SDTR (Jun-Sept)		5.298	2.678		0.95			3.05		0.166
GSLDT-2, CST-2, HLFT-3 (Jan–Mar & Nov–Dec)		3.651	2.869		0.95			3.05		0.166
GSLDT-2, CST-2, HLFT-3 (Apr-Oct)		4.658	2.268		0.95			3.05		0.166
GSLDT-2 w/SDTR (Jun-Sept)		5.298	2.678		0.95			3.05		0.166
GSLDT-2 w/SDTR (Jan-Mar & Nov-Dec)		3.651	2.869		0.95			3.05		0.166
GSLDT-2 w/SDTR (Apr-May & Oct)		4.658	2.268		0.95			3.05		0.166
GSLD-3, CS-3	2.985				1.03			3.35		0.150
GSLDT-3, CST-3 (Jan–Mar & Nov–Dec)		3.540	2.782		1.03			3.35		0.150
GSLDT-3, CST-3 (Apr-Oct)		4.516	2.199		1.03			3.35		0.150
OS-2	3.076			0.211			0.811			0.203
MET	3.076				0.96			3.48		0.183
CILC-1(G) (Jan–Mar & Nov–Dec)		3.691	2.900		1.06			3.50		0.166
CILC-1(G) (Apr-Oct)		4.708	2.293		1.06			3.50		0.166
CILC-1(D) (Jan–Mar & Nov–Dec)		3.650	2.868		1.06			3.50		0.166
CILC-1(D) (Apr-Oct)		4.656	2.267		1.06			3.50		0.166
CILC-1(T) (Jan–Mar & Nov–Dec)		3.540	2.782		1.03			3.38		0.158
CILC-1(T) (Apr-Oct)		4.516	2.199		1.03			3.38		0.158
SL-1,OL-1, PL-1	2.837			0.149			0.254			0.089
SL-2, GSCU-1	3.112			0.192			0.591			0.160

NOTE: The Billing Adjustments for additional Rate Schedules are found on Sheet No. 8.030.2

(Continued on Sheet No. 8.030.2)

STORM CHARGE

The following charges are applied to the Monthly Rate of each rate schedule as indicated and are calculated in accordance with the formula approved by the Public Service Commission.

Cents/kWh			
Rate Schedule	STORM BOND REPAYMENT CHARGE	STORM BOND TAX CHARGE	TOTAL STORM CHARGE
RS-1, RST-1, RSDPR-1	0.027	0.012	0.039
GS-1, GST-1, WIES-1	0.023	0.012	0.035
GSD-1, GSDT-1, HLFT-1, SDTR (21-499 KW)	0.015	0.010	0.025
GSLD-1, GSLDT-1, CS-1, CST-1, HLFT-2, SDTR (500-1,999 KW)	0.014	0.010	0.024
GSLD-2, GSLDT-2, CS-2, CST-2, HLFT-3, SDTR (2000+ KW)	0.011	0.004	0.015
GSLD-3, GSLDT-3, CS-3, CST-3	0.002	0.000	0.002
OS-2	0.095	0.049	0.144
MET	0.017	0.010	0.027
CILC-1(G)	0.014	0.010	0.024
CILC-1(D)	0.011	0.004	0.015
CILC-1(T)	0.002	0.000	0.002
SL-1, PL-1	0.167	0.082	0.249
OL-1	0.170	0.082	0.252
SL-2, GSCU-1	0.011	0.004	0.015
SST-1(T), ISST-1(T)	0.002	0.000	0.002
SST-1(D1), SST-1(D2) SST-1(D3), ISST-1(D)	0.036	0.018	0.054

(Continued on Sheet No. 8.041)

(Continued from Sheet No. 8.030)

FUEL COST AND PURCHASE POWER RECOVERY CLAUSE (FUEL):

The monthly charge of each rate schedule shall be rounded to the nearest .001¢ per kilowatt-hour of sales to reflect the recovery of costs of fossil and nuclear fuels and purchased power (excluding capacity payments) for each kilowatt-hour delivered, including other adjustments. Fuel Costs and Purchased Power Recovery Factors are normally calculated annually, for the billing period of January through December and are adjusted to incorporate changes in costs from one period to the next.

ENERGY CONSERVATION COST RECOVERY CLAUSE (CONSERVATION):

The monthly charge of each rate schedule shall be rounded to the nearest .001¢ per kilowatt-hour of sales to reflect the recovery of conservation related expenditures by the Company. The Company shall record both projected and actual expenses and revenues associated with the implementation of the Company's Energy Conservation Plan as authorized by the Commission. The procedure for the review, approval, recovery and recording of such costs and revenues is set forth in Commission Rule 25-17.015, F.A.C. Energy Conservation Cost Recovery Factors are normally developed annually, for the billing period of January through December and are adjusted to incorporate changes in costs from one period to the next.

CAPACITY PAYMENT RECOVERY CLAUSE (CAPACITY):

The monthly charge of each rate schedule shall be rounded to the nearest .001¢ per kilowatt-hour of sales or $.01 per kilowatt of demand to reflect the recovery of capacity costs of purchased power, including other adjustments. Capacity Payment Recovery Factors are normally calculated annually, for the billing period of January through December and are adjusted to incorporate changes in costs from one period to the next.

For non-demand rate schedules, the Capacity Payment Charge shall be applied to the customer's total kWh. For Demand rate schedules (other than those listed below), the Capacity Payment Charge shall be applied to the customer's billing demand as specified by the rate schedule. For Rate Schedule CILC-1, the Capacity Payment Charge shall be applied to the customer's On-peak demand. For Rate Schedules SST-1 and ISST-1, the Capacity Reservation Demand Charge (RDC) and Daily Demand Charge (DDC) shall be applied to the On-Peak Standby Demand and the Contract Standby Demand as described in sections (2) and (3) of Demand Charge for each rate schedule.

ENVIRONMENTAL COST RECOVERY CLAUSE (ENVIRONMENTAL):

The monthly charge of each rate schedule shall be rounded to the nearest .001¢ per kilowatt-hour of sales to reflect the recovery of environmental compliance costs as approved by the Florida Public Service Commission. The Environmental Cost Recovery Factor is normally calculated annually, for the billing period of January through December and are adjusted to incorporate changes in costs from one period to the next.

FRANCHISE FEE CLAUSE:

The Monthly Rate of each rate schedule is increased by the specified percentage factor for each franchise area as set forth in the Franchise Fee Factors which are incorporated by reference as part of this clause and as filed with the Florida Public Service Commission. This percentage factor shall be applied after other appropriate adjustments.

TAX ADJUSTMENT CLAUSE:

The Tax Adjustment Clause shall be applied to the Monthly Rate of each filed rate schedule as indicated with reference to adjustment.

Plus or minus the applicable proportionate part of any taxes and assessments imposed by any governmental authority below or in excess of those in effect on the effective date hereof, which are assessed on the basis of the number of meters; the number of customers; the price of electric energy or service sold; revenues from electric energy or service sold; or, the volume of energy generated or purchased for sale or sold.

Such taxes and assessments are to be reflected on the bills of only those customers within the jurisdiction of the governmental authority imposing the taxes and assessments.

(Continued on Sheet No. 8.032)

Michael J. Czymbor

From: Keene, Patricia <Patricia.Keene@dot.state.fl.us>
Sent: Monday, April 22, 2013 10:16 AM
To: Michael J. Czymbor
Subject: FW: City of Palatka - 2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION
Attachments: Exhibit B.pdf; EXHIBIT A.DOC; Damage and Outage Report.doc

Please submit the FY13/14 documents as soon as possible. Thank you Pat

Pat Keene
FDOT District 2 Utilities
1109 S. Marion Avenue - MS2024
Lake City, FL 32024-5874
Office - (386) 758-3733
Fax - (386) 758-3736
patricia.keene@dot.state.fl.us

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Sent: Monday, March 18, 2013 4:09 PM
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Subject: FW: City of Palatka - 2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION

Pat Keene
FDOT District 2 Utilities
1109 S. Marion Avenue - MS2024
Lake City, FL 32024-5874
Office - (386) 758-3733
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patricia.keene@dot.state.fl.us

From: Keene, Patricia
Sent: Tuesday, March 05, 2013 7:55 AM
To: 'mczymbor@palatka-fl.gov'
Subject: City of Palatka - 2013/14 STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION

Maintaining Agency:

The Department of Transportation has reviewed the proposed budget allocation for the upcoming fiscal year which runs from July 2013 through June 2014 for the STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION program. The Department has determined that you are currently eligible for 192 street lights x .9 x $244.00) = **$42,163.20** under this program for the next fiscal year (see Exhibit B). The 90% multiplier used in the new formula shown in Exhibit B comes from paragraph 1. b. in your agreement which states that a minimum of 90% of the lights shall be operating and properly functional.

In order for timely processing, the Department requires that you return Exhibit "A" and Damage and Outage Report for the street lights that you are maintaining on the state highway system on or before **April 13, 2013**.

Agenda Item

3b

CITY of Palatka FLORIDA

CITY COMMISSION AGENDA ITEM

SUBJECT: A resolution of the City of Palatka, Florida, approving the shortlist of qualified Engineering, Architectural, Geo-technical, Landscape Architectural, and water quality program consultants and authorizing negotiation of continuing services contracts with short-listed respondents in ranked categories

DEPARTMENT: City Hall

ATTACHMENTS: ☐ Ordinance ☒ Resolution ☐ Motion
☒ Support Documents ☐ Other

SUMMARY: On February 13, 2013 the City of Palatka received 29 responses to RFQ #13-00 for continuing Engineering, Architecture, Landscape Architecture and Surveying services. A committee comprised of City staff evaluated the respondents based upon the evaluation criteria and determined the attached short-list of respondents. As you can see, the committee did not recommend short-listing general surveying and structural engineering services.

This request is for authorization to negotiate Continuing Services Contracts with several firms to give the City flexibility to select the firm deemed best suited for or in the best interest of a particular project on an as needed basis. Any future project specific Task Order or will be processed and approved in accordance with the City's procurement policy. A list of recommended short-listed firms is attached.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9- _____ approving the shortlist of qualified Engineering, Architectural, Geo-technical, Landscape Architectural, and water quality program consultants, and authorizing the City Manager to begin negotiations with approved short-listed qualified respondents in those ranked categories.

DEPARTMENT HEAD	Submitted: Jonathan Griffith Requested Agenda: Consent	Date: 04-30-13 Date: 05-09-13
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☒ N/A	Date: _____
CITY ATTORNEY	Approved as to Form and Correctness	Date: _____
CITY MANAGER	Approved Agenda Item For:	Date: 4/30/13

COMMISSION ACTION: ☐ Approved as Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐CA ☐CC ☐CM ☐CD ☐FI ☐FD ☐GC ☐HR ☐MD ☐PD ☐PR ☐UD

RESOLUTION No. 2013 – 9 - 110

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, APPROVING THE SHORTLIST OF QUALIFIED ENGINEERING, ARCHITECTURAL, GEO-TECHNICAL, LANDSCAPE ARCHITECTURAL, AND WATER QUALITY PROGRAM CONSULTANT PER RFQ 13-001; AND AUTHORIZING THE CITY MANAGER TO BEGIN CONTRACT NEGOTIATIONS WITH THE SHORT-LISTED RESPONDING QUALIFIED PROVIDERS ACCORDINGLY

WHEREAS, on February 15, 2013, the City of Palatka (the **City**) issued Request for Qualifications 13-001 (the **RFQ**) for continuing Engineering, Architecture, Landscape Architecture and Surveying services; and

WHEREAS, on March 20, 2013 the City received twenty-nine (29) responses to the **RFQ**, which have been reviewed by staff; and

WHEREAS, staff recommends the shortlisted qualified firms as listed in Exhibit A, attached hereto; and

WHEREAS, the City wishes to negotiate Continuing Services Contracts with these firms to give the City flexibility to select the firm deemed best suited for a particular project as needed; and

WHEREAS, any future specific Task Orders will be processed and approved in accordance with the City's procurement policy; and

WHEREAS, there is no guarantee of future work to any or all firms; and

WHEREAS, the **City** deems it reasonable and necessary approve the shortlisted firms.

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

1. That the shortlisted firms listed in Exhibit A attached hereto are hereby approved as the most qualified to provide the services of Engineering, Architecture, Water Quality and Landscape Architecture; and

2. That the City Manager is hereby authorized to negotiate contracts for Continuing Services with the shortlisted firms, provided such agreements are approved as to form and legal sufficiency by the City Attorney.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 9th day of May, 2013.

Exhibit A

Request for Qualifications (RFQ) 13-001
CONTINUING ENGINEERING, ARCHITECTURE, LANDSCAPE ARCHITECTURE AND SURVEYING SERVICES

RFQ-1 General Civil Engineering

1. Ayres & Associates
2. Rudd Jones Engineering
3. Zev Cohen & Associates
4. Passero & Associates
5. CPH

RFQ-2 General Surveying and Aerial Mapping Services Consultant

Given the limited responses received from surveying companies and that surveying is typically subcontracted through other disciplines, no shortlist was determined.

RFQ-3 Geotechnical Testing and Construction Inspections and Testing Services

1. Universal Engineering
2. AMEC
3. CSI
4. Passero & Associates
5. Casseaux Hewitt & Walpole

RFQ-4 Water quality program consultant including potable, sanitary and storm water

1. Ayres & Associates
2. Rudd Jones Engineering
3. Mittauer Engineering
4. Stone Engineering
5. Casseaux Hewitt & Walpole

RFQ-5 Architecture

1. Robert Taylor, AIA
2. CRG Architects
3. Smith McCrary
4. SVM
5. Rispoli & Associates

RFQ-6 Landscape Architecture

1. Marquis Halback
2. Rudd Jones Engineering
3. Zev Cohen & Associates
4. CPH
5. Tillman & Associates

RFQ-7 Structural Engineering

Given the limited responses received from structural engineering companies and that structural engineering is typically subcontracted through other disciplines, no shortlist was determined.

City of Palatka Bid/Response to RFQ

Date March 20, 2013; 3:00 p.m.

Job Title Continuing Professional Services Engineering, Architectural, Landscape, Surveying

Opened by: Peggy Campbell, Assistant City Clerk

Department: Jonathan Griffith, Project/Grants Mgr.

Read by: Betsy Driggers, City Clerk

Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
1. Akel, Logan Shafer Palatka, FL						X		
2. AMEC Palatka, FL				X				
3. Architecture Studio Ocala, FL						X		
4. Ayres Associates Palatka, FL		X	X		X			X
5. Bradshaw-Niles & Associates St. Augustine, FL			X					
6. Causseaux, Hewett & Walpole Gainsville, FL		X	X	X	X			

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Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
7. CPH Palm Coast, FL		X	X		X	X	X	
8. CRG Palatka, FL						X		
9. CSI Jacksonville, FL		X		X				
10. Geomatics St. Augustine, FL			X					
11. Anthony Harwell Palatka, FL						X		

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Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
12. Johnson Smith Architects Ocala, FL						X		
13. KAIL Partners Gainesville, FL						X		
14. Marquis Halback Palatka							X	
15. Matthews Design Group St. Augustine, FL		X						
16. McLaren Engineering Palatka, FL		X						X

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Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
17. Mittauer & Associates, Inc. Orange Park, FL		X			X			X
18. PPM Consultants Palatka, FL		X	X			X	X	
19. Passero Associates St. Augustine, FL		X		X		X		
20. RMA Jacksonville, FL			X					
21. Rispoli Associates Ocala, FL						X		

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Read by: Betsy Driggers, City Clerk

Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
22. Universal Engineering Gainesville, FL				X				
23. Zev Cohen St. Augustine, FL		X					X	
24. Tilman & Associates Ocala, FL							X	
25. Smith McCrary Jacksonville, FL						X		
26. SVM Gainesville, FL						X		

City of Palatka Bid/Response to RFQ

Date March 20, 2013; 3:00 p.m.

Job Title Continuing Professional Services Engineering, Architectural, Landscape, Surveying

Opened by: Peggy Campbell, Assistant City Clerk

Department: Jonathan Griffith, Project/Grants Mgr.

Read by: Betsy Driggers, City Clerk

Bidder/Respondent Name	Acknowledge Addendums? No. ____	General Civil	Surveying & Aerial Mapping	Geo-Technical	Water Quality Consult	Architect.	Landscape Architect.	Structural Engineering
27. Stone Engineering Jacksonville, FL		X			X			
28. Rudd Jones Palatka, FL		X	X		X	X	X	
29. Robert Taylor Palatka, FL						X		

Agenda Item

3c

CITY COMMISSION AGENDA ITEM

SUBJECT: **Palatka Firefighters' Pension Board Appointment**

DEPARTMENT: **Admin/Clerk**

ATTACHMENTS: ___ Ordinance ___ Resolution ___ Motion
__x__ Support Documents ___ Other

SUMMARY: There is currently one opening on the Palatka Firefighters' Pension Board. This opening is due to one member, James White, declining reappointment to the Board. Of the five members of this Board, two are elected Pension members, two are City Commission appointees, and one is known as the "5th Member," who is chosen by the other four members. The current vacancy is for one of the two City Commission appointees.

Mr. Randall L. (Randy) Porter has applied for appointment to this Board. Mr. Porter lives inside the city limits, which is a requirement. He is also a retired (former) member of the Plan. Florida Statutes, Sec.175.061, sets forth the membership of Firefighter Pension Boards of Trustees and does not specifically exclude retired firefighters (former members of the Plan) from serving on Firefighter Pension Boards as either a Commission Appointee or 5th Member. I have attached a copy of this section of the Statute.

Mr. Porter is aware of this Board's duties, function, fiduciary responsibilities and meeting requirements and has indicated his desire to serve, based upon his application for appointment, which follows this Summary.

RECOMMENDED ACTION: Appoint Randall L. (Randy) Porter to the Palatka Firefighters' Pension Board as one of two City Commission appointees for the remainder of a two-year term to expire January, 2015.

DEPARTMENT HEAD	Submitted: Betsy Driggers, City Clerk	Date: 04-15-13
	Requested Agenda Consent	Date: 04-25-13
FINANCE DEPARTMENT	Budgeted ___Yes ___No ___N/A	Date:
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 04/30/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
CITY OF PALATKA
FLORIDA

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

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Fire Fighter's Pension Board **Board.**
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Randall L. Porter **(Must be at least 18 yrs. old)**
Residence (911 Address) 602 Fern St. - Palatka **Phone:** 328-7548 **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: PO Box 2464 Palatka, Fl. 32178

E-mail: Fire23PFDRLPO@Hotmail.com **Daytime Phone:** 386-972-0003

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)
Retired Battalion Chief Palatka FD - 32.8 Years

OTHER COMMENTS OR INFORMATION:

AGREEMENT: by filing this document, I 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 within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

[signature] 03/08/13
SIGNATURE OF APPLICANT **DATE**

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Select Year: 2012 Go

The 2012 Florida Statutes

Title XII
MUNICIPALITIES

Chapter 175
FIREFIGHTER PENSIONS

View Entire Chapter

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) In each municipality and in each special fire control district there is hereby created a board of trustees of the firefighters' pension trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(a) The membership of the board of trustees for a chapter plan consists of five members, two of whom, unless otherwise prohibited by law, must be legal residents of the municipality or special fire control district and must be appointed by the governing body of the municipality or special fire control district, and two of whom must be full-time firefighters as defined in s. 175.032 who are elected by a majority of the active firefighters who are members of such plan. With respect to any chapter plan or local law plan that, on January 1, 1997, allowed retired firefighters to vote in such elections, retirees may continue to vote in such elections. The fifth member shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to the governing body of the municipality or special fire control district. Upon receipt of the fifth person's name, the governing body of the municipality or special fire control district shall, as a ministerial duty, appoint such person to the board of trustees. The fifth member shall have the same rights as each of the other four members, shall serve as trustee for a period of 2 years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of 2 years, unless sooner replaced by the governing body at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each firefighter member shall serve as trustee for a period of 2 years, unless he or she sooner leaves the employment of the municipality or special fire control district as a firefighter, whereupon a successor shall be chosen in the same manner as an original appointment. Each firefighter may succeed himself or herself in office. The terms of office of the appointed and elected members may be amended by municipal ordinance, special act of the Legislature, or resolution adopted by the governing body of the special fire control district to extend the terms from 2 years to 4 years. The length of the terms of office shall be the same for all board members.

(b) The membership of boards of trustees for local law plans shall be as follows:

1. If a municipality or special fire control district has a pension plan for firefighters only, the provisions of paragraph (a) apply.

2. If a municipality has a pension plan for firefighters and police officers, the provisions of paragraph (a) apply, except that one member of the board must be a firefighter and one member of the board must be a police officer as defined in s. 185.02, respectively elected by a majority of the active firefighters or police officers who are members of the plan.

3. A board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the firefighters, or firefighters and police officers, if included, to determine whether a plan is to be established for firefighters only, or for firefighters and police officers where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality or fire control district shall enact an ordinance or resolution to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets attributable to firefighters, or firefighters and police officers where included. Such assets include all employer, employee, and state contributions made by or on behalf of firefighters, or firefighters and police officers where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to a board of trustees operating a local law plan on June 30, 1986, this paragraph does not permit the reduction of the membership percentage of firefighters, or of firefighters and police officers where a joint or mixed fund exists. However, for the sole purpose of changing municipal representation, a municipality may by ordinance change the municipal representation on the board of trustees operating a local law plan by ordinance, only if such change does not reduce the membership percentage of firefighters, or firefighters and police officers, or the membership percentage of the municipal representation.

(c) Whenever the active firefighter membership of a closed chapter plan or closed local law plan as provided in s. 175.371 falls below 10, an active firefighter member seat may be held by either a retired member or an active firefighter member of the plan who is elected by the active and retired members of the plan. If there are no active or retired firefighters remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active firefighter seat. Upon receipt of such person's name, the legislative body of the municipality or special fire control district shall, as a ministerial duty, appoint such person to the board of trustees. This paragraph applies only to those plans that are closed to new members under s. 175.371(2), and does not apply to any other municipality or fire control district having a chapter or local law plan.

(2) The trustees shall by a majority vote elect from their number a chair and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by Florida law.

(3) The board of trustees shall meet at least quarterly each year.

(4) Each board of trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(5) In any judicial proceeding or administrative proceeding under chapter 120 brought under or pursuant to the provisions of this chapter, the prevailing party shall be entitled to recover the costs thereof, together with reasonable attorney's fees.

(6) The provisions of this section may not be altered by a participating municipality or special fire control district operating a chapter plan or local law plan under this chapter.

(7) The board of trustees may, upon written request of the retiree of the plan, or by a dependent, if authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment funds that are necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the

governmental entity, and to make any payments for child support or alimony. Upon the written request of the retiree of the plan, the board may also authorize the plan administrator to withhold from the retirement payment those funds necessary to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents. A retirement plan does not incur liability for participation in this permissive program if its actions are taken in good faith.

History.—s. 1, ch. 63-249; s. 2, ch. 81-168; s. 3, ch. 86-41; s. 15, ch. 93-193; s. 919, ch. 95-147; s. 5, ch. 99-1; s. 3, ch. 2002-66; s. 7, ch. 2004-21; s. 4, ch. 2009-97; s. 5, ch. 2011-216.

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Betsy Driggers

From: Michael J. Czymbor
Sent: Friday, May 03, 2013 9:56 AM
To: Betsy Driggers
Subject: RE: Pension Board Trustee Eligibility

Very good. Go ahead and submit with CC item. Thanks.

Michael J. Czymbor ICMA-CM
City Manager
City of Palatka, FL
386-329-0104

From: Betsy Driggers
Sent: Friday, May 03, 2013 8:55 AM
To: Michael J. Czymbor
Subject: FW: Pension Board Trustee Eligibility

FYI below

Betsy Jordan Driggers, CMC
City Clerk, City of Palatka
Ph. 386-329-0100 ext 211
Fax 386-329-0199

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This e-mail and any files transmitted with it are intended solely for the recipient(s) to whom it is addressed.

From: Bonni S. Jensen [mailto:bsjensen@perryjensenlaw.com]
Sent: Friday, May 03, 2013 8:55 AM
To: Betsy Driggers
Cc: Thepensionteam@perryjensenlaw.com
Subject: Re: Pension Board Trustee Eligibility

Betsy,

The retired firefighter can serve as one of the City appointed Trustees provided that he is a resident of Palatka and the City Council appoints him. These are the only requirements for the City seat - see the below excerpts from the Plan document and the state statutes. I believe that at one time there was a proposed amendment to the law that excluded retirees, but it is not a part of the law and I do not believe that it ever was a part of the law.

It has been some time since I reviewed your document and there have been changes to the state law impacting your plans. It has also been some time since I met with the Board to discuss any issues. Please let me know if there are items that you would like to have addressed.

Plan document provision:

Sec. 2-250.25. - Board of trustees—Authority and responsibility; composition; term of office; oath of office; vacancies.

(a) The administration, management and responsibility for the proper operation of the retirement plan, and for interpreting and making effective the provisions of the retirement plan are vested in a board of trustees.

(b) The board of trustees shall consist of the following five individuals:

(1) Two individuals who are legal residents of the City of Palatka shall by selected by and to serve at the pleasure of the city commission;

(2) Two full-time firefighters elected by a majority of the active full-time firefighters who are members of the plan;

(3) One individual chosen by a majority of the previous four members. Such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission, as a ministerial duty, shall appoint such person to the board of trustees.

As you know, **Florida Statutes 175.061** provides virtually identical language:

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) In each municipality and in each special fire control district there is hereby created a board of trustees of the firefighters' pension trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(a) The membership of the board of trustees for a chapter plan consists of five members, **two of whom, unless otherwise prohibited by law, must be legal residents of the municipality or special fire control district and must be appointed by the governing body of the municipality or special fire control district**, and two of whom must be full-time firefighters as defined in s. 175.032 who are elected by a majority of the active firefighters who are members of such plan. With respect to any chapter plan or local law plan that, on January 1, 1997, allowed retired firefighters to vote in such elections, retirees may continue to vote in such elections. The fifth member shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to the governing body of the municipality or special fire control district.

TO SEND MAIL TO MY ENTIRE TEAM, PLEASE RESPOND TO THEPENSIONTEAM@PERRYJENSENLAW.COM

Bonni S. Jensen <bsjensen@perryjensenlaw.com>
Law Offices of Perry & Jensen, LLC
400 Executive Center Drive, Suite 207
West Palm Beach, Florida 33401
Telephone: (561)686-6550
Facsimile: (561)686-2802

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cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

On 5/1/2013 2:58 PM, Betsy Driggers wrote:

> Good afternoon Ms. Jensen,
>
> We have a retired firefighter that has applied for appointment to the Firefighters' Pension Board as one of the two City Commission appointees. He is no longer an active member of the Plan, but is drawing benefits.
>
> I have checked FS 175.061 for anything that excludes him from serving as a City Commission Appointee. My City Manager said he thought he recalled changes made a few years ago wherein the legislature changed the statute to exclude anyone currently receiving retirement benefits from serving as a Trustee.
>
> Can you advise?
>
> Thanks so much,
>
> Betsy Jordan Driggers, CMC
> City Clerk
> City of Palatka
> 201 N. 2nd Street
> Palatka FL 32177
> Ph. 386-329-0100 ext 211
> Fax 386-329-0199
> bdriggers@palatka-fl.gov
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Agenda Item

4

CITY COMMISSION AGENDA ITEM

SUBJECT: Board and Committee Update – Staff Presentations

DEPARTMENT: Administrative/City Hall/Clerk

ATTACHMENTS: ___ Ordinance ___ Resolution ___ Motion
_X_ Support Documents ___ Other

SUMMARY: A request was made at the 4/25/13 City Commission meeting to provide an update on all Boards and Committees, as well as vacancies.

Attached is a listing of all boards and committees wherein the Palatka City Commission has the authority to appoint its members. Most of these Boards are either statutory, quasi-judicial or set up by resolution. Some are boards governing separate entities, but the Legislature has given the Palatka City Commission the authority to appoint its members, as these Boards are set up under the" umbrella" of the City of Palatka. Board member qualifications are also shown on this listing. A separate list of all current Board members and their respective terms are shown on a list following.

The following members of Staff will present a power-point presentation on those boards relative to their respective departments:

Thad Crowe, Planning Director	Board of Rules & Appeals Historic Preservation Board Board of Zoning Appeals Planning Board
Police Chief Gary Getchell	Code Enforcement Board
Andy Hertz, Golf Course Mgr.	Golf Course Advisory Board
John Youell, Airport Mgr.	Airport Advisory Board
Jonathan Griffith	Citizens Advisory Task Force Tree Committee
Michael J. Czymbor, City Mgr.	Gen., Police & Fire Pension Bds.

The Commission also sits as five members of the CRA, and is up to date on those activities. Palatka Gas Authority Board governs activities of and sets policy for the Palatka Gas Authority, and Palatka Housing Authority Board governs activities of and sets policy for the Palatka Housing Authority. These are two boards that have been considered separate entities; however, the Palatka Gas Authority Board meetings are attended by the City Manager, who is an ad hoc member of that Board.

The Putnam County Library Board is not a City of Palatka Board; however, the County has given the City Commission the authority to appoint four members to that Board.

RECOMMENDED ACTION: None required – report only.

DEPARTMENT HEAD	Submitted: Betsy J. Driggers, City Clerk Requested Agenda Regular	Date: 05/01/13 Date: 05/09/13
FINANCE DEPARTMENT	Budgeted ___Yes ___No __N/A	Date:
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 5/3/13

COMMISSION ACTION:

___ Approved as Recommended
___ Approved With Modification
___ Other
___ Disapproved
___ Tabled To Time Certain

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

BOARD AND COMMITTEE RESIDENCY REQUIREMENTS
BY BOARD/COMMITTEE
Updated 5/1/13

The following is a list of Boards & Committees and their residency requirements:

Board of Rules & Appeals: Section 18 – 31(b): "Each of the members shall have at least 10 years of continuous, responsible experience in his respective field and, with the exception of the chief building official, **shall have an established business in the city;** provided that it shall not be required that such substituted member (see Sec. 18-31-(a) - any technically qualified disinterested person regardless of occupation) shall have an established business in the City." Membership is tied to profession. This is a statutory board. **No residency requirement.** *Meets as required.*

Palatka Gas Authority: Sec. 154 – **"Every person appointed as a member of said authority shall, at the time of the appointment, be a qualified elector of the City,** and any member of the authority who ceases to possess any of the qualifications herein specified shall immediately forfeit his office. . ." *Meets 1st Monday of mo at 6pm*

Palatka Housing Authority: Senate Bill #631 made into law 5/30/63, page 16, states, **"Any person may be appointed as commissioner if they reside within the area of operation of the Agency** (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this Act." FS Ch.421.03 Definitions – 6(a) - Area of Operation: **"In the case of a housing authority of a city having a population of less than 25,000, shall include such city and the area within 5 miles of the territorial boundaries thereof;. . ."**
Meets bi-monthly on the 2nd Thursday at 12:15 p.m at PHA Offices.

Palatka Historic Preservation Board: Sec. 54-76 – **"Members shall be selected on the basis of their interest in preserving historic districts**. . ." Membership tied to differing positions, i.e. property owner in historic districts, representatives of certain professions and member of the Putnam Co. Historical Society. **No residency requirement.** *Meets 1st Thursday of mo at 4:00pm*

Library Board – this is a County Board; 4 positions are recommended for appointment by the City. The Commission has traditionally appointed city residents to these four positions. **No statutory residency requirement.** *Meets bi-monthly on 3rd Monday at 3:45 pm*

Board of Zoning Appeals – Sec. 94-61 (a – d), "Established; membership; removal of members; officers." The Palatka City Commission has a policy to appoint only **City Residents, whenever possible,** to this board. Statutory Board.
Meets 2nd Tues. of mo at 4 pm

Code Enforcement Board – Sec. 2-284 (a) states ". . .**All members of the Board shall be residents of the City."** Statutory Board. *Meets 4th Wed. of mo at 4 pm*

Planning Board – Sec. 54-33 states ". . .**It is not a necessary qualification for service on the city planning board that the appointee shall be a qualified elector of the city**. " Statutory Board. No residency requirement. *Meets 1st Tues. of mo at 4pm*

General Pension Board - Sec. 2-185 (a)(4) – Total of five members - "**One citizen of the city** having financial experience and background, to be appointed by the City Commission." **No residency requirement for other four members**. Statutory Board.
Meets Quarterly on 3rd Tues at 10 a.m.

Firefighter and Police Pension Boards – Sec. 2-250.25 (a)(1) – Total of five members – "**Two individuals who are legal residents of the City of Palatka** shall be selected by and to serve at the pleasure of the City Commission." **No residency requirement for the other three members.** Statutory board - membership requirements dictated by state statute.
Meets Quarterly on 3rd Tues; Police at 1:30 p.m.; Fire 3:30 p.m.

Community Redevelopment Agency – Set up by Resolution - City Commission plus two additional members – residency requirement for all but 1 additional member (Pres. Of DPI, Inc.). Agency actions governed by statute.
Meets 2nd Thurs. bi-monthly of even months at 5:00 p.m.

Golf Course Advisory Board – five members -- **Residency required for City Commission appointee only;** no residency requirements for club-appointed members; are tied to a club membership. There are no at-large positions.
Meets 4th Thurs @ 2:30 @ Golf Course

Tree Committee – Sec. 94-293 – ". . .One commissioner and six citizens who will serve at the pleasure of the commission." **No residency requirement.**
Meets 2nd Monday of mo at 4 p.m.

Airport Advisory Board – All positions tied to professional or aviation affiliations. **No residency requirement.** *Meets 1st Wed at noon @ Airport*

Citizens' Advisory Task Force – 5 Members are City residents – appointed for each CDBG grant cycle per federal requirement *Meets as required*

Better Place Plan Committee – Set up by Resolution – 5 members, each member represents one "zone" and lives or owns a business in that zone. All residents. One member appointed to Putnam County Better Place Plan Committee per County Ordinance. *Meets as required*

It is the policy of the Palatka City Commission to give preference to any applicant that is a resident of the City.

The following boards have no active members; these Boards have been inactive for a number of years, but have not been decommissioned.

Police Alarm Review Board – Only one position tied to City residency. The rest are tied to business or professional representation. *Meets as necessary*

Nuisance Abatement Board – must be resident of City. One position is an attorney with trial experience. *Meets as required*

CITY OF PALATKA BOARD/COMMITTEE LIST

Updated: 4/30/13

	TERM EXPIRES
BOARD OF RULES & APPEALS - 5 members; 5-yr. terms (ord.)	
(Appointed by City Manager) Meets as necessary	
Jeff Rawls (Builder)	Jan. 2017
Vacant (Plumbing)	Jan. 2018
David Dwyer (HARV)	Jan. 2014
George Preston (Electric)	Jan. 2015
Don Kitner (Gas)	Jan. 2016
Bruce Nelsen (Building Official)	
GAS AUTHORITY BOARD - 5 members; 3-yr. terms (charter Sec. 153 – Related Law)	
1st Thursday 7:00 PM at Gas Authority Bldg., 518 Main St.	
Ted MacGibbon	Jan. 2016
Jud Neufeld	Jan. 2016
James Vickers	Jan. 2014
Charles Rabun	Jan. 2015
Marc Spalding	Jan. 2015
GOLF COURSE ADVISORY BOARD (annual appt for PGA reps)	
David Cox (PMGA President)	Jan. 2014
Greg Jungenberg (PMGA Designee)	Jan. 2014
Joy Langston (PWGA President)	Jan. 2014
Genevieve Alvers (PWGA Designee)	Jan. 2014
Jeffrey Elledge (Commission Appointee – 3 yr term)	Jan. 2016
Phil Leary (Commission Liaison)	
GENERAL PENSION BOARD - 5 members; 2-yr. terms for trustees (ord. #89-8); increased membership to 7 (ord. #94-16)*; removed firefighters & police 10/1/99	
Melvin Register - Gen. rep. (elected 1/09)	Dec. 2014
Commissioner James Norwood - apptd. by Comm 1/04(Chmn)	Jan. 2015
Skip Lorenzen (appt. by comm. 2/14/02)	Jan. 2014
John H. Jones (Appt. by Comm.)	Jan. 2014
City Manager, Michael J. Czymbor (Secretary by ordinance)	
FIREFIGHTERS PENSION BOARD – 5 members; 2-year terms (ord. creating 10-1-99 Sec. 2.250.25)	
Phil Leary (Commission Appointee – 1/2011)	Jan. 2015
(Randy Porter – Pending) - Comm. Appointee	Jan. 2015
Mark Lynady – firefighter rep/Chairman (elected 8/99)	Jan. 2014
Marvin Carter – firefighter rep (elected 9/12)	Jan. 2014
Arthur "Art" Leary - 5th member – (Appt. 1/12/12)	Jan. 2014

POLICE PENSION BOARD – 5 members; 2 yr. Terms (ord. Creating 10-1-99)

Scott Reinhold – Police Rep (5/2004)	Dec. 2013
James Griffith – Police Rep (5/2000)	Dec. 2014
Charles Myers III – 5th member (9/2008)	Dec. 2014
Timothy Parker (Comm. Appointee) (11/11/04)	Dec. 2014
Vernon Myers – Chairman (Comm Appointee)	Jan. 2015

HOUSING AUTHORITY - 5 members; 4-yr. terms (Legislative Act)*

Bi-monthly 2nd Thursday of the month at 12:15 PM PHA Office

Dr. Gilbert L. Evans (3/04)	Apr. 12, 2017
Emily Blevins (6/07)	Apr. 12, 2017
Brenda Bivens	Apr. 12, 2014
Christine Bolden	Apr. 12, 2015
Marshall Fulghum (3/06)	Apr. 12, 2016
Exec. Dir. John Nelson	

* Dual office holding statute does not apply to this board, considered 'special district', per attorney Jan. '02

PALATKA HISTORIC PRESERVATION BOARD - 8 memb.; 3-yr. terms (Ord. Sec. 54-76)

1st Thursday 4:00 PM City Hall

Robert C. Goodwin (Architect)	June 2013
Elizabeth VanRensburg (N. Historic Dist.)	June 2013
Roberta Correa (S. Historic Dist.)	June 2013
Gilbert Evans, Jr. (Attorney)	June 2014
Lynda Little Crabill (Real Estate Broker)	June 2014
Laura Schoenberger (Alternate)	June 2014
Larry Beaton (Historic Society)	June 2015
Gary Graffweg (Contractor)	June 2015

LIBRARY BOARD - Transferred to County per Agreement dated 1/27/87

(City submits nominations for four (4) members of the Board to the County Commission for their approval and appointment. Original 5-year terms changed to *3 years by County ordinance. *Term limits – 2 consecutive terms*

Sara Pines	June 30, 2013
Ruth Benjamin	June 30, 2013
Adam Bujak	June 30, 2014
Alice F. Adams	June 30, 2015

BOARD OF ZONING APPEALS - 7 members; 5-yr. terms (ord.)

Meets 2nd Thursday at City Hall - 4:00 PM

Betty Willis	July 2014
Rufus Borom	July 2015
Marcia Lane	July 2016
Ellsworth Lowery Taylor, III	July 2016
Eddie Collins	July 2017
Cleveland Hobbs	July 2017
Blanch Rogers	July 2017

CODE ENFORCEMENT BOARD - 7 members; 2 alternates 3-yr. terms (Ord. Sec. 2-284)
Meets 4th Wednesday at City Hall - 4:00 PM

LaSandra Williams (Business)	Sept. 2015
Johnny Maurice Brown (Alt. #2)	Sept. 2015
Vacant (Subcontractor)	Sept. 2015
Vacant (Real Estate Rep.)	Sept. 2013
Pat A. Wilson (Engineering Rep.)	Sept. 2013
Michael Gagnon (General Contractor)	Sept. 2013
Leroy Miles, III (Attorney)	Sept. 2014
Johnny Maurice Brown (Business)	Sept. 2014
John A. Lyon (Alt. #1)	Sept. 2014
Vacant (Architect)	Sept. 2014

PLANNING BOARD - 9 members; 3-yr. terms (charter) Ord. 2-___ rev.12-12-02
Meets 1st Tuesday at City Hall - 4:00 PM adds non-voting Sch. Bd. Rep.

Joe Pickens	Dec. 31, 2013
George DeLoach	Dec. 31, 2013
Carl L. Stewart	Dec. 31, 2013
Daniel Sheffield	Dec. 31, 2014
Judith A. Gooding	Dec. 31, 2014
Joseph M. Petrucci	Dec. 31, 2014
Lavinia Moody	Dec. 31, 2015
Anthony "Skip" Harwell	Dec. 31, 2015
Earl Wallace	Dec. 31, 2015

Michael Pegg (School board rep – non voting – added 12/12/02 – indef. Term)

NUISANCE ABATEMENT BOARD (Sec.46-254) – three year terms

Marriet "Ann" Keys	(Appt. 11-08-06)	Dec. 31, 2012
David Franke	(Appt. 11-08-06)	Dec. 31, 2012
Lucy Visnaw	(Appt. 12-14-06)	Dec. 31, 2012
Vacancy		Dec. 31, 2013
Vacancy		Dec. 31, 2013

PUTNAM COUNTY BETTER PLACE PLAN OVERSIGHT COMMITTEE:
3-yr term beginning January 1

02/10/11	Dr. Richard Perallon	Dec. 14, 2014

(City of Palatka appoints one member representative)

COMMUNITY REDEVELOPMENT AGENCY (CRA)
City Commission

Alex Sharp – Downtown Palatka Inc. President	Dec. 31, 2014
Karl N. Flagg – County Commissioner District 3	Dec. 31, 2016

(Set up by Resolution #4-12 11/10/83; amended to add 2 add'l members 12/15/98)
DISSOLVED AND RECREATED AS CRA BY RESOLUTION 8-66 on 2/11/10
Amended membership/terms by Resolution 2013-9-87

ADVISORY BOARDS/COMMITTEES – NO SET TERMS

TREE COMMITTEE
One Commissioner and *six citizens to serve at the pleasure of the Commission. Meetings on 2nd Monday each month @ 4:00 (*Ordinance 18-1/2 - 6 amended from four 2/26/98)

Kay Deubin (Chair)
Carolyn Burde Smith
Keith Valentine
Earl Wallace
Emily Rodriguez
Eva Hosein
Commission Liaison – Allegra Kitchens

Support Staff:
Jonathan Griffith
Thad Crowe
Ed Chandler
Ramicah Watkins, KPB
Sharon Treen,
Interim Co. Ext. Director

AIRPORT ADVISORY COMMITTEE Created March, 2003 – indef. terms
Jud Neufeld (Local Citizen) Chairman
John Browning (government)
Wayne McLain (BOCC)
Kenneth M. Johnson (At Large)
Hugh M. Rawls, Jr. (Pilot)
Melissa C. Miller (At Large)
VACANT (At Large)
Jeffrey Hathorn (At Large)
Dana Jones (Chamber Rep)
Airport Manager- John Youell
Michael Czymbor – City Manager
Commission Liaison- Mary Lawson Brown

ALARM REVIEW BOARD – no set terms
INACTIVE
Police Chief Gary Getchell

PALATKA BETTER PLACE PLAN OVERSIGHT COMMITTEE
(Created by Commission on 3/27/03 – appointment by Commissioner Zone)

Zone 1 – Myers	Patti Vogt
Zone 2 – Norwood	Jeannette Boyd
Zone 3 – Brown	Sandy Ward
Zone 4 – Kitchens	Dr. Richard Perallon
Zone 5 – Leary	Cynthia Leary

CDBG CITIZENS ADVISORY TASK FORCE

Economic Dev. CATF	2001 – WalMart
Neighborhood Dev. CATF	2002 – ReUse Project
Larry Beaton	2003 – Lowe's Home Impr.
Wanda Brown	2005 – Madison Street Drainage
David Franke	2006 – 100 Block Hotel
Richard Perallon	2008 - Putnam Lanes
Ann Keyes	2009 - 10 City building improvements
Allegra Kitchens, Commission Liaison	2012-13 - Downtown Rest. Expansion

CITY OF PALATKA COMMISSION REPRESENTATIVES: (Annual Appts.)

TERM EXPIRES

PUTNAM COUNTY DEVELOPMENT AUTHORITY - (annual)

Commissioner James Norwood (1/22/04)	Jan. 2014
Commissioner Mary Lawson Brown	Jan. 2014
Mayor Vernon Myers	Jan. 2014

COUNTY RECREATION COMMITTEE
STAFF – Commission Representative – no set term

St. Johns River Community Action Partnership, Inc. (formerly PUTNAM-CLAY-FLAGLER ECONOMIC OPPORTUNITY COUNCIL – P.O. Box 490, Palatka 326-2860 (Fam Med Ctr)
Phil Leary – Commission Representative

NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL
Vernon Myers – Commission Representative (appt recommendation by BOCC)

SJRWMD LIAISON
Phil Leary – Commission Liaison

GREENWAYS & TRAILS LIAISON
Phil Leary

SAVE CENTRAL ACADEMY COMMITTEE LIAISON
James Norwood, Jr.

DOWNTOWN PALATKA, INC. LIAISON
Mayor Vernon Myers