

**Maria Carmen Silva**  
City Clerk  
csilva@bowlinggreenfl.org



[www.bowlinggreenfl.org](http://www.bowlinggreenfl.org)  
104 E. Main Street P.O. Box 608  
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Phone (863) 375-2255

## Memo

Date: May 17, 2019  
To: City Commissioners  
Re: Elections

Bill and I met with Supervisor of Elections Diane Smith today regarding changes to our City elections. This is what we discussed:

1. Non-partisans are generally listed on the General election ballots and not the Primary. The City of Wauchula does this and it costs them a little over \$10,000.00 to do it this way. If we decide to go this route, our estimated cost for the City of Bowling Green would be anywhere between \$3,000.00 to \$5,000.00 dollars.
2. Zolfo is still holding their own elections and pay for their own costs. The Supervisor of Elections office only provides them with a list of registered voters.
3. Our current City Charter has our elections coinciding with General election and there is no charge to the City to be added to the ballot. In the event of a runoff, the City holds a Special Election and covers the cost of the Special Election. This runs between \$600.00 to \$700.00 dollars.
4. We can hold City Elections around Primary and cover the costs and place any runoffs on the General ballot.

It is my recommendation that we leave the City Charter as is regarding elections since this would be the most cost-effective way of doing it, therefore saving the City some money. If you choose to change the dates to coincide with Primary, but still do it ourselves, you would still incur the costs if an election is needed. As it is now, if an election is needed, those names would be listed on the General ballot and there will be no cost to the City. It is very rare that the City would run into a Special election, and for that reason, I would recommend for it to stay as written. This would cost the City \$0 if no Special election is required.

M. Carmen Silva  
City Clerk

**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA PROVIDING FOR A TITLE FOR THE ORDINANCE AND THE 2019 CHARTER AMENDMENTS; APPROVING THE FORM OF CHARTER AMENDMENTS; APPROVING THE FORM OF BALLOTS FOR THE ELECTION APPROVING THE 2019 CHARTER AMENDMENTS; ESTABLISHING AN ELECTION DATE FOR APPROVAL OF THE 2019 CHARTER AMENDMENTS BY THE ELECTORATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA AS FOLLOWS:**

**SECTION 1. TITLE.** This Ordinance shall be referred to as the “2019 Charter Amendment Ordinance”, and the charter approved herein shall be referred to as the “2019 Charter Amendments.”

**SECTION 2. ACCEPTANCE OF THE FORM OF CHARTER.** The City Commission does hereby accept the 2019 Charter Amendments attached hereto as Exhibit “A”.

**SECTION 3. 2019 CHARTER APPROVED; SET FOR ELECTION.**

- A. **Charter approved.** The form of the 2019 Charter Amendments as shown on Exhibit “A” is hereby approved for placing in ballots for election as provided by section 166.031 Florida Statutes.
- B. **Form of Ballots Approved.** The form and text of the ballots to be used for the election to approve the 2019 Charter shown on Exhibit “B” is hereby approved.
- C. **Date of Election.** The date of the election for the electors of the City to either approve or reject the 2019 Charter Amendments shall be \_\_\_\_\_, 2019.

**SECTION 4 SEVERABILITY**

It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be effective upon passage.

This ordinance was read for the first time at the Regular Meeting of the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 where it was voted on by members of the City Commission as follows:

Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

This ordinance was authorized to be read for a second and final time at the Regular Meeting of the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, where it was voted on by members of the City Commission as follows:

Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

(Seal)

ATTEST:

CITY OF BOWLING GREEN, FLORIDA

By: \_\_\_\_\_  
Maria Carmen Silva, City Clerk

By: \_\_\_\_\_  
Sam Fite, Mayor

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Gerald T. Buhr, City Attorney

# EXHIBIT “A”

## CITY OF BOWLING GREEN, FLORIDA CHARTER

### ARTICLE I - CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER

#### Section 1.01. General

(a) **Corporate existence; form of government; Charter.** The City of Bowling Green, in Hardee County, Florida is hereby created and continues as a Commission-Manager form of government as a successor to the previous charter government.

**Section 1.02. Description of corporate boundary.** The area described in Appendix A of this Charter shall constitute the corporate boundary of the City of Bowling Green, along with updates on file with the city clerk. Appendix A may be amended from time to time by Ordinance of the City Commission.

**Section 1.03. Extension of Corporate Limits / Annexation.** The corporate limits of the City of Bowling Green may be revised as provided by general law.

**Section 1.04. General Powers of City.** The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law and this Charter.

**Section 1.05. Construction.** The powers of the City shall be constructed liberally in favor of the City, limited only by the State Constitution, general and special law, and specific limitations in this Charter.

### ARTICLE II - CITY COMMISSION

**Section 2.01. Composition of City Commission.** There shall be a City Commission of five members elected at large by the electors of the City. Only qualified electors of the City shall be eligible to be members of the City Commission.

#### Section 2.02. Election and Terms.

(a) **Composition; Terms.**

(1) The City Commission shall consist of five (5) electors of the City of Bowling Green, one of whom shall be the mayor-commissioner; one vice-mayor-commissioner. The seats shall be designated as Seat 1, Seat 2 Seat 3, Seat 4 and Seat 5. Candidates shall be required to file for a specific seat.

(2) Members of the Commission shall be elected for four-year, staggered terms. Candidates shall have qualifications as defined in the Charter, elected at large.

(3) Members of the Commission shall not hold any other elective office of the City, except as otherwise provided herein.

(4) A Commissioner shall forfeit their office if the Commissioner ceases to be a resident and qualified elector of the City, and it shall be a basis for removal from office or if the a Commissioner misses two (23) consecutive meetings without being excused by the Commission.

### **Section 2.03 Judge of Qualifications.**

(a) **Commission is judge of Qualification.** The Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths, and require production of evidence.

(b) **Procedure for removal of Commissioner.** A Commissioner charged with conduct constituting grounds for forfeiture of this officer shall be notified by the City Clerk by certified mail and shall be entitled to a public hearing at the next regularly scheduled meeting of the Commission. Notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance, specifically notifying the public of the hearing.

### **Section 2.04 Mayor, Vice-Mayor.**

(a) **Mayor.** The City Commission, at its first regular meeting after newly elected Commissioners have been sworn in and each year thereafter, shall elect from its membership a Mayor and a Vice-Mayor who shall serve at the pleasure of the commission and shall have the same legislative powers and duties as other commissioners except as provided herein.

(b) **Authority of Mayor limited.** The office of Mayor shall be a ceremonial position, except that the Mayor, or in his or her absence, the Vice Mayor, shall retain the legislative powers of a commissioner, but shall also:

(1) Chair all Commission meetings, subject to the rules of order adopted by the Commission. If both the Mayor and the Vice-Mayor are absent from a meeting, the remaining members by majority vote, shall determine which among them shall chair that meeting.

(2) Sign all ordinances, resolutions, contracts and other documents approved by the Commission.

### **Section 2.05. Legislative Powers, Compensation, Meetings.**

(a) **Legislative Powers; quorum; majority vote required.** The Board of City

Commissioners shall be vested with all legislative power of the City. A majority of the Commission shall constitute a quorum. Except as provided in this Charter or ordinance, any action of the Commission shall be valid if adopted by an affirmative vote of at least a majority of the members of the Commission present.

(b) **Commission meetings; time and place.** The Commission shall meet regularly at least once a month at such times and places as the Commission may prescribe by ordinance or resolution. Special meetings may be held at the call of the City Manager or in his or her absence, the Interim City Manager; any two (2) commissioners; the Mayor, or in his or her absence, the Vice-Mayor. The Clerk shall provide for not less than 24 hours of notice to each member and the public. The newly elected City Officers may be sworn in at City Hall on the day following the election.

(c) **Rules of Order.** The Commission shall determine its own rules and order of business.

#### **Section 2.06. Compensation of Commission.**

The members of the City Commission shall receive a salary, the amount and terms of which shall be determined by ordinance.

#### **Section 2.07. Vacancies, Filling of vacancies in the Office of Commissioner.**

(a) **Vacancies.** The office of Commissioner shall become vacant in accordance with general law or if a Commissioner is absent from two (2) consecutive Commission meetings without being excused by Commission prior to the second consecutive absence.

(b) **Filling of vacancies.** Should there occur one or two vacancies in the said Commission more than six months prior to an election, the City Clerk shall immediately certify such fact to the City Manager, who shall call a special meeting of the Commission to immediately pass a resolution calling for a special election to be held to fill such vacancy. Said election shall be held not less than thirty days from issuance of said resolution, which resolution shall be published in a newspaper of general circulation in the City of Bowling Green at least three times, or by posting the same in three public places in said City, one of which places shall be the post office, for at least ten days before said election. If less than six months remain prior to a general election when such vacancy or vacancies occur, the seat(s) shall be filled by a majority vote of the remaining members of the Commission within fifteen (15) days of the vacancy. Any person appointed by Commission or elected in a special election to fill a Commission vacancy, shall hold office until the next general election in the City.

#### **Section 2.08. Limitations and Prohibitions on Commission and Commissioners - Authority.**

(a) The Commission shall not in any manner dictate or give orders to any non-appointed employee of the City in carrying out their official duties as an employee of the City. The Commission may make investigations into the affairs of the City and make formal recommendations to the City Manager for providing a modern efficient and economical

governmental City.

(b) No Commissioner shall individually dictate or give orders to any officer or employee of the City, whether appointed or not, in carrying out their official duties as an employee of the City. Violation of this prohibition shall be grounds for forfeiture of office.

(e) ~~No Commissioner shall be employed by the City in any other capacity except Mayor or Vice Mayor during their term of office, nor shall a former Commissioner be employed by the City until after the expiration of one (1) year from the time of leaving office.~~

### ARTICLE III - EXECUTIVE

**Section 3.01. City Manager.** There shall be an appointed City Manager ~~who shall be the chief executive officer of the City government~~ who shall be the administrative head of the municipal government under the direction and supervision of the city commission and shall enforce the laws of the City and require the faithful performance of all administrative duties.

#### **Section 3.02. City Manager; qualifications, compensation and duties.**

(a) **Qualifications.** The City Manager shall be appointed by the City Commission. The qualifications, ~~compensation and duties of the City Manager shall be as provided by ordinance.~~ Compensation shall be approved by a vote of not less than three (3) of the commissioners. ~~which may include contractual employment terms not in conflict with this Charter.~~

(b) **Removal.** The City Manager may be removed at any time by an affirmative vote of at least three (3) commissioners at a regular meeting with or without cause. An employment contract may not prohibit such removal but may provide for severance pay for such removal without cause in accordance with State law.

(c) **Interim City Manager.** In the event that the City Manager is sick or absent from work for any reason other than termination for a period of time requiring temporary replacement, the City Manager may recommend a temporary replacement to fulfill the duties of City Manager, subject to Commission approval. The Commission may either approve the City Manager's recommendation, appoint another person as temporary City Manager, or proceed without a City Manager for that temporary period. In the event that the City Manager's employment is terminated for any reason; the Commission may appoint an Interim City Manager until the new City Manager is appointed.

#### **Section 3.03. City Clerk, City Attorney and Chief of Police.**

(a) **Appointment.** The Commission shall appoint the City Attorney, ~~City Clerk~~ and Chief of Police. The qualifications of the City Attorney, ~~City Clerk~~ and Chief of Police shall be as provided by ordinance, and compensation of the City Attorney, ~~City Clerk~~ and Chief of Police shall be provided by majority vote of the Commission.

(b) **Removal.** The City Attorney, ~~City Clerk~~ or Chief of Police may be removed at any time

by an affirmative vote of at least three (3) commissioners at a regular meeting. An employment contract may not prohibit such removal but may provide for severance pay for such removal without cause in accordance with Florida law.

### **Section 3.04. Supervision of Departments.**

(a) **Duties.** Except as otherwise provided in this Charter or by general law, the City Manager shall be responsible for the supervision and direction of all departments, agencies or offices of the City. ~~With the consent of the Commission, and with the exception of the Legal Department, if applicable, the City Manager may serve as the interim head of one (1) or more of such departments, agencies or offices or may appoint one (1) person as the interim head of two (2) or more of them.~~

(b) **Exceptions.** The City Attorney shall advise the City Manager as requested by the City Manager or Commission; however, the City Attorney shall be excepted from the authority of the City Manager.

(c) **City Clerk.** The City Clerk shall be hired and shall serve “at will” supervised by the City Manager. The City Clerk shall give notice of all city meetings to the commissioners and the public as required by law and shall attend all such meetings in person or by a city manager designee and shall keep minutes of the proceedings. The City Clerk shall authenticate by signature and shall be custodian of this Charter, corporate limits, all ordinances, resolutions, and other city documents and shall perform such other duties as required by law or the City Manager. The City Clerk shall be the supervisor of elections for the city.

### **Section 3.05. Personnel System.**

All appointments and promotions of City officers and employees except those specifically exempted by ordinance or contract, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and to this end, the Commission shall, by ordinance, establish personnel procedures and rules.

### **Section 3.06. Administrative Code.**

The City Manager shall, with the consent of the Commission, promulgate and keep current an administrative code for the purposes of implementing ordinances of the City.

## **ARTICLE IV - QUALIFICATIONS AND ELECTIONS**

### **Section 4.01. Nonpartisan Elections; Date of Elections.**

(a) **Nonpartisan Elections.** All qualifications and elections for the office of City Commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.



(b) **Date of Election.** A regular or general election of candidates to the office of City Commissioner shall be held on the Tuesday following the first Monday in November of every year that any Commissioner's term expires. The candidate or nominee receiving the clear majority of votes for each seat at such general election shall be declared elected. In the event that no one candidate receives a clear majority of the votes in the general election, another election shall be held on the following Tuesday, and the two (2) candidates receiving the most votes at that previous election shall be the only candidates considered for that Commission seat on the ballot for such general election. In the event of a tie at the run-off election, an additional run-off shall be held the following Tuesday. Commission seats for candidates that were not reelected expire at the conclusion of old business during the next regular meeting of the Commission following the election, and newly elected or reelected Commissioners shall take their seat at that time after being sworn in.

**Section 4.02. Qualifications.**

Candidates for the office of City Commissioner shall qualify for such office by the filing with the City Clerk at such time and in such manner as may be prescribed by ordinance, written notice of candidacy designating the seat being sought.

**Section 4.03. Form of Ballots.**

(a) The Commission shall, by ordinance, prescribe the form of the ballot including method for listing candidates for City Commission elections and any other City elections. Paper ballots may be used for all municipal elections.

(b) A Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or other clear manner of choice selection if other forms of voting equipment are used.

**Section 4.04. Recall**

The qualified voters of the City shall have the power to recall and to remove from office any elected official of the City as provided by general law.

**ARTICLE V - GENERAL PROVISIONS**

**Section 5.01. Charter amendments.**

This Charter may be amended in accordance with the provisions for Charter amendments as specified in the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, or its successor. The form, content and certification of any petition to amend shall be established by

ordinance.

**Section 5.02. Oath of Office.**

After election or appointment and before taking office each Commissioner, Mayor or Charter officer of the City shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the City of Bowling Green; that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

**Section 5.03. Adoption of budget.**

The Commission shall adopt an annual budget for the City by resolution before October 1 of each year. A resolution adopting an annual budget shall constitute appropriations of the amount specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed.

**ARTICLE VI - TRANSITION**

**Section 6.01. Effective Date.**

This Charter shall take effect immediately upon approval by the electorate and the filing with the State.

**Section 6.02 Continuation of Former Charter Provisions.**

All Charter provisions in effect prior to the effective date of this Charter are repealed except those provisions that establish the municipal corporation.

**Section 6.03. Ordinances and Resolutions Preserved.**

All ordinances and resolutions in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

**Section 6.04. Rights of Officers and Employees.**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

**Section 6.05. Pending Matters.**

No rights, claims, actions, contracts, or legislative or administrative proceedings existing on effective date of this Charter and involving the City shall be affected by the adoption of this Charter including the number of alcoholic beverage licenses which the City may be presently allowed by law.

**~~Section 6.06. Designation of Commission Terms Subsequent to Passage of Charter Amendment.~~**

~~The Commissioners' term(s) (seats 4 & 5) previously expiring at general elections to be held in 2015, shall be extended to the elections in November 2016. The Commissioner's seat (seat 2) currently expiring in 2016 shall be extended to the elections in November 2018. The two (2) Commissioners' terms (seats 1 & 3) expiring at the general election to be held in 2017 shall be extended to the elections in November 2018.~~

**ATTEST AS TO APPROVAL BY ELECTORATE AT AN ELECTION HELD ON \_\_\_\_\_, 2019, AND FILING WITH OFFICE OF SECRETARY OF STATE ON \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Maria Carmen Silva, City Clerk**

**EXHIBIT “B”**

**BALLOT 1**

**Amendment to Change Prohibited Number of Missed Commission Meetings without  
Commission Approval**

**The existing City Charter shall be amended as follows:**

This Amendment increases the number of consecutive missed meetings without commission approval that could subject the commissioner to removal from 2 to 3.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

**BALLOT 2**

**Amendment to Allow Recent ex-Commissioners to be Employed By the City  
Without Waiting One Year**

**The existing City Charter shall be amended as follows:**

This amendment removes the language that prohibits ex-commissioners from being hired by the City for two years after leaving office.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

**BALLOT 3**

**Amendment to Change To Change City Manager from CEO of City  
to Administrative Head.**

**The existing City Charter shall be amended as follows:**

This amendment changes the position of the City Manager from chief executive officer of the City to “the administrative head” of the City.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

**BALLOT 4**

**Amendment to Require Vote of Three Commissioners  
to Increase Manager's Compensation.**

**The existing City Charter shall be amended as follows:**

This amendment changes the number of commissioners required to approve a change in City Manager compensation from a simple majority of commissioners present to a firm number of three affirmative votes.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

**BALLOT 5**

**Amendment to Clarify that City Manager May be Removed  
From Office With or Without Cause.**

**The existing City Charter shall be amended as follows:**

This amendment clarifies the City Commission's authority to remove a City Manager with or without cause.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**



## **BALLOT 6**

### **Amendment to Clarify that City Attorney, Clerk and Police Chief Can Be Terminated Without Cause.**

**The existing City Charter shall be amended as follows:**

This Amendment clarifies that the City Attorney, City Clerk and Chief of Police may be terminated with or without cause.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_ Against Approval \_\_\_\_\_**

**BALLOT 7**

**Amendment to Place City Clerk Under Supervision of City Manager**

**The existing City Charter shall be amended as follows:**

This amendment places the city clerk position under the supervision of the city manager and removes appointment, hiring and termination by the city commission.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

**BALLOT 8**

**Amendment to Remove Unnecessary Language Regarding City Manager's  
Supervision of Departments.**

**The existing City Charter shall be amended as follows:**

This amendment leaves in the language regarding the City Manager supervising and directing of all non-charter departments, agencies or offices of the City, and deletes unnecessary language regarding Manager's selection of department heads or interim heads.

**Shall the above described amendment be adopted?**

**For Approval \_\_\_\_\_**

**Against Approval \_\_\_\_\_**

## **City of Bowling Green Social Media Policy**

The purpose of this policy is to address the use of social media and social networking sites, including but not limited to, Facebook, Twitter, Instagram, Pinterest, LinkedIn, blogs, etc. This policy applies to all City employees who use social networking to the extent their activity relates to, or may be perceived as relating to, the City or its Officials.

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, co-workers, and others. However, the use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. They are intended to provide you with an understanding of both the proper and improper uses of social media. In addition to compliance with this policy, employee use of social media is subject to all other City policies, including, but not limited to, policies pertaining to confidentiality, ethics, standards of conduct, privacy, and inappropriate discrimination, harassment, and retaliation. To maintain consistency and integrity of content relating to or concerning City, the following guidelines should apply in all situations and use of social networking:

- A. City employees should not state they represent City or are speaking on behalf of City on social networking sites, unless given specific authorization of the City Manager to do so. Only authorized City employees with designated social networking responsibilities are permitted to interact in an official capacity on City's behalf through social networks. In this official capacity, designated City employees are given access to social media outlets on company time in order to conduct the business of City. Employees shall not communicate with the media, or other outside entities or individuals, on City's behalf, unless specifically authorized to do so. All media inquiries or other similar requests seeking information on behalf of City should be referred to the City Manager.
- B. If a City employee is expressing a personal opinion about City, the employee should make clear that it is a personal opinion only and that they are not speaking on behalf of City. Although this policy does not prohibit work-related complaints or criticisms, it does prohibit other inappropriate communications, such as statements that are discriminatory, harassing, unlawful, threatening, intimidating, obscene, disparaging to Officials, customers, or vendors, and it prohibits employees from engaging in any conduct that would not be acceptable in City's workplace as outlined in the City policy on Prohibition of Harassment.
- C. Employees should refrain from the personal use of social media during working time.
- D. Federal and state laws apply to social networking. Designated City employees with access to social media outlets for business purposes may be personally liable for copyright and trademark infringement, libel, breach of contract, etc., depending on what is written or posted. Care must be taken to ensure that all intellectual property laws are observed. Likewise, employees must not reveal City's proprietary information, trade secrets, security

## **Acceptable Use: Computers, Internet, Email, and Other Resources**

City employees are expected to use all City-provided computing and communication equipment and services responsibly and productively. The predominate use for all such equipment and services should be to fulfill the business needs of the Cooperative.

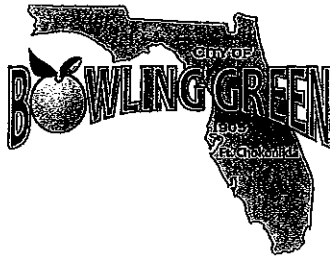
All data composed, transmitted and/or received by City's computer systems, networks, devices and infrastructure ("Company Infrastructure") is considered to belong to City as part of its official data. Employees shall have no expectation of ownership or privacy as to anything they produce or place on any City computer, intranet, email, or system. The Company Infrastructure used to access all computing services, including but not limited to email and Internet, are the property of City and the company reserves the right to monitor and access all data composed, transmitted or received via Company Infrastructure.

Emails, text messages, photos, diagrams, images and similar communications transmitted via Company Infrastructure must not contain content that is deemed offensive. This includes, but is not limited to, the use of vulgar or harassing language or images. All Internet sites and downloads may be monitored and/or blocked by City if they are deemed to be harmful, potentially harmful or non-productive or non-supportive of the needs of the Cooperative.

Unacceptable use of Company Infrastructure includes, but is not limited to:

- Sending, posting or otherwise disseminating discriminatory, harassing or threatening messages, images or other communication;
- Perpetrating any form of fraud or piracy;
- Stealing, using, disclosing or misuse of any other person's credentials (userid, password);
- Downloading, copying or disseminating copyrighted materials or other intellectual property without authorization;
- Sending, posting or otherwise disseminating confidential material, trade secrets or proprietary information external to the Company without authorization;
- Accessing or attempting to gain unauthorized access to, or otherwise compromise websites, systems and similar resources, both internal and external to the Company ("hacking");
- Sending, posting or otherwise disseminating information that is defamatory to the Company, employees, and member cooperatives or derogatory to the Company's products, services, procedures or practices;

**CITY OFFICIALS**  
William Lawrence, City Manager  
Maria Carmen Silva, City Clerk  
John Scheel, Police Chief  
Gerald Buhr, City Attorney



P.O. Box 608, 104 E. Main Street  
Bowling Green, FL 33834-0608  
(863) 375-2255, Fax (863) 375-3362

**COMMISSIONERS**  
Sam Fite, Mayor  
Shirley Tucker, Vice Mayor  
David Durastanti  
Duane Gardner  
Steven Spinks

June 11, 2019

Hardee County Fire Chief

Administration Station 1

149 K.D. Revell Rd.

Wauchula, FL 33873-2051

To Chief Joe Walker:

The City Commission has agreed to reconstruct the road at the Waste/Water Plant to conform with the standard you had set. The material placed on the surface will hold a 44-ton fire apparatus with an engineer sign off. The road will be 20' wide. The road construction should be completed by November 1, 2019.

Best Regards,

---

Mayor Sam Fite

May 24, 2019

**CITY OF BOWLING GREEN**

William Lawrence, City Manager

Post Office Box 608

Bowling Green, Florida 33834

**Re: BOWGR17002 - Wastewater Treatment Facility (WWTF) Phase 1 Building Permit**

Dear Mr. Lawrence

For the past several months we have been working with the Contractor to try to get a building permit from Hardee County for the new electrical building at the wastewater treatment facility. As you are probably aware, this building is already under construction.

The one remaining issue regarding the building permit is that the County Building Department is insisting that the roads within the plant site be widened to 20 feet and paved. They insist that the State Fire Code requires this level of improvement. We do not disagree that fire equipment access to the site and the electrical building is required. We do however respectfully disagree that the access roads must be 20 feet wide and paved. Our specific disagreement with their interpretation of the relevant sections of the Fire Code (see attached) follows:

1. Section 18.2.3.2 Dimensions: Subsection 1 states "Fire department access roads shall have an unobstructed width of not less than 20 ft". County staff is interpreting this to mean 20 feet of road width.

Our position is that this just means 20 feet of clearance is required between structures or obstructions along the road route. There is more than 20 feet of unobstructed width along the existing plant site road system, and the existing roads currently handle trucks as wide or wider than any of the County's Fire Apparatus.

2. Section 18.2.3.4.2 Surface: This section states "Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather surface". County staff is interpreting this to require asphalt pavement.

Our position is that the existing roads are more than capable of handling the loads of their fire apparatus and that the compacted base surface is accessible in any weather condition. These roads already handle sludge trucks, chlorine delivery vehicles, fully loaded dump trucks and other loads heavier than the County's fire apparatus and have been doing so in all weather for years. It is our understanding that the Fire Chief recently visited the site and observed a chlorine delivery truck that was longer and heavier than any of their fire engines enter the site make its delivery and leave. There are several locations where the existing

compacted road surface was cut to install piping and electrical ducts, but the Contractor is required to fully restore those areas to their previous condition.

We suggested that this work could be included in the next Phase of the project but were told by the Permit Reviewer that they would not consider that option. At this point, there is no money left in the grant/loan budget package to widen and pave these roads. If you are forced to comply to get the building permit and then a CO for the electrical building, the funds will need to come out of your operating budget.

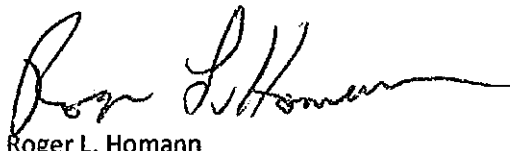
We have exhausted our options to resolve this matter. At this point we need your involvement and maybe that of the Mayor and Commissioners to get this matter resolved.

Please call me if you have any questions. We sincerely appreciate the opportunity to assist the City of Bowling Green with this important Project.

Sincerely,  
Pennoni Associates



Steven C. Shealey, PE  
Senior Consultant



Roger L. Homann  
Project Manager





CITY OF BOWLING GREEN POLICE DEPARTMENT

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To protect ....  
And serve.

107 Main Street  
Post Office Box 608  
Bowling Green, FL 33834  
Phone: (863) 375-3549  
Fax: (863) 375-3362

## Memorandum

To: Bill Lawrence, City Manager

From: Chief John Scheel #701

Date: 05-21-19

Ref: City of Bowling Green Occupational Licenses (Ordinance 2002-01)

This is to request that the City of Bowling Green Occupational License Ordinance 2002-01 Section 4 Penalties reflect in the City of Bowling Green Code Enforcement class section for a fine schedule for business and parties that do not comply with obtaining a license prior to conducting business in the City Limits of Bowling Green. Thank you for your cooperation in this matter.

A handwritten signature in cursive script that reads "John Scheel".

Chief John Scheel #701  
Bowling Green PD

**ORDINANCE NO. 2002-01**

AN ORDINANCE OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA, PROVIDING FOR DEFINITIONS; PROVIDING FOR LEVY OF OCCUPATIONAL LICENSE TAXES; PROVIDING FOR DATE OF COMMENCEMENT OF ISSUANCE, DURATION OF ONE YEAR, TRANSFER PROCEDURES AND PRORATION FOR PARTIAL LICENSES; PROVIDING FOR PENALTIES; PROVIDING FOR RESTRICTIONS ON ISSUANCE OF LICENSES; PROVIDING FOR EXEMPTIONS AS PROVIDED UNDER THE FLORIDA STATUTES; PROVIDING FOR SEVERANCE: PROVIDING FOR RESOLUTION OF CONFLICTS WITH OTHER ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bowling Green Commission finds that it is in the best interest of the citizens of Bowling Green to modernize its current occupational license ordinances and increase the rates and charges for Occupational Licenses issued by the City; and,

WHEREAS, the City of Bowling Green desires to follow the requirements of § 205.043 Florida Statutes ("F.S.") with regard to the new ordinance provisions and tax increases; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA AS FOLLOWS:

**SECTION 1. Definitions.**

When used in this Ordinance, the following terms and phrases shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(a) "Person" means any individual, firm, partnership, joint adventure, syndicate or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

(b) "Business," "profession," and "occupation" do not include the customary religious, charitable, or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(1) "Religious institutions" means churches and ecclesiastical and denominational organizations or established physical places for worship in this state at which nonprofit religious

services and activities are regularly conducted and carried on, and also means church cemeteries.

(2) "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, an museums open to the public are defined as educational institutions and eligible for exemption.

(3) "Charitable institutions" means only nonprofit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage of which are without cost to those unable to pay.

## **SECTION 2. Levy of Taxes.**

(a) There is hereby levied an occupational license tax on all persons, firms and corporations, for the privilege of engaging in or managing any business, profession or occupation within the corporate limits of the City. Such occupational license tax may be levied on:

(1) Any person who maintains a permanent business location or branch office within the City for the privilege of engaging in or managing any business, profession or occupation within its jurisdiction.

(2) Any person, firm or corporation who is not subject to such tax under subparagraph (a) of this section, who transacts any business or engages in any occupation or profession in interstate commerce where such occupational license tax is not prohibited by Section 8 of Article I of the United States Constitution.

(b) No person shall engage in or manage any business, profession or occupation mentioned in this Ordinance unless a license shall first be procured from the city clerk by payment of the appropriate fee described in Attachment "A" hereto, along with a clerk's fee of twenty-five cents for each license, which license shall be issued to each person on receipt of the amount provided herein, and it shall be signed by the city clerk and have the city seal affixed thereon.

(c) All activities licensed hereby must conform to all other applicable federal, state, county and City laws and ordinances. Issuance of an occupational license shall not be construed as compliance with any other applicable federal, state, county or City laws or ordinances.

## **SECTION 3 Commencement of Sale of Licenses: Duration; Transfers; Partial Licenses.**

(a) All licenses shall be sold beginning August 1<sup>st</sup> of each year, are due and payable on or before September 30<sup>th</sup> of each year, and expire on September 30<sup>th</sup> of the succeeding year.

(b) If September 30<sup>th</sup> falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30<sup>th</sup>.

(c) Any business license may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual license tax, but not less than \$3 nor more than \$25, and presentation of the original license and evidence of the sale.

(d) Upon written request and presentation of the original license, any license may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual license tax, but not less than \$3 nor more than \$25.

(e) Any license which is requested at issuance to be issued for a portion of a year, shall be prorated based on the number of months issued.

#### **SECTION 4. Penalties.**

(a) Any person who engages in or manages any business, occupation, or profession without first obtaining an occupational license shall pay a penalty of 25 percent of the license due.

(b) Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the occupational license tax for the delinquent establishment.

(c) Any person who engages in any business, occupation, or profession covered by this Ordinance, who does not pay the required occupational license tax within 150 days after the initial date the tax is due, and who after ten (10) days written notice delivered by hand delivery or registered mail, returned receipt requested delivered to the business address, does not obtain the required occupational license, is subject to a civil action by the City. In that civil action, the City may seek penalties of \$250, and including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts.

#### **SECTION 5. Restrictions on Issuance of Licenses.**

(a) The clerk shall not issue an occupational license to any pest control business coming under chapter 482 F.S., unless a current license has been procured from the Department of Agriculture and Consumer Services for each of its business locations in the City. Upon presentation of the requisite licenses from the department and the required fees, an occupational license shall be issued.

(b) The clerk shall not issue an occupational license for the operation of an assisted living facility pursuant to part III of chapter 400 F.S., without first ascertaining that the applicant

has been licensed by the Agency for Health Care Administration to operate such facility at the specified location or locations within the City. The clerk shall obtain from the Agency for Health Care Administration sufficient instructions for making the above required determinations.

(c) The clerk shall not issue an occupational license to operate a pharmacy unless the applicant shall first exhibit a current permit issued by the Board of Pharmacy; however, no such occupational license shall be required in order to practice the profession of pharmacy.

(d) Any person applying for or renewing a local occupational license for the licensing period beginning after the effective date of this Ordinance, to practice any profession regulated by the Department of Business and Professional Regulation, or any board or commission thereof, must exhibit an active state certificate, registration, or license, or proof of copy of the same, before such local occupational license may be issued. Thereafter, only persons applying for the first time for an occupational license must exhibit such certification, registration, or license. The clerk shall verify that the Department of Business and Professional Regulation shall, by August 1 of each year, supply to the clerk, a current list of professions it regulates and information regarding those persons for whom local occupational licenses should not be renewed due to the suspension, revocation, or inactivation of such person's state license, certificate, or registration. The clerk shall not renew such license unless such person can exhibit an active state certificate, registration, or license.

(e) The clerk shall not issue or renew an occupational license for the operation of a health studio pursuant to ss. 501.012-501.019 F.S. or ballroom dance studio pursuant to s. 501.143 F.S., unless such business exhibits a current license, registration, or letter of exemption from the Department of Agriculture and Consumer Services.

(f) The clerk shall not issue or renew an occupational license to engage in business as a seller of travel pursuant to part XI of chapter 559 F.S., unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

(g) The clerk shall not issue or renew an occupational license for the operation of a telemarketing business under ss. 501.604 and 501.608 F.S., unless such business exhibits a current license or registration from the Department of Agriculture and Consumer Services or a current affidavit of exemption.

#### **SECTION 6. Exemptions.**

(a) No charitable, religious, fraternal, youth, civic, service or other such organization shall be required to obtain an occupational license when the organization makes occasional sales or engages in fundraising projects performed exclusively by the members thereof and when the proceeds derived thereby are used exclusively in the charitable, religious, fraternal, youth, civic or service activities of the organization.

(b) The City adopts all other exemptions required under Chapter 205 F.S.

**SECTION 7. Prior Ordinances In Conflict Revoked.**

Any ordinances in conflict with this Ordinance shall be revoked to the extent of their conflict.

**SECTION 8. Severance.**

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this ordinance are hereby declared to be severable.

**SECTION 9. Effective Date**

This ordinance shall take effect upon adoption by the Commission as provided by law and signed by the Mayor and City Clerk.

This Ordinance was read at the regular session of the City Commission on APRIL 9TH, 2002, 5 members of the Commission voted for adoption; 0 members voted against adoption; 0 members of the Commission were absent.

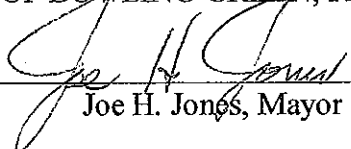
The final reading was held on the 14TH day of MAY, 2002, at a REGULAR session of the City Commission, and this Ordinance was adopted. 5 members of the Commission voted for adoption; 0 members voted against adoption; 0 members of the Commission were absent.

(SEAL)

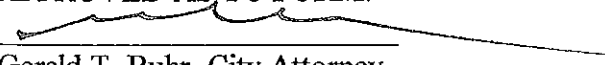
ATTESTED:

By:   
Pamela Sue Northrup, City Clerk

CITY OF BOWLING GREEN, FLORIDA

By:   
Joe H. Jones, Mayor

APPROVED AS TO FORM:

  
Gerald T. Buhr, City Attorney

## ATTACHMENT A

The following enumerated individual license taxes shall be paid annually to the City by the persons, firms or corporations engaging in or transacting the several occupations or professions specified herein, to wit:

DISABLED VETERANS	\$ 0.50
CAFÉ	\$20.50
BEER	\$30.50
INSURANCE	\$20.50
RENTALS AND APARTMENTS	\$20.50
DRUG STORES	\$20.50
GAS STATIONS	\$20.50
MERCHANTS	\$20.50
UPHOLSTERERS	\$20.50
BARBER SHOPS	\$20.50
OCCUPATIONAL (MISCELLANEOUS)	\$20.50
PHONOGRAPH	\$30.50
PIN BALL & VIDEO GAMES	\$70.50
SALESMEN (clothing)	\$50.50
PEST CONTROL	\$50.50
UTILITIES AND TELEPHONE	\$50.50
SEABOARD COASTLINE	\$50.50
R E A EXPRESS	\$30.50
DAIRY	\$40.50
PLUMBERS	\$40.50
POOL TABLES	(First) \$50.50
	(Each additional) \$30.00
CESS POOLS (SEPTIC TANKS)	\$40.50
CARPENTERS	\$30.50
ELECTRICAL CONTRACTORS	\$40.50
GENERAL CONTRACTORS	\$50.50
PAINTERS (Contractors)	\$40.50
AUTO AGENCY/CAR LOT SALES	\$30.50
LAUNDRY	\$30.50